

1 DAVID S. BECKMAN, Bar No. 156170
MICHELLE S. MEHTA, Bar No. 224525
2 NATURAL RESOURCES DEFENSE COUNCIL, INC.
1314 Second Street
3 Santa Monica, CA 90401
Telephone: (310) 434-2300
4 Facsimile: (310) 434-2399
dbeckman@nrdc.org
5 mmehta@nrdc.org

6 Attorneys for NATURAL RESOURCES
DEFENSE COUNCIL, INC.
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10 STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
11

12 In the Matter of the Petition of NRDC For Review)
13 of Action by the California Regional Water)
Quality Control Board, Central Coast Region, in)
14 Approving the Waste Discharge Requirements For)
the Morro Bay and Cayucos Wastewater Treatment)
15 Plant Discharges to the Pacific Ocean, Morro Bay,)
San Luis Obispo County, Order No.)
16 R3-2008-0065, NPDES No. CA0047881)

PETITION FOR REVIEW
OF CENTRAL COAST
REGIONAL WATER BOARD
ACTION OF ADOPTING
ORDER NO. R3-2008-0065,
NPDES No. CA0047881

17
18
19 Introduction

20 In accordance with section 13320 of the California Water Code and section 2050 of Title
21 23 of the California Code of Regulations, the Natural Resources Defense Council, The Otter
22 Project, the Environmental Center of San Luis Obispo, and the Santa Lucia Chapter of the Sierra
23 Club (collectively, "Petitioners") hereby petition the State Water Resources Control Board ("State
24 Board") to review the December 4, 2008 final decision of the California Regional Water Quality
25 Control Board for the Central Coast Region ("Regional Board") approving the Waste Discharge
26 Requirements for the Morro Bay and Cayucos Wastewater Treatment Plant Discharges to the
27 Pacific Ocean, Morro Bay, San Luis Obispo County, Order No. R3-2008-0065, NPDES No.
28 CA0047881 ("Permit").

1 Pursuant to section 301(h) of the Clean Water Act, the Permit waives secondary treatment
2 requirements for the Morro Bay and Cayucos Wastewater Treatment Plant ("Plant"). To receive a
3 301(h) waiver, an applicant bears the burden of proving that it can meet the "environmentally
4 stringent criteria" under the Clean Water Act, including that "the discharge of pollutants in
5 accordance with such modified requirements will not interfere, alone or in combination with
6 pollutants from other sources, with the attainment or maintenance of that water quality which
7 assures protection of public water supplies and the protection and propagation of a balanced,
8 indigenous population of shellfish, fish and wildlife, and allows recreational activities, in and on
9 the water." (*In re Mayaguez Regional Sewage Treatment Plant Puerto Rico Aqueduct and Sewer*
10 *Authority*, 4 E.A.D. 772 (1993); 33 U.S.C. § 1311(h)(2).) Additionally, the Clean Water Act
11 requires that discharge under a 301(h) waiver not conflict with other applicable federal laws,
12 including the Endangered Species Act ("ESA"). (40 C.F.R. § 125.59(b)(3).) The ESA requires a
13 finding that the project is not likely to adversely affect threatened or endangered species. (See 16
14 U.S.C. § 1536(c)(1).)

15 The Plant failed to prove that continued discharge of primary-treated sewage would meet
16 these requirements. "[T]he single most important known cause of mortality" among southern sea
17 otters is infectious disease,¹ particularly encephalitis caused by the parasite *Toxoplasma gondii*
18 ("*T. gondii*"). The waters off the coast of the Cayucos-Morro Bay area are a hot spot for *T. gondii*
19 infection: eighty-seven percent of sea otters tested in the area were seropositive for *T. gondii*.² In
20 summary, the available evidence related to the epicenter of *T. gondii*-related disease in sea otters in
21 the Morro Bay area includes the following:

- 22 • Morro Bay has one of the highest rates of *T. gondii* infection in the species' known
23 distribution;³

24
25 ¹ U.S. Fish & Wildlife Service, *Final Revised Recovery Plan for the Southern Sea Otter (Enhydra lutris nereis)*
26 (2003), at viii.

27 ² M.A. Miller et al., *Coastal freshwater runoff is a risk factor for Toxoplasma gondii infection of southern sea otters*
(*Enhydra lutris nereis*), 32 *International Journal for Parasitology* 997, 1001 (2002).

28 ³ *See id.* at 1001.

- 1 • Morro Bay is the only region in the species' range where primary-treated effluent is
2 discharged into the nearshore marine environment;⁴
3 • Discharge of primary-treated sewage has been identified as one of the most likely
4 factors accounting for the Morro Bay *T. gondii* hot spot;⁵
5 • The results of a study conducted by the Plant, at bottom, fails to conclusively rule
6 out the presence of *T. gondii* in the Plant's treated effluent;⁶ and
7 • Untreated sewage from the Plant's collection systems periodically spills into Morro
8 Bay and the ocean.⁷

9 The evidence clearly shows that the sea otter population in the Morro Bay area is subject to
10 *T. gondii* infection and that the Plant cannot be ruled out as a contributing source of *T. gondii* in
11 the marine environment. In light of this information, the Plant clearly did not meet its burden of
12 showing that the discharge of partially-treated wastewater from the Plant (1) does not interfere
13 with the attainment or maintenance of that water quality which assures the protection and
14 propagation of a balanced, indigenous sea otter population; or (2) is not likely to adversely affect
15 the California sea otter. As a result, the Regional Board acted contrary to law and abused its
16 discretion when it approved the Permit.

17 Since issuance of a 301(h) waiver for the Plant is not warranted, the Plant should be
18 required to meet its upgrade requirements as soon as possible, rather than under an 8.5 year
19 timeframe. A shorter time-frame for upgrade is supported by technical analysis by leading experts
20 documenting the practicability of a 4.5 year timeline for the Plant upgrade. Further, this would
21 meet the mandate of the Clean Water Act under 40 C.F.R. § 122.47(a)(1), which requires that the
22 Plant upgrade be completed "as fast as possible." In approving an 8.5-year upgrade schedule for
23 the Plant, instead of a shorter one, the Regional Board further violated the law and abused its
24 discretion.

25 ⁴ *Id.* at 1005.

26 ⁵ David A. Jessup, *Good Medicine for Conservation Biology: Comments, Corrections, and Connections*, 17(3)
27 *Conservation Biology* 921, 922 (June 2003).

28 ⁶ Letter from Dr. Patricia Conrad, DVM, PhD, U.C. Davis Wildlife Health Center, to Bruce Keogh, Waste Water
29 Division Manager, City of Morro Bay (Dec. 13, 2004).

30 ⁷ See Permit, at F-24.

