Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Diego Region
9174 Sky Park Court, San Diego, CA 92123-4340
(916) 341-5455 • FAX (916) 341-5463
www.waterboards.ca.gov/sandiego

Supporting Document No. 2

Governor

GENERAL WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES OF HYDROSTATIC TEST WATER AND POTABLE WATER TO SURFACE WATERS AND STORM DRAINS OR OTHER CONVEYANCE SYSTEMS WITHIN THE SAN DIEGO REGION

TENTATIVE ORDER NO. R9-2009-0094
NPDES NO. CAG679001

A Discharger, as described in the following table that has complied with the requirements for coverage under this General "Waste Discharge Requirements" (WDR or Order), is subject to waste discharge requirements, once permit coverage is effective, as set forth in this Order.

Table 1. Discharger Information

Dischargers	Water distributors (also called purveyors), water districts, municipalities, private entities, and other persons that discharge hydrostatic test water and/or potable water to surface waters within the San Diego Region and storm drains or other conveyance system tributary thereto (pursuant to Section 402 of the Clean Water Act) that do not cause, have a reasonable potential to cause, or contribute to instream excursion above any applicable State or Federal water quality objectives criteria or cause acute or chronic toxicity in the receiving water.

Table 2. Discharge Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Hydrostatic test water and Potable Water Discharges resulting from testing of pipelines, tanks, and vessels that are dedicated to drinking water purveyance and storage as well as testing of newly constructed non-drinking water (gas, oil, reclaimed water, etc.) pipelines, tanks, and vessels.	**Various**	**Various**	Inland Surface Waters, Enclosed Bays, Harbors, Lagoons, Estuaries, and the Pacific Ocean.

California Regional Water Quality Control Board

San Diego Region

9174 Sky Park Court, San Diego, CA 92123-4340
(916) 341-5455 • FAX (916) 341-5463
www.waterboards.ca.gov/sandiego

Table 3. Administrative Information

This Order was adopted by the Regional Board on:	August 12, 2009 ,
This Order shall become effective on:	September 1, 2009
This Order shall expire on:	September 1, 2014
The U.S. Environmental Protection Agency and the California Regional Water Quality Control Board, San Diego Region have classified these discharges as minor discharges. In accordance with Section 2200, Title 23 of the California Code of Regulation, the threat to water quality and complexity of the discharge is determined to be category 3C.	

I, John H. Robertus, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on August 12, 2009.

_____TENTATIVE_____
John H. Robertus, Executive Officer

TABLE OF CONTENTS

List of Tables

I. DISCHARGE INFORMATION

This Order is intended to cover discharges of hydrostatic test water and potable water to various receiving surface waters within the San Diego Region. Discharges regulated by this Order include, but are not limited to, potable and hydrostatic test discharges resulting from testing, repair, and maintenance of pipelines, tanks, and vessels dedicated to drinking water purveyance. Information on other types of discharges covered by this Order can be found in Section III. B of this Order and the Fact Sheet, Section I.C.

The federal Clean Water Act requires that point source discharges of pollutants to waters of the United States be permitted in accordance with the National Pollutant Discharge Elimination System (NPDES). NPDES Regulations, 40 CFR 122.28, provides for the issuance of general permits to regulate discharges of waste which result from similar operations, are the same type of waste, require the same effluent limitations, and require similar monitoring.

Certain constituents potentially contained in hydrostatic test water and/or potable water discharges threaten to cause or contribute to excursions above narrative and numeric water quality objections contained in state and federal regulations. These types of discharges could therefore pose a chronic or acute toxicity risk to freshwater and saltwater aquatic animal and plant life. Constituents of concern include, but are not limited to, chlorine and chlorination by-products, total dissolved solids, boron, sodium, sulfate, fluoride, turbidity, total suspended solids, erosion and sedimentation.

II. PERMIT INFORMATION

A. Eligibility Criteria

1. This Order covers discharges of hydrostatic test water and potable water to surface waters within the San Diego Region.

