

c. Pollutant Minimization Program

Reporting protocols in the Monitoring and Reporting Program, Attachment E, Section X.B.4 describe sample results that are to be reported as Detected but Not Quantified (DNQ) or Not Detected (ND). Definitions for a Reported Minimum Level (RML) and Method Detection Limit (MDL) are provided in Attachment A. These reporting protocols and definitions are used in determining the need to conduct a Pollution Minimization Program (PMP) as follows:

The Discharger shall develop a Pollutant Minimization Program (PMP) as further described below when there is evidence (e.g., sample results reported as DNQ when the effluent limitation is less than the MDL, sample results from analytical methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) that a priority pollutant is present in the effluent above an effluent limitation and either:

- (1). The concentration of the pollutant is reported as DNQ and the effluent limitation is less than the reported ML; or,
- (2). The concentration of the pollutant is reported as ND and the effluent limitation is less than the MDL.

The goal of the PMP shall be to reduce all potential sources of a pollutant through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost-effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to CWC Section 13263.3(d), shall be considered to fulfill the PMP requirements.

The PMP shall include, but not be limited to, the following actions and submittals acceptable to the Regional Water Board:

- (1). An annual review and semi-annual monitoring of potential sources of the reportable priority pollutant(s), which may include fish tissue monitoring and other bio-uptake sampling;
- (2). Quarterly monitoring for the reportable priority pollutant(s) in the influent to the wastewater treatment system;
- (3). Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable priority pollutant(s) in the effluent at or below the effluent limitation;

- (4). Implementation of appropriate cost-effective control measures for the reportable priority pollutant(s), consistent with the control strategy; and,
- (5). An annual status report that shall be sent to the Regional Water Board including:
 - i. All PMP monitoring results for the previous year;
 - ii. A list of potential sources of the reportable priority pollutant(s);
 - iii. A summary of all actions undertaken pursuant to the control strategy; and,
 - iv. A description of actions to be taken in the following year.

4. Construction, Operation and Maintenance Specifications

- a. Wastewater treatment facilities subject to this Order shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Chapter 3, Subchapter 14, Title 23 of the California Code of Regulations (Section 13625 of the California Water Code).
- b. The Discharger shall maintain in good working order a sufficient alternate power source for operating the wastewater treatment and disposal facilities. All equipment shall be located to minimize failure due to moisture, liquid spray, flooding, and other physical phenomena. The alternate power source shall be designed to permit inspection and maintenance and shall provide for periodic testing. If such alternate power source is not in existence, the discharger shall halt, reduce, or otherwise control all discharges upon the reduction, loss, or failure of the primary source of power.

5. Special Provisions for Municipal Facilities (POTWs Only)

a. Sludge Disposal Requirements

- (1) All sludge generated at the wastewater treatment plant will be disposed of, treat, or applied to land in accordance with Federal Regulations 40 CFR Part 503. These requirements are enforceable by USEPA.
- (2) The Discharger shall ensure compliance with the requirements in SWRCB Order No. 2004-10-DWQ, General Waste Discharge Requirements for the Discharge of Biosolids to Land for Use as a Soil Amendment in Agricultural, Silvicultural, Horticultural and Land Reclamation Activities" for those sites receiving the Discharger's

Limitations and Discharge Requirements

April 27, 2007; Revised October 23, 2007, November 8, 2007, January 7, 2008,
February 20, 2008, and March 6, 2008

40

biosolids which a Regional Water Quality Control Board has placed under this general order, and with the requirements in individual Waste Discharge Requirements (WDRs) issued by a Regional Water Board for sites receiving the Discharger's biosolids.