1 Finally, the Regional Board violated the law and abused its discretion by failing to require
2 the Plant to upgrade to tertiary treatment. The evidence demonstrates that an upgrade to tertiary
3 treatment is most likely to attain water quality which assures the protection and propagation of a
4 balanced population of shellfish, fish and wildlife. (33 U.S.C. §§ 1342(a), 1312; see Cal. Water
5 Code § 13263.) The Morro Bay City Council and Cayucos Sanitary District both unanimously
6 voted to upgrade the Plant to meet tertiary treatment standards. The Regional Board's failure to
7 require performance equivalent to that which was formally "offered" by the permit applicant
8 violates both the Clean Water Act and Porter-Cologne Act and constitutes an abuse of discretion.

9
10 1. PETITIONERS' NAMES, ADDRESSES, TELEPHONE NUMBERS, AND EMAIL
11 ADDRESSES:

12 NATURAL RESOURCES DEFENSE COUNCIL, INC.

13 David S. Beckman (dbeckman@nrdc.org)

14 Michelle S. Mehta (mmehta@nrdc.org)

15 1314 Second Street

16 Santa Monica, CA 90401

17 Telephone: (310) 434-2300

18 THE OTTER PROJECT

19 Steve Shimek (exec@otterproject.org)

20 475 Washington Street, Suite A

21 Monterey, CA 93940

22 Telephone: (831) 646-8837 x114

23 ENVIRONMENTAL CENTER OF SAN LUIS OBISPO

24 Morgan Rafferty (morgan@ecoslo.org)

25 1204 Nipomo Street

26 San Luis Obispo, CA 93401

27 Telephone: (805) 544-1777

28 SANTA LUCIA CHAPTER OF THE SIERRA CLUB

Andrew Christie (sierra8@gmail.com)

P.O. Box 15755

San Luis Obispo, CA 93406

Telephone: (805) 543-8717

2. THE ACTION OR INACTION OF THE REGIONAL BOARD BEING PETITIONED
INCLUDING A COPY OF THE ACTION BEING CHALLENGED:

Petitioners seek review of the Regional Board's December 4, 2008 approval of the Waste
Discharge Requirements for the Morro Bay and Cayucos Wastewater Treatment Plant Discharges

1 to the Pacific Ocean, Morro Bay, San Luis Obispo County, Order No. R3-2008-0065, NPDES No.
2 CA0047881. A copy of the Order is attached to this petition.

3
4 3. THE DATE ON WHICH THE REGIONAL BOARD ACTED:

5 December 4, 2008.

6 4. A STATEMENT OF THE REASONS THE ACTION WAS INAPPROPRIATE OR
7 IMPROPER:

8 In approving the 301(h)-Modified Permit, the Regional Board failed to act in accordance
9 with relevant governing law, acted arbitrarily and capriciously, without substantial evidence, and
10 without adequate findings. Specifically, but without limitation, the Regional Board:

- 11 A. Failed to assure that the discharge of pollutants in accordance with the
12 Permit would not interfere, alone or in combination with pollutants from
13 other sources, with the attainment and maintenance of that water quality
14 which assures protection of public water supplies and protection and
15 propagation of a balanced indigenous population of shellfish, fish, and
16 wildlife, as required by the Clean Water Act. (33 U.S.C. § 1311(h); 40
17 C.F.R. § 125.62(c)(2).)
- 18 B. Failed to assure that issuance of the 301(h) waiver would not conflict with
19 applicable provisions the Endangered Species Act of 1973, as amended, 16
20 U.S.C. 1531 et seq, as required by the Clean Water Act. (33 U.S.C. §
21 1311(h); 40 C.F.R. § 125.59(b)(3).)
- 22 C. Failed to assure that conditions within the zone of initial dilution would not
23 contribute to extreme adverse biological impacts, including, but not limited
24 to, the destruction of distinctive habitats of limited distribution, the presence
25 of disease epicenter, or the stimulation of phytoplankton blooms which have
26 adverse effects beyond the zone of initial dilution. (33 U.S.C. § 1311(h); 40
27 C.F.R. § 125.62(c)(3).)
- 28

- 1 D. Failed to comply with the State Anti-Degradation Policy. The Plant
2 anticipates influent increases from the current 1.14 MGD to 1.2 MGD and
3 average flow to reach 1.23 MGD accounting for population growth.⁸ Thus,
4 additional influent flows will increase the proportion of primary-treated
5 wastewater in the discharge.⁹ These loadings are compounded by the
6 increases in flow with respect to *T. gondii*, which is unregulated at this
7 point. Because of these increased flows and resulting degradation, the
8 issuance of another waiver violates anti-degradation policies.
- 9 E. Failed to require the Plant to upgrade as fast as possible. (See 40 C.F.R. §
10 122.47(a)(1); Cal. Wat. Code § 13385(j)(3).)
- 11 F. Failed to require the Plant to upgrade to tertiary treatment. (See 33 U.S.C.
12 §§ 1342(a), 1312; Cal. Water Code § 13263.)
- 13 G. Failed to make sufficient findings “to bridge the analytical gap between the
14 raw evidence and ultimate decision”—approval of the Permit. (*Topanga*
15 *Assn. for Scenic Cmty. V. County of Los Angeles*, 11 Cal. 3d 506, 515
16 (1974).) The Board acted arbitrarily and capriciously because the ultimate
17 decision of adopting the Permit is not supported by the findings, the findings
18 are not supported by the weight of the evidence in the administrative record,
19 and the administrative record does not support the ultimate decision
20 adopting the Permit, thus, resulting in an abuse of discretion. (*See id.*; Cal.
21 Civ. Proc. Code § 1094.5.)
- 22 H. Failed to provide a fair hearing, including fair procedure, in accordance with
23 Cal. Civ. Pro. Code § 1094.5, which governs the inquiry into the validity of
24 any final administrative order or decision made as the result of a proceeding
25 in which by law a hearing is required to be given. During the pendency of

26
27 ⁸ See City of Morro Bay and Cayucos Sanitary District, Supplement to the 2003 Renewal Application for Ocean
Discharge Under NPDES Program No. CA0047881 (2003), at I-1.

28 ⁹ *Id.*, at II-14.

1 this matter, the Regional Board consistently failed to accord Petitioners a
2 fair hearing and to otherwise comply with applicable state and federal law
3 and regulation which govern these proceedings. The Regional Board
4 violated these requirements in ways which include but are not limited to,
5 exercising quasi-judicial procedural prerogatives in an unfair and prejudicial
6 manner designed to benefit the permit applicant. Moreover, a signed
7 Settlement Agreement—upon which the Permit heavily relied—was not yet
8 in place at the time the Regional Board adopted the Permit.