2. To be authorized by this General Order, Dischargers must demonstrate that the discharge or proposed discharge meets the following criteria:

    a. Pollutant concentrations in the discharge do not cause, have a reasonable potential to cause, or contribute to an excursion above any applicable federal water quality criterion established by USEPA pursuant to CWA section 303;

    b. Pollutant concentrations in the discharge do not cause, have a reasonable potential to cause, or contribute to an excursion above any water quality objective adopted by the Regional Water Board or State Water Resources Control Board (State Water Board), including prohibitions of discharge for the receiving waters; and

c. The discharge does not cause acute or chronic toxicity in the receiving water.

B. Enrollment

To obtain coverage under this Order a Discharger must submit the following to the California Regional Water Quality Control Board, San Diego Region (Regional Board):

1. A Notice of Intent (NOI) at least 60 days before the planned commencement of discharge (see Attachment B).

2. A report for each project proposed over the next 12-month period. The reports should include, at a minimum, the following:

    a. Characterization of the proposed discharge (i.e. repair of potable water line, maintenance, etc.);
    b. Location of the proposed discharge;
    c. Estimated average and maximum daily flow rates for the proposed discharge (if known);
    d. The frequency and duration of the proposed discharge (if known);
    e. The proposed date of the discharge;
    f. Affected receiving water(s);
    g. Map identifying the discharge location (s).
    h. A certification that alternative methods of disposal, such as water conservation and reuse of water, have been explored and considered and that no alternative method of disposal exist.

3. Payment of the application fee, equal to the first annual fee, made payable to State Water Resources Control Board or "SWRCB."

The WDR NOI, including, the application fee, and other attachments, must be submitted to the following address:

CRWQCB – San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Attn: Hydrostatic Test Water and Potable Water Discharges
Core Regulatory Unit
NOTICE OF INTENT

C. Coverage

Coverage will be effective when all of the following have occurred:

1. The Discharger has submitted a complete NOI application, as determined by the Regional Board; and

2. The Regional Board issues the Discharger's a Notice of Enrollment, which includes the discharge flow limit, mass limit, any additional or increase in monitoring due to specific circumstances of the discharge, and any other additional requirements.

3. Current dischargers enrolled in Order No. R9-2002-0020 will be automatically re-enrolled under this Order. If a discharger does not want to continue coverage under this Order, a written request (Notice of Termination) shall be submitted to the Regional Board (see Section E below).

D. Discharge to a Municipal Separate Storm Sewer System (MS4)

Prior to discharging into an MS4, the Discharger shall demonstrate alternatives to discharging hydrostatic test water and potable water into an MS4 and why it is technically or economically infeasible to implement these alternatives.

Without prior approval from the appropriate local agency with jurisdiction over the MS4, the discharger shall not discharge hydrostatic test water and/or potable water under this Order into an MS4.

Local agencies responsible for operating the MS4s may not passively receive and discharge pollutants from third parties. By providing free and open access to an MS4 that conveys discharges to waters of the U.S., the MS4 operator essentially accepts responsibility for discharges into the MS4 that it does not prohibit or control. These discharges may cause or contribute to a condition of contamination or a violation of water quality standards.

Therefore, at least 30 days prior to initiating a hydrostatic or potable water discharge to an MS4, the Discharger shall notify and receive authorization from the appropriate local agency with jurisdiction over the MS4. This requirement encourages communication between Dischargers enrolled under this Order and local agencies responsible for MS4s in an effort to reduce misunderstandings and concerns over the types of discharges covered by this Order.

E. Termination of Discharges

Dischargers shall submit a written request referred to as a "Notice of Termination (NOT)" to this Regional Board when coverage under this Order is no longer required. The NOT letter constitutes a notice that the discharger (and his/her agent) of the site has ceased the discharge of hydrostatic test water and/or potable water under this Order.

The NOT should include "Notice of Termination (NOT)" In the subject line, the Waste Discharge Identification Number (WDID) assigned to the project by the Regional Board when enrolled in the Order, the name and address of the water

distributors (purveyor), water district, municipality, or private entity, and be signed and dated in accordance with the signatory requirements of the Order. The Discharger shall continue to comply with the requirements of the Order until the Regional Board approves the NOT. Submittal of a NOT letter does not guarantee termination. Approval of the NOT does not relieve the Discharger's responsibility for paying any applicable outstanding invoices of annual fees as a result of enrollment under this Order.