- (3) The Discharger shall comply, if applicable, with WDRs issued by other Regional Water Boards to which jurisdiction the biosolids are transported and applied.
- (4) The Discharger shall furnish this Regional Water Board with a copy of any report submitted to USEPA, State Board or other Regional Water Board, with respect to municipal sludge or biosolids.

b. Pretreatment Requirements

- (1) This Order includes the Discharger's Pretreatment Program as previously submitted to this Regional Water Board. Any change to the Program shall be reported to the Regional Water Board in writing and shall not become effective until approved by the Executive Officer in accordance with procedures established in 40 CFR, 403.18.
- (2) The Discharger shall enforce the requirements promulgated under Sections 307(b), 307(c), 307(d), and 402(b) of the Federal Clean Water Act with timely, appropriate, and effective enforcement actions. The Discharger shall require industrial users to comply with Federal Categorical Standards and shall initiate enforcement actions against those users who do not comply with the standards. The Discharger shall require industrial users subject to the Federal Categorical Standards to achieve compliance no later than the date specified in those requirements or, in the case of a new industrial user, upon commencement of the discharge.
- (3) The Discharger shall perform the pretreatment functions as required in Federal Regulations 40 CFR, Part 403 including, but not limited to:
 - i. Implement the necessary legal authorities as provided in 40 CFR 403.8(f)(1);
 - ii. Enforce the pretreatment requirements under 40 CFR 403.5 and 403.6;
 - iii. Implement the programmatic functions as provided in 40 CFR 403.8(f)(2); and,
 - iv. Provide the requisite funding of personnel to implement the Pretreatment Program as provided in 40 CFR 403.8(f)(3).

Limitations and Discharge Requirements

April 27, 2007; Revised October 23, 2007, November 8, 2007, January 7, 2008,
February 20, 2008, and March 6, 2008

- (4) The Discharger shall submit semiannual and annual reports to the Regional Water Board, with copies to the State Board, and USEPA Region 9, describing the Discharger's pretreatment activities over the period. The annual and semiannual reports shall contain, but not be limited to, the information required in the attached *Pretreatment Reporting Requirements* (Attachment P), or an approved revised version thereof. If the Discharger is not in compliance with any conditions or requirements of this Order, the Discharger shall include the reasons for noncompliance and shall state how and when the Discharger will comply with such conditions and requirements.
 - (5) The Discharger shall be responsible and liable for the performance of all control authority pretreatment requirements contained in 40 CFR, Part 403, including subsequent regulatory revisions thereof. Where Part 403 or subsequent revision places mandatory actions upon the Discharger as Control Authority but does not specify a timetable for completion of the actions, the Discharger shall complete the required actions within six months from the effective date of this Order or the effective date of Part 403 revisions, whichever comes later. For violations of pretreatment requirements, the Discharger shall be subject to enforcement actions, penalties, fines, and other remedies by the Regional Water Board, USEPA, or other appropriate parties, as provided in the Federal Clean Water Act. The Regional Water Board or USEPA may initiate enforcement action against an industrial user for noncompliance with acceptable standards and requirements as provided in the Federal Clean Water Act and/or the California Water Code.
- c. The Discharger's collection system is part of the system that is subject to this Order. As such, the Discharger must properly operate and maintain its collection system (40 C.F.R. § 122.41(e)). The Discharger must report any non-compliance (40 C.F.R. § 122.41(l)(6) and (7)) and mitigate any discharge from the collection system in violation of this Order (40 C.F.R. § 122.41(d)). See the Order at Attachment D, subsections I.D, V.E, V.H, and I.C.

6. Spill Reporting Requirements

- a. **Notification** – For certain spills, overflows and bypasses, the Discharger shall make notifications as required below:
 - (1). For any spills or overflows of any volume, discharged where they are, or will probably be discharged, to waters of the State, the Discharger shall immediately notify the local health agency in accordance with the California Health and Safety Code section 5411.5. This

notification shall occur no later than two hours after the knowledge of the incident.