9
10 5. HOW THE PETITIONERS ARE AGGRIEVED:

11 Petitioners are non-profit, environmental organizations that have a direct interest in
12 protecting, *inter alia*, the quality of waters and aquatic wildlife in San Luis Obispo County,
13 including the waters and wildlife off the coast of Morro Bay. NRDC represents approximately
14 130,000 members in California, thousands of whom reside in San Luis Obispo County. The Otter
15 Project is a non-profit organization dedicated to promoting the rapid recovery of the California sea
16 otter, whose range includes the waters off San Luis Obispo County. The Environmental Center of
17 San Luis Obispo is a non-profit, membership organization that is dedicated to the protection and
18 enhancement of the natural environment and human well-being through community-based action,
19 advocacy and education. The Santa Lucia Chapter of the Sierra Club is a non-profit, grassroots
20 environmental organization, dedicated to protecting the wild places of the earth, and promoting the
21 responsible use of the earth's ecosystems and resources. Petitioners' members are aggrieved by
22 the Permit's failure to meet the requirements of section 301(h), and in turn, the Permit's failure to
23 adequately protect the beneficial uses of receiving waters in accordance with the Clean Water Act.

24 The waters off Morro Bay support a variety of habitat types, including marine, coastal
25 foredune, coastal and riparian scrub, and grassland, collectively providing habitat for an abundance
26 of plant and animal wildlife. Accompanying this range of wildlife is a variety of beneficial uses,¹⁰

27
28 ¹⁰ See Morro Bay National Estuary Program, *Comprehensive Conservation and Management Plan* (July 2000), at 1-1.

1 supporting both ecologically important systems and robust economic activities.¹¹ One of the
2 significant beneficial uses of the waters is “Rare, Threatened, or Endangered Species (RARE):
3 Uses of water that support habitats necessary, at least in part, for the survival and successful
4 maintenance of plant or animal species established under state or federal law as rare, threatened, or
5 endangered.”¹² Other beneficial uses of Morro Bay’s waters also allow visitors and residents to
6 enjoy recreational activities, like boating, bird watching and wildlife viewing, sea kayaking,
7 snorkeling, swimming, surfing, and fishing.

8 The facts demonstrate that the continued discharge of partially-treated sewage from the
9 Plant poses a risk to the threatened California sea otter. As a sentinel species, sea otter health has
10 implications for human health, sustainability of some recreational shell fisheries, and overall health
11 of the near shore marine ecosystem.¹³ The otter is also a keystone species that controls “the
12 destruction of kelp forests by grazing urchins” and thus, helps maintain a diversity of forest
13 inhabitants and ecosystem services, including protection of the coastline from erosion.”¹⁴ Thus,
14 the Regional Board’s improper issuance of the Permit threatens the sea otter and the wider
15 ecosystem. Moreover, coastal recreation is the fastest-growing, most robust aspect of tourism in
16 the region, and is inexorably linked to the quality of the natural environment.¹⁵ Accordingly,
17 continued harm to this environment as a result of the Regional Board’s improper issuance of the
18 301(h)-Modified Permit has negative impacts on Petitioners’ members and the environment that
19 continues today.

20 6. THE ACTION PETITIONERS REQUEST THE STATE BOARD TO TAKE:

21 Petitioners seek an Order by the State Board that:
22
23

24 ¹¹ Central Coast RWQCB Basin Plan, at Table 2-2.

25 ¹² *Id.*

26 ¹³ David Jessup, *Southern sea otter—Sentinel of the sea*, *Outdoor California* (Sep.-Oct. 2003), at 10.

27 ¹⁴ P.A. Conrad et al., *Transmission of Toxoplasma: Clues from the study of sea otters as sentinels of Toxoplasma gondii flow into the marine environment*, 35 *International Journal for Parasitology* 1155, 1158 (2005).

28 ¹⁵ National Ocean Economics Program, *California's Ocean Economy* (July 2005), at 105-106.

1 Overturns the Regional Board's approval of the Waste Discharge Requirements for
2 the Morro Bay and Cayucos Wastewater Treatment Plant Discharges to the Pacific
3 Ocean, Morro Bay, San Luis Obispo County, Order No. R3-2008-0065, NPDES
4 No. CA0047881.

5 Remands the matter to the Regional Board with specific direction to remedy each of
6 its violations of law as further described herein.

7. A STATEMENT OF POINTS AND AUTHORITIES FOR ANY LEGAL ISSUES
8 RAISED IN THE PETITION, INCLUDING CITATIONS TO DOCUMENTS THAT ARE
9 REFERRED TO:

10 See section 4, above. Petitioners request that this Petition be held in abeyance, and reserve
11 the right to supplement the legal arguments and authorities in support of this Petition.

12 8. A STATEMENT THAT COPIES OF THE PETITION HAVE BEEN SENT TO THE
13 REGIONAL BOARD AND TO THE DISCHARGER:

14 A true and correct copy of this petition was sent via First Class mail on January 2, 2009 to
15 the Regional Board and Permittee at the following addresses:

16 Roger Briggs, Executive Officer
17 California Regional Water Quality Control Board
18 Central Coast Region
19 895 Aerovista Place
20 Suite 101
21 San Luis Obispo, CA 93401

22 Bruce Keogh
23 Wastewater Division Manager
24 Morro Bay/Cayucos WWTP
25 160 Atascadero Road
26 Morro Bay, CA 93442

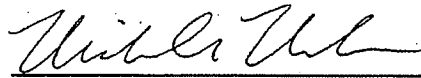
27 9. A STATEMENT THAT THE ISSUES RAISED IN THE PETITION WERE PRESENTED
28 TO THE REGIONAL BOARD BEFORE THE REGIONAL BOARD ACTED, OR AN
EXPLANATION OF WHY THE PETITIONER COULD NOT RAISE THOSE
OBJECTIONS BEFORE THE REGIONAL BOARD:

Petitioners made every effort to resolve this matter before the Regional Board. The issues
relevant to this Petition were raised to the Regional Board prior to the December 4, 2008 hearing

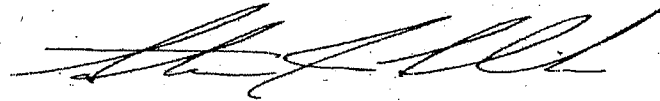
1 in-person at the March 24, 2006 and May 11, 2006 hearings, and in numerous letters, including on
2 February 2, 2006; February 22, 2006; March 13, 2006; March 17, 2006; April 3, 2006; April 13,
3 2006; April 14, 2006; April 21, 2006; August 7, 2006; and October 14, 2008. These issues were
4 further presented orally at the December 4th hearing.

5
6 Respectfully submitted via electronic mail and U.S. Mail.

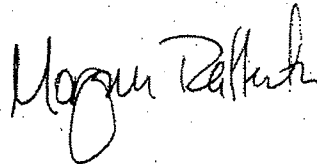
7
8 Dated: January 2, 2009

9 

10 _____
11 Michelle Mehta
12 Counsel for the Natural Resources Defense Council, Inc.