F. Transferring Ownership

Enrollment under the Order is not transferable. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the enrolled Discharger, the Discharger must notify the new succeeding owner or operator of the existence of this Order by letter 120 days prior to property transfer, a copy of which must be immediately forwarded to the Regional Board office. Additionally, the Discharger must submit a NOT to the Regional Board. The new succeeding owner or operator must submit a new NOI in application of enrollment under this Order.

III. Findings

The Regional Board finds:

A. Background

On August 14, 2002, this Regional Board adopted Order No. R9-2002-0020 NPDES No. CAG679001 General Waste Discharge Requirements for discharges of hydrostatic test water and potable water to surface waters within the San Diego Region. There are currently 36 dischargers enrolled under this General Permit.

This Order supersedes Order No. 2002-0020. The NPDES No. CAG679001 remains the same. Dischargers enrolled under previous Order No. 2002-0020 will be automatically enrolled in this Order.

B. Discharge Description

This Order covers existing and proposed discharges of hydrostatic test water and potable water discharges to various receiving water within the San Diego Region.

Hydrostatic test water discharges are those discharges resulting from testing of pipelines, tanks, and vessels that are dedicated to drinking water purveyance and storage as well as testing of newly constructed non-drinking water (gas, oil, reclaimed water, etc.) pipelines, tanks, and vessels. This permit does not cover discharges from hydrostatic test done on used non-drinking water pipelines, tanks, and vessels.

Potable water discharges include discharges resulting from repair, maintenance, and disinfection of pipelines, tanks, vessels, and reservoirs dedicated to drinking water purveyance and storage.

C. Legal Authorities

This Order is issued pursuant to sections 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 a 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).

States may request authority to issue general NPDES permits pursuant to 40 CFR section 122.28. On June 8, 1989, the California State Water Resources Control Board (State Board) submitted an application to USEPA requesting revisions to its NPDES Program in accordance with 40 CFR sections 122.28, 123.62, and 403.10. The application included a request to add WDR authority to its approved NPDES

Program. On September 22, 1989, USEPA, Region 9, approved the State Board's request and granted authorization for the State of California to issue general NPDES permits.

D. Background and Rationale for Requirements

The Regional Board developed the requirements in this Order based on information submitted as part of the applications for several like agencies, individuals, and entities, through monitoring and reporting programs, and through special studies. Attachments A through G, which contain background information and rationale for Order requirements, are hereby incorporated into this Order and constitute part of the Findings for this Order.

E. California Environmental Quality Act (CEQA)

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100-21177.

F. Technology-Based Effluent Limitations (TBELs)

Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of Federal Regulations[1], require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards.

This Order does not include numeric-TBELs because USEPA has not promulgated effluent limitation guidelines for hydrostatic test water and potable water discharges.

G. Water Quality-Based Effluent Limitations (WQBELs)

Section 301(b) of the CWA and section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

Section 122.44(d)(1)(i) mandates 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 has been 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

[1] All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

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 in section 122.44(d)(1)(vi).

H. Water Quality Control Plan

The Regional Board's Water Quality Control Plan for the San Diego Basin (hereinafter Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan. The Basin Plan was adopted by the Regional Board on September 8, 1994, and was subsequently approved by the State Board on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and the State Board.

In addition, State Board Resolution No. 88-63 establishes state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal and domestic supplies. Requirements of this Order specifically implement the applicable provisions of the Basin Plan and State Board policy.

I. National Toxics Rule (NTR) and California Toxics Rule (CTR)

USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants.

J. State Implementation Policy

On March 2, 2000, the State Board adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP). The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by USEPA through the NTR and to the priority pollutant objectives established by the Regional Boards in their Basin Plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the USEPA Regional Administrator. The alternate test procedures provision became effective on May 22, 2000. The SIP became effective on May 18, 2000. The SIP includes procedures for determining the need for WQBELs and for calculating WQBELs. The SIP also requires Dischargers to submit sufficient data to make the determination, and if necessary to calculate the WQBELs. The State Board adopted amendments to the SIP on February 24, 2005, that became effective on July 13, 2005. The SIP establishes

implementation provisions for priority pollutant criteria and objectives, and provisions for chronic toxicity control. Requirements of this Order implement the SIP.