- (2). For any spills or overflows of 1000 gallons or more discharged where they are, or probably be discharged to waters of the State, the Discharger shall immediately notify the State Office of Emergency Services pursuant to Water Code section 13271. This notification shall occur no later than two hours after the knowledge of the incident.
 - (3). For spills, overflows or bypasses of any volume that flowed to receiving waters or entered a shallow ground water aquifer or has public exposure, the Discharger shall notify such spills to the Regional Water Board, by telephone or electronically as soon as possible but not later than two hours of knowledge of the incident. The following information shall be included in the initial notification: location; date and time of spill; volume and nature of the spill; cause(s) of the spill; mitigation measures implemented, if known at time.
- b. **Monitoring** – For certain spills, overflows and bypasses, the Discharger shall monitor as required below:
- (1). To define the geographical extent of spill's impact the Discharger shall obtain grab samples for spills, overflows or bypasses of any volume that reach receiving waters. The Discharger shall analyze the samples for total and fecal coliforms or E. coli, and enterococcus, and relevant pollutants of concern, upstream and downstream of the point of entry of the spill (if feasible, accessible and safe). This monitoring shall be done on a daily basis from time the spill is known until the results of two consecutive sets of bacteriological monitoring indicate the return to the background level or the County Department of Health Services authorizes cessation of monitoring.
 - (2). The Discharger shall obtain a grab sample for spills, overflows or bypasses of any volume that flowed to receiving waters or entered a shallow ground water aquifer, and all spills, overflows and bypasses of 1,000 gallons or more. The Discharger shall analyze the sample for total and fecal coliforms or E. coli, and enterococcus, and relevant pollutants of concern depending on the area and nature of spills or overflows if feasible, accessible and safe.
- c. **Reporting** – The Regional Water Board initial notification shall be followed by:

- (1). A written preliminary report five working days after disclosure of the incident. Within 30 days after submitting the preliminary report, the Discharger shall submit the final written report to this Regional Water Board. (A copy of the final written report, for a given incident, already submitted pursuant to a Statewide General Waste Discharge Requirements for Wastewater Collection System Agencies, may be submitted to the Regional Water Board to satisfy this requirement.) The written report shall document the information required in paragraph D. below, monitoring results and any other information required in provisions of the Standard Provisions document including corrective measures implemented or proposed to be implemented to prevent/minimize future occurrences. The Executive Officer for just cause can grant an extension for submittal of the final written report.
 - (2). The Discharger shall include a certification in the annual summary report (due according to the schedule in the Monitoring and Reporting Program) that states—the sewer system emergency equipment, including alarm systems, backup pumps, standby power generators, and other critical emergency pump station components were maintained and tested in accordance with the Discharger's Preventative Maintenance Plan. Any deviations from or modifications to the Plan shall be discussed.
- d. **Records** – The Discharger shall develop and maintain a record of all spills, overflows or bypasses of raw or partially treated sewage from its collection system or treatment plant. This record shall be made available to the Regional Water Board upon request and a spill summary shall be included in the annual summary report. The records shall contain:
- (1). the date and time of each spill, overflow or bypass;
 - (2). the location of each spill, overflow or bypass;
 - (3). the estimated volume of each spill, overflow or bypass including gross volume, amount recovered and amount not recovered, monitoring results;
 - (4). the cause of each spill, overflow or bypass;
 - (5). whether each spill, overflow or bypass entered a receiving water and, if so, the name of the water body and whether it entered via storm drains or other man-made conveyances;
 - (6). mitigation measures implemented; and,

(7). corrective measures implemented or proposed to be implemented to prevent/minimize future occurrences.

- e. **Activities Coordination** – In addition, Regional Water Board expects that the municipal departments that have responsibilities to implement: (i) this NPDES permit, including the Pretreatment Program, (ii) a MS4 NPDES permit that may contain spill prevention, sewer maintenance, reporting requirements and (iii) the SSO WDR will coordinate their compliance activities for consistency and efficiency.
- f. **Consistency with Sanitary Sewer Overflows WDRs** – The Clean Water Act prohibits the discharge of pollutants from point sources to surface waters of the United States unless authorized under a NPDES permit. (33 U.S.C. §§1311, 1342). The State Board adopted General Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems, (WQ Order No. 2006-0003) on May 2, 2006, to provide a consistent, statewide regulatory approach to address Sanitary Sewer Overflows (SSOs). The SSOs WDR requires public agencies that own or operate sanitary sewer systems to develop and implement sewer system management plans and report all SSOs to the State Water Board's online SSO database.

The requirements contained in this Order in Sections VI.C.3.b. (Spill Contingency Plan Section), VI.C.4. (Construction, Operation and Maintenance Specifications Section), and VI.C.6. (Spill Reporting Requirements) are intended to be consistent with the requirements of the SSO WDR. The Regional Board recognizes that there may be some overlap between the NPDES permit provisions and SSO WDR requirements. The requirements of the SSO WDR are considered the minimum thresholds (see Finding 11 of WQ Order No. 2006-0003). The Regional Board will accept the documentation prepared by the Permittees under the SSO WDR for compliance purposes, as satisfying the requirements in Sections VI.C.3.b., VI.C.4., and VI.C.6. provided any more specific or stringent provisions enumerated in this Order, have also been addressed.