13 

14 _____
15 Steve Shimek
16 The Otter Project
17 Executive Director

18 

19 _____
20 Morgan Rafferty
21 Environmental Center of San Luis Obispo
22 Executive Director

23
24 

25 _____
26 Andrew Christie
27 Chapter Director
28 Santa Lucia Chapter of the Sierra Club



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397
<http://www.waterboards.ca.gov/centralcoast>

Arnold Schwarzenegg
Governor

December 8, 2008

Bruce Keogh
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442
CERTIFIED MAIL:
7007 0710 0001 1013 4024

Bill Callahan
Cayucos Sanitary District
200 Ash Avenue
Cayucos, CA 93430
CERTIFIED MAIL:
7007 0710 0001 1013 4017

Dear Mr. Keogh and Mr. Callahan:

**ADOPTED WASTE DISCHARGE REQUIREMENTS ORDER NO. R3-2008-0065,
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
NO. CA0047881 – MORRO BAY/CAYUCOS WASTEWATER TREATMENT
FACILITY, SAN LUIS OBISPO COUNTY, WDID 3 400103001**

Enclosed is Waste Discharge Requirements Order No. R3-2008-0065 (National Pollutant Discharge Elimination System Permit No. CA0047881) for Morro Bay/Cayucos Wastewater Treatment Facility. Order No. R3-2008-0065 was adopted by the Central Coast Water Board on December 4, 2008. This Order will be effective 33 days after the U.S. Environmental Protection Agency's (USEPA) issuance and final determination for allowing a variation of secondary treatment standards of the Clean Water Act pursuant to Section 301(h). Also enclosed is a copy of the fully executed settlement agreement.

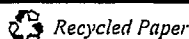
The adopted NPDES permit and signed settlement agreement regarding upgrade of the wastewater treatment plant are also available at the Central Coast Water Board website: http://www.swrcb.ca.gov/centralcoast/board/decisions/adopted_orders/. You may request a hard copy by mail by contacting David LaCaro at (805) 549-3892.

If you have questions, please contact **David LaCaro** at (805) 549-3892 or dlacaro@waterboards.ca.gov or Burton Chadwick at (805) 542-4786.

Sincerely,

Roger W. Briggs
Executive Officer

California Environmental Protection Agency



- Enclosure: 1. Waste Discharge Requirements Order No. R3-2008-0065
2. Settlement Agreement for Issuance of Permits to and Upgrade of the Morro Bay-Cayucos Wastewater Treatment Plant, December 2008.

cc:

Mark Delaplane (via email)
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Nancy Yoshikawa (via email)
U.S. EPA, Region IX, WTR-5
75 Hawthorne Street
San Francisco, CA 94105-3901

Douglas E. Eberhardt (via email)
Chief, Clean Water Act Standards and
Permits Office
EPA Region 9, WTR-5
75 Hawthorne Street
San Francisco, CA 94105

Philip S. Isorena (via email)
Senior Water Resource Control Engineer
SWRCB - NPDES Unit
P.O. Box 100
Sacramento, CA 95182-0100

Michelle Mehta (via email)
Natural Resources Defense Council
1314 Second Street
Santa Monica, CA 90401

Doug Coats (without enclosure)
Marine Research Specialists
3140 Telegraph Road, Suite A
Ventura, CA 93003

Bruce Ambo (without enclosure)
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

Joshua Borger (without enclosure)
Environmental Law Foundation
1736 Franklin Street, 9th Floor
Oakland, CA 94612

Executive Director (without enclosure)
ECOSLO
1204 Nipomo Street
San Luis Obispo, CA 93401

Rebecca Barclay (without enclosure)
332 Old Creek Road
Cayucos, CA 93430

Babak Naficy (without enclosure)
Coastal Alliance
1204 Nipomo Street
San Luis Obispo, CA 93401

Hillary Hauser (without enclosure)
Heal the Ocean
P.O. Box 901016
Santa Barbara, CA 93190

Peter Hernandez (without enclosure)
180 Ferrini Road
San Luis Obispo, CA 93405

Jae Kim (via email)
Tetra Tech
10306 Eaton Place, Suite 430
Fairfax, VA 22030-2201

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California Regional Water Quality Control Board



Linda S. Adams
Secretary for Environmental
Protection

Arnold Schwarzenegger
Governor

Central Coast Region

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
(805) 549-3147 • Fax (805) 543-0397
www.waterboards.ca.gov

ORDER NO. R3-2008-0065
NPDES NO. CA0047881

WASTE DISCHARGES REQUIREMENTS FOR THE MORRO BAY AND CAYUCOS WASTEWATER TREATMENT PLANT DISCHARGES TO THE PACIFIC OCEAN, MORRO BAY, SAN LUIS OBISPO COUNTY

The following Discharger is subject to waste discharge requirements as set forth in this Order:

Table 1. Discharger Information

Discharger	City of Morro Bay and Cayucos Sanitary District
Name of Facility	Morro Bay/Cayucos Wastewater Treatment Plant (WWTP)
Facility Address	160 Atascadero Road Morro Bay, California San Luis Obispo County

The discharge by the City of Morro Bay and Cayucos Sanitary District from the discharge points identified below is subject to waste discharge requirements as set forth in this Order:

Table 2. Discharge Location


Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Municipal Wastewater	35°, 23', 11" N	120°, 52', 29" W	Pacific Ocean

Table 3. Administrative Information

This Order was adopted by the Central Coast Water Board on:	December 4, 2008
This Order shall become effective on:	USEPA Issuance Date + 33 days
This Order shall expire on:	Effective Date + 5 years
The U.S. Environmental Protection Agency (USEPA) and the Central Coast Water Board have classified this discharge as a major discharge.	
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, by June 13, 2013, as application for issuance of new waste discharge requirements.	

IT IS HEREBY ORDERED, that Order No. 98-15 is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

This certifies that the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region, on December 4, 2008, and of an NPDES permit issued by the U.S. Environmental Protection Agency, Region IX, on _____.