K. Compliance Schedules and Interim Requirements – Not Applicable

L. California Ocean Plan

The State Water Board adopted the Water Quality Control Plan for Ocean Waters of California, California Ocean Plan (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 beneficial uses of ocean waters of the State to be protected as summarized below:

Table 4. Ocean Plan Beneficial Uses

Discharge Point	Receiving Water	Beneficial Uses
Outfall 001	Pacific Ocean	Industrial water supply; water contact and non-contact recreation, including aesthetic enjoyment; navigation; commercial and sport fishing; mariculture; preservation and enhancement of designated Areas of Special Biological Significance (ASBS); rare and endangered species; marine habitat; fish spawning and shellfish harvesting

In order to protect the beneficial uses, the Ocean Plan establishes water quality objectives and a program of implementation. Requirements of this Order implement the Ocean Plan.

M. Alaska Rule

On March 30, 2000, USEPA revised its regulation that specifies when new and revised State and Tribal water quality standards (WQS) become effective for CWA purposes (40 CFR section 131.21, 65 FR 24641, April 27, 2000). Under the revised regulation (also known as the Alaska rule), USEPA must approve new and revised standards submitted to USEPA after May 30, 2000, 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.

N. Stringency of Requirements for Individual Pollutants

This Order contains water quality-based effluent limitations for individual pollutants.

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 CTR, the CTR is the applicable standard pursuant to section 131.38.

The scientific procedures for calculating the individual water quality-based effluent limitations for priority pollutants are based on the CTR-SIP, which was approved by USEPA on May 18, 2000. 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 USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to section 131.21(c)(1). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

O. Antidegradation Policy

Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Board established California's antidegradation policy in State Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Boards' Basin Plans implement, and incorporate by reference, both the State and federal antidegradation policies. As discussed in detail in the Fact Sheet, the permitted discharges are consistent with the antidegradation provision of 40 CFR section 131.12 and State Board Resolution No. 68-16.

P. Anti-Backsliding Requirements

Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations of 40 CFR section 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. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order.

Q. 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 the applicable Endangered Species Act.

R. Monitoring and Reporting

Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Boards to require technical and monitoring reports. The Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements to implement federal and State requirements. This MRP is provided in Attachment E.

S. Standard and Special Provisions

Standard Provisions, which in accordance with 40 CFR sections 122.41 and 122.42 apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. The Regional Board has also included in this WDR special provisions applicable to the enrolled Dischargers. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet (Attachment F).

T. Provisions and Requirements Implementing State Law.

The provisions/requirements in subsections **<IV.A, IV.C, and IV.G >** 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.

U. Notification of Interested Parties

The Regional Board has notified the Dischargers, interested agencies and persons of its intent to prescribe WDRs for these discharges, and has provided them with an opportunity to submit their written comments and recommendations. Notification details are provided in the Fact Sheet of this Order.

V. Consideration of Public Comment

The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharges. Details of the Public Hearing are provided in the Fact Sheet of this Order.

THEREFORE, IT IS HEREBY ORDERED, that this Order supercedes Order No. R9-2002-0020 except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) 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.

IV. Discharge Prohibitions

A. The discharge of hydrostatic test and/or potable water to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance as defined in Water Code section 13050, is prohibited.

B. The discharge of hydrostatic test and/or potable water shall not cause, have a reasonable potential to cause, or contribute to exceedances of any applicable criterion promulgated by USEPA pursuant to section 303 of the CWA, or water quality objective adopted by the State or Regional Boards.

C. The discharge of hydrostatic test and/or potable water to areas designated by the State Board as being of special (ASBS) biological significance is prohibited. Discharges shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in these areas.

D. A discharge in excess of the flowrate specified in the Notice of Enrollment from the Regional Board is prohibited, unless the enrollee obtains a revised discharge Notice of Enrollment authorizing an increased flowrate.

E. The addition of pollutants to hydrostatic test and/or potable water discharges is prohibited, except where authorized by this permit.