- g. The Discharger shall provide standby or emergency power facilities and/or storage capacity or other means so that in the event of plant upset or outage due to power failure or other cause, discharge of raw or inadequately treated sewage does not occur.

7. Compliance Schedules

The compliance provisions for ammonia as nitrogen, nitrate as nitrogen, and nitrite plus nitrate as nitrogen are contained in the accompanying Time Schedule Order No. R4-2008-0012, because the final effluent limitations for these constituents are not CTR-based.

Limitations and Discharge Requirements

April 27, 2007; Revised October 23, 2007, November 8, 2007, January 7, 2008,
February 20, 2008, and March 6, 2008

45

VII. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in section IV of this Order will be determined as specified below:

A. General.

Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined in the MRP and Attachment A of this Order. For purposes of reporting and administrative enforcement by the Regional and State Water Boards, the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reporting level (RL).

B. Multiple Sample Data.

When determining compliance with an AMEL, for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:

1. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

C. Average Monthly Effluent Limitation (AMEL).

If the average (or when applicable, the median determined by subsection B above for multiple sample data) of daily discharges over a calendar month exceeds the AMEL for a given parameter, this will represent a single violation, though the Discharger may be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Discharger will be considered out of compliance for that calendar month. The Discharger will only be considered out of compliance for days when the discharge occurs. For any one calendar month during which no

sample (daily discharge) is taken, no compliance determination can be made for that calendar month

If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the AMEL for a given parameter, the Discharger will have demonstrated compliance with the AMEL for each day of that month for that parameter.

If the analytical result of any single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the AMEL for any parameter, the Discharger shall collect up to four additional samples within the same calendar month. All analytical results shall be reported in the monitoring report for that month. The concentration of pollutant (an arithmetic mean or a median) in these samples estimated from the "Multiple Sample Data Reduction" Section above, will be used for compliance determination.

In the event of noncompliance with an AMEL, the sampling frequency for that parameter shall be increased to weekly and shall continue at this level until compliance with the AMEL has been demonstrated

D. Average Weekly Effluent Limitation (AWEL).

If the average (or when applicable, the median determined by subsection B above for multiple sample data) of daily discharges over a calendar week exceeds the AWEL for a given parameter, this will represent a single violation, though the Discharger may be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. If only a single sample is taken during the calendar week and the analytical result for that sample exceeds the AWEL, the Discharger will be considered out of compliance for that calendar week. The Discharger will only be considered out of compliance for days when the discharge occurs. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week.

E. Maximum Daily Effluent Limitation (MDEL).

If a daily discharge exceeds the MDEL for a given parameter, the Discharger may be considered out of compliance for that parameter for that 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

F. Instantaneous Minimum Effluent Limitation.

If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, the Discharger may be considered out of compliance for that parameter for that single sample. Non-compliance for each

sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

G. Instantaneous Maximum Effluent Limitation.

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, the Discharger may be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

H. Percent Removal.

The average monthly percent removal is the removal efficiency expressed in percentage across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of pollutant concentrations (C in mg/L) of influent and effluent samples collected at about the same time using the following equation:

$$\text{Percent Removal (\%)} = [1 - (\text{CEffluent}/\text{CInfluent})] \times 100 \%$$

When preferred, the Discharger may substitute mass loadings and mass emissions for the concentrations.

I. Mass and Concentration Limitations

Compliance with mass and concentration effluent limitations for the same parameter shall be determined separately with their respective limitations. When the concentration of a constituent in an effluent sample is determined to be ND or DNQ, the corresponding mass emission rate determined from that sample concentration shall also be reported as ND or DNQ.

J. Compliance with Single Constituent Effluent Limitations

Dischargers may be considered out of compliance with the effluent limitation if the concentration of the pollutant (see Section B "Multiple Sample Data Reduction" above) in the monitoring sample is greater than the effluent limitation and greater than or equal to the Reporting Level (RL).