Roger W. Briggs
Executive Officer, Central Coast Region
California Regional Water Quality Control Board

Alexis Strauss
Director, Water Division, Region IX
U.S. Environmental Protection Agency

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

ORDER NO. R3-2008-0065
NPDES PERMIT NO. CA0047881

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I. FACILITY INFORMATION

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

Table 4. Facility Information

Discharger	City of Morro Bay and Cayucos Sanitary District
Name of Facility	Morro Bay/Cayucos WWTP
Facility Address	160 Atascadero Road
	Morro Bay, California 93442
	San Luis Obispo County
Facility Contact, Title, and Phone	Bruce Keogh, Wastewater Division Manager, (805) 772-6272
Mailing Address	595 Harbor Street, Morro Bay, California 93442
Type of Facility	Municipal WWTP
Facility Design Flow	Annual average of 2.06 million gallons per day (MGD), Peak seasonal dry weather flow of 2.36 MGD

II. FINDINGS

The California Regional Water Quality Control Board, Central Coast Region (hereinafter Central Coast Water Board), finds:

A. Background. The City of Morro Bay and Cayucos Sanitary District (hereinafter Discharger) are currently discharging under Order No. 98-15 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0047881. An NPDES permit modifying secondary treatment requirements was originally issued to the Discharger by USEPA and the Central Coast Water Board on March 29, 1985 (NPDES Permit No. CA0047881). The permit was reissued on March 8, 1993, and again on December 11, 1998. The permit expired March 1, 2004, but continues in force until the effective date of the new permit, in accordance with 40 CFR Part 122.6. The Discharger applied for reissuance of its 301(h)-modified permit on July 7, 2003. The Discharger's application requests renewal of the following effluent limitations:

Constituent	Monthly Average	Maximum
Biochemical Oxygen Demand (mg/L)	120	180
Suspended Solids (mg/L)	70	105

These effluent limitations are based on the Morro Bay/Cayucos WWTP design specifications for combined primary and secondary effluent quality under a peak seasonal dry weather flow of 2.36 million gallons per day (MGD).

USEPA summarized its evaluation of the Discharger's 301(h) application and drafted a tentative decision, which was signed on November 10, 2005, to grant the Discharger's request for reissuance of its 301(h) modified NPDES permit.

B. Facility Description. The Facility provides treatment by a split-stream process of physical and biological treatment. All wastewater flows through primary sedimentation basins. Up to 1.0 million gallons per day (MGD) is then diverted through secondary treatment facilities including trickling filter, solids-contact, and secondary clarification. Secondary-treated wastewater is then blended with primary-treated wastewater and disinfected by chlorination, then dechlorinated prior to discharge to the Pacific Ocean. Biosolids are anaerobically digested and dried, and then used as a soil conditioner. The treatment plant has the following design capacities:

Average Dry Weather Flow:	2.06 MGD
Peak Seasonal Dry Weather Flow:	2.36 MGD
Maximum Wet Weather Flow:	6.64 MGD

The Central Coast Water Board and USEPA classify the discharge as a major discharge (>1.0 MGD). According to 40 CFR 125.58(c), the Discharger is defined as a small applicant for 301(h) modified permit (<5 MGD). A diagram of the treatment process is depicted on Attachment C, included as part of this permit.

Treated municipal wastewater is discharged to the Pacific Ocean through a 4400-foot (1340 m) outfall/diffuser system. The outfall terminates in the Pacific Ocean (35°23'11"N Latitude, 120°52'29"W Longitude) in approximately 50 feet (15 m) of water. The outfall location is shown in Attachment A. The diffuser was modeled to achieve a minimum initial dilution of 133 parts seawater for every part effluent. Alternative locations and methods of disposal or recycling, including land-based alternatives, were considered during planning under the Clean Water Grants Program. The Discharger plans on upgrading the facility to tertiary treatment. Details of the upgrades are discussed in Finding No. I and Section II.A of the Fact Sheet.

- C. Legal Authorities.** This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as an NPDES permit for point source discharges from this facility to surface waters. This Order also serves as waste discharge requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260). USEPA Water Quality Criteria (acute and chronic toxicity and consumption of marine fish) were calculated using a minimum dilution ratio of 133:1 (i.e., 133 parts seawater to one part effluent).
- D. Background and Rationale for Requirements.** The Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through F are also incorporated into this Order.
- E. California Environmental Quality Act (CEQA).** Pursuant to Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of the CEQA, Public Resources Code sections 21100-21177. This action regulates an existing facility and involves negligible or no expansion of use, and is also exempt from the provisions of the CEQA in accordance with Section 15301, Title 14 of the California Code of Regulations.
- F. Technology-Based Effluent Limitations.** CWA Section 301 (b) and USEPA's NPDES regulations at Title 40 of the Code of Federal Regulations (40 CFR) 122.44 require that permits include, at a minimum, conditions meeting applicable technology-based requirements and any more stringent effluent limitations necessary to meet applicable water quality standards. Discharges to surface waters must meet minimum federal technology-based requirements based on secondary treatment standards established at 40 CFR Part 133 and best professional judgment (BPJ) in accordance with 40 CFR 125.3. However, due to the provisions set forth in 40 CFR Part 125.57 discharges authorized by this Order are subject to modified secondary standards. A detailed discussion of development of technology-based effluent limitations is included in the Fact Sheet (Attachment F).
- G. Water Quality-Based Effluent Limitations.** CWA Section 301(b) and NPDES regulations at 40 CFR 122.44 (d) require that permits include limitations more stringent

than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

NPDES regulations at 40 CFR 122.44 (d)(1)(i) mandate that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential is established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA criteria guidance under CWA section 304 (a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided at 40 CFR 122.44 (d)(1)(vi).

H. Water Quality Control Plans. The Central Coast Water Board adopted the *Water Quality Control Plan, Central Coast Basin* (the Basin Plan), which designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for receiving waters within the Region. To address ocean waters, the Basin Plan incorporates by reference the *Water Quality Control Plan for Ocean Waters of California* (the Ocean Plan). The Ocean Plan is discussed in further detail in Section I of this Order.

The Basin Plan implements State Water Board Resolution No. 88-63, which establishes State policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply (MUN). Because total dissolved solids (TDS) levels of marine waters exceed 3,000 mg/L, such waters are not considered suitable for municipal or domestic supply and therefore meet an exception to Resolution No. 88-63. Beneficial uses established by the Basin Plan for the Estero Bay coastal waters are presented in Table 5, below.

Table 5. Basin Plan Beneficial Uses for the Pacific Ocean

Discharge Point	Receiving Water	Beneficial Use(s)
001	Pacific Ocean	<ul style="list-style-type: none"> • Water Contact (REC-1), • Non-Contact Recreation (REC-2), • Navigation (NAV), • Industrial Water Supply (IND) • Shellfish Harvesting (SHELL) • Commercial and Sport Fishing (COMM), • Marine Habitat (MAR), • Rare, Threatened, or Endangered Species (RARE), and • Wildlife Habitat (WILD)

I. California Ocean Plan

The State Water Board adopted the Ocean Plan in 1972 and amended it in 1978, 1983, 1988, 1990, 1997, 2000, and 2005. The State Water Board adopted the latest amendment on April 21, 2005, and it became effective on February 14, 2006. The Ocean Plan is applicable, in its entirety, to point source discharges to the Ocean. The Ocean Plan identifies the following beneficial uses of ocean waters of the State.