F. The discharge of hydrostatic test and/or potable water to waters within the San Diego Region is prohibited unless an NOI has been submitted, and the Regional Board has provided the Discharger with a written Notice of Enrollment identifying the discharge subject to waste discharge requirements.

G. Compliance with Discharge Prohibitions contained in the Basin Plan is required as a condition of this Order.

H. Discharges of wastes in a manner, or to a location which have not been specifically regulated by waste discharge requirements of this Order are prohibited.

I. The discharge of any radiological, chemical, or biological warfare agent, or high level radiological waste is prohibited.

J. The discharge of oil, garbage, trash, or other solid municipal, industrial, or agricultural waste directly into waters in the San Diego Region or in any manner,

which could ultimately affect surface waters in the San Diego Region, is prohibited.

K. The dumping or deposition of chemical agents or explosives into waters of the State is prohibited.

L. The discharge of wastes that cause or contribute to the violation of water quality standards (designated beneficial uses and water quality objectives developed to protect beneficial uses) is prohibited.

V. Effluent Limitations and Discharge Specifications

A. Effluent Limitations

The discharge of Hydrostatic Test Water and/or Potable Water shall not contain constituents in excess of the following:

Table 5. Effluent Limitations

Parameter	Units	Instantaneous Maximum
Daily Flow	GPD	Specified in Enrollment Letter
Total Residual Chlorine	mg/L	0.1
pH	Units	**Bays and Estuaries** Between 7.0 and 9.0 at all times **Inland Surface Waters** Between 6.5 and 8.5 at all times.

B. Land Discharge Specifications (Not Applicable)

C. Reclamation Specifications (Not Applicable)

VI. Receiving Water Limitations

The discharge of waste shall not cause or contribute to an excursion above the following water quality objectives in the receiving water:

A. Surface Water Limitations

Inland Surface Waters, Bays and Estuaries

1. Bacterial Characteristics

   a. Waters Designated Contact Recreation

      In waters designated for contact recreation (REC-1), the fecal coliform concentration based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200/100 milliliters (ml), nor shall more than 10 percent of total samples during any 30-day period exceed 400/100 ml.

   b. Waters Designated Non-Contact Recreation

      In waters designated for non-contact recreation (REC-2) and not

designated for contact recreation (REC-1), the average fecal coliform concentrations for any 30-day period, shall not exceed 2,000/100 ml nor shall more than 10 percent of samples collected during any 30-day period exceed 4,000/100 ml.

c. Shellfish Harvesting Standards

In waters where shellfish harvesting for human consumption, commercial or sports purposes is designated (SHELL), the median total coliform concentration throughout the water column for any 30-day period shall not exceed 70/100 ml nor shall more than 10 percent of the samples collected during any 30-day period exceed 230/100 ml for a five-tube decimal dilution test or 330/100 ml when a three-tube decimal dilution test is used.

d. Bays and Estuaries

In bays and estuaries, the most probable number of coliform organisms in the upper 60 feet of the water column shall be less than 1,000 per 100 ml (10 per ml); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 ml (10 per ml), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 (100 per ml).

e. San Diego Bay

In San Diego Bay where bay waters are used for whole fish handling, the density of E. coli shall not exceed 7 per ml in more than 20 percent of any 20 daily consecutive samples of bay water.

2. Physical Characteristics

a. Waters shall not contain oils, greases waxes, or other materials in concentrations which result in visible film or coating on the surface of the water or on objects in the water, or which cause nuisance or which otherwise adversely affect beneficial uses.

b. Waters shall not contain floating material, including solids, liquids, foams, and scum in concentrations which cause nuisance or adversely affect beneficial uses.

c. The discharge shall not alter the color, create a visual contrast with the natural appearance nor cause aesthetically undesirable discoloration of the receiving water.

d. The natural color of fish, shellfish or other resources in inland surface waters, coastal lagoon or bay and estuary shall not be impaired.

e. Waters shall not contain suspended and settleable solids in concentrations of solids that cause nuisance or adversely affect beneficial uses.

f. The discharge shall not cause the turbidity to increase to the extent that such an increase causes nuisance or adversely affects beneficial uses; such increase shall not exceed 20% when the natural turbidity is over 50 NTU or 10% when the natural turbidity is 50 NTU or less.

g. The discharge shall not cause sedimentation in the receiving water.

h. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures, storm water conveyance systems or other facilities nor overload their design capacity.