K. Compliance with Effluent Limitations Expressed as a Sum of Several Constituents

Dischargers may be considered out of compliance with an effluent limitation which applies to the sum of a group of chemicals (e.g., PCB's) if the sum of the individual pollutant concentrations is greater than the effluent limitation. Individual pollutants of the group will be considered to have a concentration of zero if the constituent is reported as ND or DNQ.

L. Mass Emission Rate.

The mass emission rate shall be obtained from the following calculation for any calendar day:

$$\text{Mass emission rate (lb/day)} = \frac{8.34}{N} \sum_{i=1}^N Q_i C_i$$

$$\text{Mass emission rate (kg/day)} = \frac{3.79}{N} \sum_{i=1}^N Q_i C_i$$

in which 'N' is the number of samples analyzed in any calendar day. 'Qi' and 'Ci' are the flow rate (MGD) and the constituent concentration (mg/L), respectively, which are associated with each of the 'N' grab samples, which may be taken in any calendar day. If a composite sample is taken, 'Ci' is the concentration measured in the composite sample and 'Qi' is the average flow rate occurring during the period over which samples are composited.

The daily concentration of all constituents shall be determined from the flow-weighted average of the same constituents in the combined waste streams as follows:

$$\text{Daily concentration} = \frac{1}{Q_t} \sum_{i=1}^N Q_i C_i$$

in which 'N' is the number of component waste streams. 'Qi' and 'Ci' are the flow rate (MGD) and the constituent concentration (mg/L), respectively, which are associated with each of the 'N' waste streams. 'Qt' is the total flow rate of the combined waste streams.

M. Bacterial Standards and Analysis.

1. The geometric mean used for determining compliance with bacterial standards is calculated with the following equation:

Limitations and Discharge Requirements

April 27, 2007; Revised October 23, 2007, November 8, 2007, January 7, 2008,
February 20, 2008, and March 6, 2008

$$\text{Geometric Mean} = (C_1 \times C_2 \times \dots \times C_n)^{1/n}$$

where n is the number of days samples were collected during the period and C is the concentration of bacteria (MPN/100 mL or CFU/100 mL) found on each day of sampling.

2. For bacterial analyses, sample dilutions should be performed so the expected range of values is bracketed (for example, with multiple tube fermentation method or membrane filtration method, 2 to 16,000 per 100 ml for total and fecal coliform, at a minimum, and 1 to 1000 per 100 ml for enterococcus). The detection methods used for each analysis shall be reported with the results of the analyses.
3. Detection methods used for coliforms (total and fecal) shall be those presented in Table 1A of 40 CFR 136 (revised March 12, 2007), unless alternate methods have been approved by USEPA pursuant to 40 CFR 136, or improved methods have been determined by the Executive Officer and/or USEPA.
4. Detection methods used for enterococcus shall be those presented in the USEPA publication EPA 600/4-85/076, *Test Methods for Escherichia coli and Enterococci in Water By Membrane Filter Procedure* or any improved method determined by the Executive Officer and/or USEPA to be appropriate.

N. Single Operational Upset

A single operational upset (SOU) that leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation and limits the Discharger's liability in accordance with the following conditions:

1. A single operational upset is broadly defined as a single unusual event that temporarily disrupts the usually satisfactory operation of a system in such a way that it results in violation of multiple pollutant parameters.
2. A Discharger may assert SOU to limit liability only for those violations which the Discharger submitted notice of the upset as required in Provision V.E.2(b) of Attachment D – Standard Provisions.
3. For purpose outside of CWC Section 13385 (h) and (i), determination of compliance and civil liability (including any more specific definition of SOU, the requirements for Dischargers to assert the SOU limitation of liability, and the manner of counting violations) shall be in accordance with USEPA Memorandum "Issuance of Guidance Interpreting Single Operational Upset" (September 27, 1989).
4. For purpose of CWC Section 13385 (h) and (i), determination of compliance and civil liability (including any more specific definition of SOU, the

Limitations and Discharge Requirements

April 27, 2007; Revised October 23, 2007, November 8, 2007, January 7, 2008,
February 20, 2008, and March 6, 2008

50

requirements for Dischargers to assert the SOU limitation of liability, and the manner of counting violations) shall be in accordance with CWC Section 13385 (f)(2).