Table 6. Ocean Plan Beneficial Uses

Discharge Point	Receiving Water	Beneficial Uses
001	Pacific Ocean	<ul style="list-style-type: none"> • Industrial Water Supply (IND) • Water Contact and Non-Contact Recreation, including Aesthetic Enjoyment (REC) • Navigation (NAV) • Commercial and Sport Fishing (COMM) • Mariculture (MARI) • Preservation and Enhancement of Designated Areas of Special Biological Significance (ASBS) • Rare and Endangered Species (RARE) • Marine Habitat (MAR) • Fish Migration (MIGR) • Fish Spawning and Shellfish Harvesting (SPWN)

In order to protect beneficial uses, the Ocean Plan establishes water quality objectives and programs of implementation to achieve and maintain those objectives. Requirements of this Order implement the Ocean Plan.

J. Alaska Rule. On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards become effective for CWA purposes. [65 Fed. Reg. 24641 (April 27, 2000), codified at 40 CFR 131.21] Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.

K. Stringency of Requirements for Individual Pollutants. This Order contains both technology-based and water quality-based effluent limitations for individual pollutants. The technology-based effluent limitations consist of restrictions on biochemical oxygen demand (BOD₅), TSS, settleable solids, oil and grease, turbidity, and pH at Discharge Point M-001. These restrictions are discussed in Section III.C.2. of the Fact Sheet. This

Order's technology-based pollutant restrictions implement, at the minimum, applicable federal technology-based requirements.

Water quality-based effluent limitations have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. The scientific procedures for calculating the individual water quality-based effluent limitations are based on the Ocean Plan, which was approved by USEPA on February 14, 2006.

All beneficial uses and water quality objectives contained in the Basin Plan were approved under State law and submitted to and approved by the USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the [Clean Water] Act" pursuant to 40 CFR. 131.21 (c) (1). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the technology-based requirements of the CWA and the applicable water quality standards for purposes of the CWA.

- L. Antidegradation Policy.** NPDES regulations at 40 CFR 131.12 require that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16, which incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that the existing quality of waters be maintained unless degradation is justified based on specific findings. The Central Coast Water Board's Basin Plan implements and incorporates by reference both the State and federal antidegradation policies. As discussed in detail in Section III.C.3 of the Fact Sheet, the permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution No. 68-16.
- M. Anti-Backsliding Requirements.** CWA Sections 402 (o)(2) and 303 (d)(4) and NPDES regulations at 40 CFR 122.44 (l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. As discussed in Section III.C.4. of the Fact Sheet, effluent limitations and other requirements established by this Order satisfy applicable anti-backsliding provisions of the CWA and NPDES regulations.
- N. Endangered Species Act.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the State. The Discharger is responsible for meeting all requirements of State and federal law regarding threatened and endangered species. Due to questions regarding potential impacts from continued discharges from the wastewater facility to endangered species in the area at the May 11, 2006 Water Board meeting, the USEPA developed

an Endangered Species Act Biological Evaluation finding that continued discharges would not likely have adverse effects on the southern sea otter and brown pelican. The USEPA requested concurrence from the U.S. Fish and Wildlife Service (USFWS) on September 6, 2006. The USFWS agreed with USEPA's findings that the continued discharge would not likely have adverse effects on endangered species in the area.

- O. Monitoring and Reporting.** NPDES regulations at 40 CFR 122.48 require that all NPDES permits specify requirements for recording and reporting monitoring results. California Water Code sections 13267 and 13383 authorize the Central Coast Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (Attachment E) establishes monitoring and reporting requirements to implement federal and State requirements.
- P. Standard and Special Provisions.** Standard Provisions that apply to all NPDES permits in accordance with NPDES regulations at 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D. The Central Coast Water Board has also included in this Order special provisions applicable to the Discharger. Rationale for the special provisions contained in this Order is provided in the attached Fact Sheet.
- Q. Provisions and Requirements Implementing State Law.** The provisions/requirements in subsections IV and V. of this Order are included to implement State law only. These provisions/requirements are not required or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations.
- R. Notification of Interested Parties.** The Central Coast Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in Section VI.A. of the Fact Sheet accompanying this Order.
- S. Consideration of Public Comment.** The Central Coast Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the public hearing are provided in Section VI.B. of this Orders' Fact Sheet.
- T. Privilege to Discharge.** A permit and the privilege to discharge waste into waters of the State are conditional upon the discharge complying with provisions of division 7 of the CWC and of the CWA (as amended or as supplemented by implementing guidelines and regulations), and with any more stringent effluent limitations necessary to implement water quality-control plans, to protect beneficial uses, and to prevent nuisances.
- U California Water Code Section 13241.** This Order contains restrictions on individual pollutants that are no more stringent than required by the federal CWA. Individual pollutant restrictions consist of technology-based restrictions and water quality-based effluent limitations. The technology-based effluent limitations are specified in federal regulations as discussed in Attachment F, Section IV.B, and the permit's technology-based pollutant restrictions are no more stringent than required by the CWA. Water

quality-based effluent limitations have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant water quality-based effluent limitations were derived from the California Toxics Rule, the California Toxics Rule is the applicable standard pursuant to 40 C.F.R. 131.38. The scientific procedures for calculating the individual water quality-based effluent limitations are based on the California Ocean Plan, which USEPA approved January 20, 2005. All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to U.S. EPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the [Clean Water] Act" pursuant to 40 C.F.R. 131.21(c)(1). As stated in Attachment F, certain water quality objectives and beneficial uses implemented by this Order are contained in the 2005 Ocean Plan which was approved by USEPA, and are applicable water quality standards pursuant to 40 C.F.R. 131.21(c)(2). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the technology-based requirements of the CWA and the applicable water quality standards for purposes of the CWA.

V. Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (General WDRs). The General WDRs, Order No. 2006-0003-DWQ, adopted May 2, 2006, apply to publicly owned sanitary sewer systems (collection systems) that are one mile or greater in length. The General WDRs require collection system entities to develop a Sanitary Sewer Management Plan (SSMP). SSMPs are required to include goals; organization; legal authority; operations and maintenance program; design and performance provisions; an overflow emergency response plan; fats, oils, and greases control program; systems evaluations and capacity assurance program; monitoring, measures, and program modifications; and an SSMP Program audit. Additionally, the General WDRs require the collection system entities to report sanitary sewer overflows (SSOs). Collection system entities are required to report SSOs that are greater than 1,000 gallons. Furthermore, some entities must also report SSOs less than 1,000 gallons discharging to surface waters or storm drains or that threaten public health. Reporting provisions are set forth in the General WDRs. Reporting shall occur through the Statewide Online SSO database. Reporting times vary depending on discharge amount and destination.