3. Chemical Characteristics

a. Chemical substances in amounts that adversely affect any designated beneficial uses are prohibited.

b. The discharge shall not cause dissolved oxygen levels in receiving waters of less than 5.0 mg/l in waters designated for MARINE or WARM beneficial uses or less than 6.0 mg/l in waters designated for COLD beneficial uses. The annual mean dissolved oxygen concentration shall not be less than 7 mg/l more than 10% of the time.

c. The pH shall not be changed at any time more than 0.2 units in waters designated MARINE, ESTUARINE, or SALINE. Changes in normal ambient pH levels shall not exceed 0.5 units in fresh waters designated COLD or WARM.

d. The discharge shall not cause the temperature at any time or place and within any given 24-hour period to be altered by more than 5°F above natural temperature, but at no time be raised above 80°F for waters designated as WARM.

e. The discharge shall not cause residual chlorine in concentrations that persist and impairs beneficial uses.

f. Any individual pesticide or combination of pesticides in concentrations that adversely affect beneficial uses or increase pesticide concentration in bottom sediment or aquatic life shall not be present.

4. Biological Characteristics

   a. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.

   b. The natural taste, odor, and color of fish, shellfish, or other aquatic resources used for human consumption shall not be altered.

   c. Biostimulatory substances at concentrations that promote aquatic growth to the extent that such grown causes nuisance or adversely affects beneficial uses shall not be present.

   d. The concentration of organic materials in fish, shellfish or other aquatic resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

5. Radioactivity

   a. Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life.

   b. Waters designated for use as domestic or municipal supply (MUN) shall not contain concentrations of radionuclides in excess of the levels specified in section 64441 of Title 22 of the California Code of Regulations (Natural Radioactivity) which is incorporated by reference into this plan. This incorporation by reference is prospective including future changes to the incorporated provisions as the changes take effect.

6. Toxic Materials Limitations

   All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration, or other appropriate methods as specified by the Regional Water Board.

7. Other Water Quality Objectives

   CTR Priority Pollutants as specified in the Table of Paragraph (b)(1) of 40 CFR 131.38.

Pacific Ocean

1. Bacterial Characteristics

a. Water-Contact Standards

Both the SWRCB and the California Department of Health Services (DHS) have established standards to protect water contact recreation in coastal waters from bacterial contamination. Subsection a of this section contains bacterial objectives adopted by the SWRCB for ocean waters used for water contact recreation. Subsection b describes the bacteriological standards adopted by DHS for coastal waters adjacent to public beaches and public water contact sports areas in ocean waters.

(1) SWRCB Water-Contact Standards

i. Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone used for water contact sports, as determined by the Regional Board (i.e., waters designated as REC-1), but including all kelp* beds, the following bacterial objectives shall be maintained throughout the water column: 30-day Geometric Mean – The following standards are based on the geometric mean of the five most recent samples from each site:

1. Total coliform density shall not exceed 1,000 per 100 ml;
2. Fecal coliform density shall not exceed 200 per 100 ml; and
3. Enterococcus density shall not exceed 35 per 100ml.

Single Sample Maximum:

1. Total coliform density shall not exceed 10,000 per 100 ml;
2. Fecal coliform density shall not exceed 400 per 100ml;
3. Enterococcus density shall not exceed 104 per 100 ml; and

(2) DHS Standards

DHS has established minimum protective bacteriological standards for coastal waters adjacent to public beaches and for public water-contact sports areas in ocean waters. These standards are found in the California Code of Regulations, title 17, section 7958, and they are identical to the objectives contained in subsection a. above. When a public beach or public water-contact sports area fails to meet these standards, DHS or the local public health officer may post with warning signs or otherwise restrict use of the public beach or public water-contact sports area until the standards are met. The DHS regulations impose more frequent monitoring and more stringent

posting and closure requirements on certain high-use public beaches that are located adjacent to a storm drain that flows in the summer.