The Dischargers enrolled separately under the General WDR. The City of Morro Bay received formal enrollment status for General WDR coverage on January 8, 2007. Cayucos Sanitary District received formal enrollment status for General WDR coverage on January 9, 2007. Both entities are currently developing and implementing elements of a sanitary sewer management program as required by the General WDR.

W. 401 Certification. Central Coast Water Board adoption of this Order constitutes certification and concurrence under 40 CFR 124.54, that the discharge, as described in the Discharger's 301(h) application, will comply with applicable state laws, including water quality standards, and will not result in additional treatment, pollution control, or other requirements on any other point or nonpoint source. Conversely, Central Coast

Water Board denial of this Order constitutes denial of certification. According to Clean Water Act Section 401(a)(1), USEPA may not issue the NPDES permit until the Central Coast Water Board grants certification.

X. National Marine Fisheries Certification. The Discharger provided certification in a letter from the National Marine Fisheries Service (NMFS) dated August 12, 2003, that the proposed 301(h) discharge is not expected to impact local critical habitats and/or endangered species under its jurisdiction.

Y. Pretreatment. The Discharger is exempt from applicable pretreatment requirements specified under 40 CFR 125.66(d). In accordance with requirements specified in this Order and Permit, the Discharger shall implement public education and waste minimization/source reduction programs to limit the introduction of toxic pollutants and pesticides into the treatment plant. Implementation of 'Pollution Prevention Program' will substitute for those requirements specified under 40 CFR 125.66 (d) (Nonindustrial Source Control Program).

Z. Mandatory Penalties. Section 13385(h) and Section 13385(i) of the California Water Code require the Central Coast Water Board to impose mandatory penalties for certain effluent limit violations. Section 13385(h) et seq. applies to effluent discharged to the ocean from the Discharger.

AA. Facility Upgrade. The Discharger intends to upgrade the Facility to provide tertiary treatment as set forth in a Settlement Agreement with the Central Coast Water Board. The Settlement Agreement provides for an eight and one-half year conversion schedule. Subject to the provisions of the Settlement Agreement regarding force majeure, the conversion schedule is as follows:

CONVERSION SCHEDULE

Task	Date of Completion ¹
Preliminary Activities:	
1. Issuance of Request for Consulting Engineering Proposals for Facilities Master Plan	November 11, 2005
2. Award of Consulting Engineering Contracts	April 27, 2006
Facilities Planning:	
1. Submit Final Draft Facilities Master Plan	November 30, 2007
2. Submit Final Facilities Master Plan	September 30, 2009
Environmental Review and Permitting:	
1. Complete and Circulate Draft CEQA Document	February 27, 2009
2. Obtain Coastal Development permits	May 31, 2011
Financing:	
1. Complete Draft Plan for Project Design and Construction Financing	December 31, 2007
2. Complete Final Plan for Project Financing	June 30, 2008
3. Submit proof that all necessary financing has been	October 30, 2009

Task	Date of Completion ¹
secured, including compliance with Proposition 218	
Design and Construction:	
1. Initiate Design	September 30, 2010
2. Issue Notice to Proceed with Construction	May 29, 2012
3. Construction Progress Reports	Quarterly (w/ SMRs)
4. Complete Construction and Commence Debugging and Startup	January 31, 2014
5. Achieve Full Compliance with federal Secondary Treatment Requirements	March 31, 2014

Any completion dates falling on a Saturday, Sunday or State holiday shall be extended until the next business day. The Discharger shall submit proof of completion or each task within 30 days after the due date for completion.

Attachment F includes additional information about the facility upgrade. The requirements of the Settlement Agreement are enforceable by the Water Board as set forth in the Settlement Agreement. The Central Coast Water Board and EPA have considered the Settlement Agreement in adopting this Order, but the upgrade requirements are not terms of the Permit. Subject to the provisions of the Agreement regarding Water Board Discretion and New Evidence, the Settlement Agreement contemplates that the Water Board will concur in the issuance of this modified discharge permit and issue an NPDES Permit in order to effect the Settlement Agreement and the Discharger's obligation to complete the upgrade of its treatment facility to treat least secondary treatment within a eight-and-one-half-year period. Based on the administrative record, including population growth projections through 2015, known environmental and cumulative impacts of the Discharger's existing wastewater treatment facilities, and evidence submitted by the Discharger of the time needed for upgrading the plant, the conversion schedule is reasonable, necessary and appropriate. The Central Coast Water Board has also considered the need to develop recycled water. A need to develop and use recycled water exists within the region. The eight and one-half year upgrade schedule includes the consideration of technical and funding options for installing tertiary treatment to address recycled water needs. The Clean Water Act requires publicly owned treatment works to achieve at least secondary treatment prior to discharge to waters of the United States, unless the facility obtains a variance from USEPA pursuant to Clean Water Act section 301(h) (301(h) waiver). The facility will not complete the upgrade to at least secondary treatment until after the five-year term of this permit, and, therefore a 301(h) waiver continues to be necessary for the discharge subject to this permit. The next permit will contain the final enforceable compliance dates to achieve at least secondary treatment. The Clean Water Act establishes secondary treatment as the technology based standard for discharges to surface water, but tertiary treatment that meets Title 22 California Code of Regulations requirements are required for certain reclaimed water uses. The Discharger intends to upgrade to tertiary treatment for purposes of reclaimed water use during the same eight and one-half year conversion schedule set forth in the settlement agreement. The Central Coast Water Board may require the discharger to comply with more stringent water quality based standards beyond secondary treatment

for discharges to surface water if necessary to protect the beneficial uses of waters of the state and the United States. With respect to the discharge to the ocean, the USFWS has concurred with USEPA's Biological Evaluation that the continued discharge from the Facility will have no likely adverse affects on the southern sea otter and the brown pelican supporting the continued 301(h) waiver.

If the Central Coast Water Board receives new information to support the need to impose more stringent water quality based requirements beyond secondary, it may consider imposing such requirements only after required public notice and comment and hearing.

BB.Right to Petition. Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filling petitions may be found on the internet at:

http://www.waterboards.ca.gov/public_noticies/petitions/water_quality

or will be provided upon request.

III. DISCHARGE PROHIBITIONS

- A. The discharge of treated wastewater at a location other than 35°23'11"N Latitude, 120°52'29"W Longitude is prohibited.
- B. Bypass of the treatment facility and discharge of any wastes not meeting the discharge specifications of this Order and Permit are prohibited.
- C. Discharge of any wastes including overflow, bypass and seepage from transport, treatment or disposal systems is prohibited.
- D. The discharge of chlorine or any other toxic substance used for disinfection and cleanup of sewage overflows to any surface water body is prohibited. This prohibition does not apply to the chlorine in the potable water used for final wash down and cleanup of overflows.

IV. EFFLUENT LIMITATIONS¹ AND DISCHARGE SPECIFICATIONS

- A. Effluent peak seasonal dry weather flow shall not exceed a monthly average of 2.36 MGD.
- B. The Discharger shall, as a 30-day average, remove at least 75% of suspended solids and 30% of BOD₅ from the influent stream before discharging wastewater to the ocean, except that the limit shall not be less than 60 mg/L. In addition, effluent shall not exceed the following limits:

Constituent	Unit of Measurement	Average Monthly	Instantaneous Maximum
BOD ₅	mg/L	120	180
	lbs/day	2062	3092
	kg/day	936	1404
Suspended Solids	mg/L	70	105
	lbs/day	1203	1804
	kg/day	546	819

- C. Effluent shall not exceed the following limits:

1.

Constituent	Units	Average Monthly	Average Weekly	Instantaneous Maximum
Grease and Oil	mg/L	25	40	75
	lbs/day	430	687	1288
	kg/day	195	312	585
Settleable Solids	mL/L	1.0	1.5	3.0
Turbidity	NTU	75	100	225
pH	--	Within limits of 6.0 to 9.0 at all times.		

2. FOR PROTECTION OF MARINE AQUATIC LIFE

Constituent	Units	Six-Month Median	Maximum Daily	Instantaneous Maximum
Arsenic	mg/L	0.67	3.89	10.3
Cadmium	mg/L	0.13	0.54	1.34
Chromium(Hex) ²	mg/L	0.27	1.07	2.68
Copper	mg/L	0.14	1.34	3.75
Lead	mg/L	0.27	1.07	2.68
Mercury	µg/L	5.29	21.4	53.5
Nickel	mg/L	0.67	2.68	6.70
Selenium	mg/L	2.01	8.04	20.1

¹ Based on Ocean Plan criteria using a calculated minimum initial dilution of 133:1. If actual dilution is found to be less than 133:1, these values will be recalculated.

² The Discharger may at its option meet this limitation as a Total Chromium limitation.

Constituent	Units	Six-Month Median	Maximum Daily	Instantaneous Maximum
Silver	mg/L	0.07	0.35	0.92
Zinc	mg/L	1.62	9.66	25.7
Cyanide ³	mg/L	0.13	0.54	1.34
Total Chlorine Residual	mg/L	0.27	1.07	8.04
Ammonia (as N)	mg/L	80.4	322	804
Acute Toxicity	TUa	--	4.3	--
Chronic Toxicity ⁴	TUc	--	134	--
Phenolic Compounds (non-chlorinated)	mg/L	4.02	16.1	40.2
Chlorinated Phenolics	mg/L	0.13	0.54	1.34
Endosulfan ⁵	µg/L	1.21	2.41	3.62
Endrin	µg/L	0.27	0.54	0.80
HCH ⁶	µg/L	0.54	1.07	1.61
Radioactivity	Not to exceed limits specified in Title 17, Division 1, Chapter 5, Subchapter 4, Group 3, Article 3, Section 30253 of the California Code of Regulations.			

3. FOR PROTECTION OF HUMAN HEALTH, NON-CARCINOGENS

Constituent	Units	Average Monthly
acrolein	mg/L	29.5
antimony	mg/L	160.8
bis(2-chloroethoxy) methane	mg/L	0.59
bis(2-chloroisopropyl) ether	mg/L	160.8
chlorobenzene	mg/L	76.4
chromium (III) ⁷	g/L	25.5
di-n-butyl phthalate	mg/L	469
dichlorobenzenes ⁸	mg/L	683
diethyl phthalate	mg/L	4420

³ If a discharger can demonstrate to the satisfaction of the Regional Board (subject to EPA approval) that an analytical method is available to reliably distinguish between strongly and weakly complexed cyanide, effluent limitations for cyanide may be met by the combined measurement of free cyanide, simple alkali metal cyanides, and weakly complexed organometallic cyanide complexes. In order for the analytical method to be acceptable, the recovery of free cyanide from metal complexes must be comparable to that achieved by the approved method in 40 CFR PART 136, as revised May 14, 1999

⁴ Chronic Toxicity Units (TUc): TUc = 100/NOEL (No Observed Effect Level). NOEL is expressed as the maximum percent effluent or receiving water that causes no observable effect on a test organism, as determined by the result of a critical life stage toxicity test listed in Appendix III of the 2001 California Ocean Plan.

⁵ Endosulfan shall mean the sum of endosulfan-alpha and -beta and endosulfan sulfate.

⁶ HCH means the sum of the alpha, beta, gamma (lindane), and delta isomers of hexachlorocyclohexane.

⁷ Discharger may at their option meet this objective as a total chromium objective.

⁸ Sum of 1,2- and 1,3-dichlorobenzene.

Constituent	Units	Average Monthly
dimethyl phthalate	g/L	109.9
4,6-dinitro-2-methylphenol	mg/L	29.5
2,4-dinitrophenol	mg/L	0.54
ethylbenzene	mg/L	549
fluoranthene	mg/L	2.0
hexachlorocyclopentadiene	mg/L	7.8
nitrobenzene	mg/L	0.66
thallium	mg/L	0.27
toluene	g/L	11.4
tributyltin	µg/L	0.188
1,1,1-trichloroethane	g/L	72.4

4. FOR PROTECTION OF HUMAN HEALTH, CARCINOGENS

Constituent	Units	Average Monthly
acrylonitrile	µg/L	13.4
aldrin	ng/L	2.95
benzene	µg/L	791
benzidine	ng/L	9.25
beryllium	µg/L	4.42
bis(2-chloroethyl) ether	µg/L	6.03
bis(2-ethylhexyl) phthalate	µg/L	469
carbon tetrachloride	µg/L	121
chlordane ⁹	ng/L	3.08
chlorodibromomethane	µg/L	1152
chloroform	mg/L	17.4
DDT ¹⁰	ng/L	22.8
1,4-dichlorobenzene	mg/L	2.41
3,3-dichlorobenzidine	µg/L	1.09
1,2-dichloroethane	mg/L	3.75
1,1-dichloroethylene	mg/L	0.12
dichlorobromomethane	mg/L	0.83
dichloromethane	mg/L	60.3
1,3-dichloropropene	mg/L	1.19
dieldrin	ng/L	5.36
2,4-dinitrotoluene	µg/L	348
1,2-diphenylhydrazine	µg/L	21.4
halomethanes ¹¹	mg/L	17.4

⁹ Sum of chlorodane-alpha, chlorodane-gamma, chlorodene-alpha, chlorodene-gamma, nonachlor-alpha and oxychlorodane.

¹⁰ Sum of 4,4'-DDT, 2,4'-DDT, 4,4'-DDE, 2,4'-DDE, 4,4'-DDD, and 2,4'-DDD.

¹¹ Sum of bromoform, bromoethane (methylbromide), chloro-methane (methyl chloride), chlorodibromomethane and dichlorobromo-methane.