For beaches not covered under AB 411 regulations, DHS imposes the same standards as contained in Title 17 and requires weekly sampling but allows the county health officer more discretion in making posting and closure decisions.

b. Shellfish* Harvesting Standards
(1) At all areas where shellfish may be harvested for human consumption, as determined by the Regional Board, the following bacterial objectives shall be maintained throughout the water column:

(2) The median total coliform density shall not exceed 70 per 100 ml, and not more than 10 percent of the samples shall exceed 230 per 100 ml.

2. Physical Characteristics

a. Floating particulates and grease and oil shall not be visible.

b. The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean* surface.

c. Natural light shall not be significantly reduced at any point outside the initial dilution zone as the result of the discharge of waste.

d. The rate of deposition of inert solids and the characteristics of inert solids in ocean sediments shall not be changed such that benthic communities are degraded*.

3. Chemical Characteristics

a. The dissolved oxygen concentration shall not at any time be depressed more than 10 percent from that which occurs naturally, as the result of the discharge of oxygen demanding waste materials.

b. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.

c. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.

d. The concentration of substances set forth in Chapter II, Table B, in marine sediments shall not be increased to levels which would degrade indigenous biota.

e. The concentration of organic materials in marine sediments shall not be increased to levels that would degrade marine life.

f. Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.

g. Numerical Water Quality Objectives

(1) Table B water quality objectives apply to all discharges within the jurisdiction of the Ocean Plan.

B. Groundwater Limitations (Not Applicable)

VII. Provisions

A. Standard Provisions

1. The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.

2. Regional Board Standard Provisions. The Discharger shall comply with the following provisions:

   a. The Discharger shall comply with all requirements and conditions of this Order. Any non-compliance with this Order constitutes a violation of the CWA and/or of the CWC and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or for denial of an application for permit renewal, modification, or reissuance.

   b. The Discharger shall comply with all applicable federal, state, and local laws and regulations for handling, transport, treatment, or disposal of waste or the discharge of waste to waters of the state in a manner which causes or threatens to cause a condition of pollution, contamination or nuisance as those terms are defined in CWC 13050.

   c. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the CWA.

   d. No discharge of waste into waters of the state, whether or not the discharge is made pursuant to WDRs, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights.

   e. For the purposes of this Order, the term “permittee” used in parts of 40 CFR incorporated into this Order by reference and/or applicable to this Order shall have the same meaning as the term “Discharger” used elsewhere in this Order.

   f. This Order expires on September 1, 2014, after which, the terms and conditions of this Order are automatically continued pending issuance of a new WDR, provided that all requirements of USEPA’s NPDES regulations at 40 CFR 122.6 and the State’s regulations at CCR Title 23, Section 2235.4 regarding the continuation of expired Orders and waste discharge requirements are met.

   g. Except as provided for in 40 CFR 122.7, no information or documents submitted in accordance with or in application for this Order will be considered confidential, and all such information and documents shall be

available for review by the public at the office of the Regional Water Board.

h. A copy of this Order shall be made available to all personnel/staff (including field staff) involved with the compliance of this Order.

i. The Discharger shall comply with any interim limitations established by addendum, enforcement action, or revised waste discharge requirements that have been or may be adopted by the Regional Water Board.

j. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges of Hydrostatic and/or Potable Water, may subject the Discharger to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Discharger to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.

k. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, effluent limitation, discharge specification, or receiving water limitation of this Order, the Discharger shall notify the Regional Water Board by telephone (858) 467-2952 within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within five days, unless the Regional Water Board waives confirmation. The written notification shall state the nature, time, duration, and cause of noncompliance, and shall describe the measures being taken to remedy the current noncompliance and prevent recurrence including, where applicable, a schedule of implementation. Other noncompliance requires written notification as above at the time of the normal monitoring report.

l. The Discharger is required to retain records, including all monitoring information and copies of all reports required by this Order, for five years unless directed otherwise by the Regional Board.

m. This Order may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of USEPA guidance concerning regulated activities, judicial decision, or in accordance with 40 Code of Federal Regulations (CFR) 122.62, 122.63, 122.64, and 124.5.

n. Enrollment in this Order is temporary. Dischargers enrolled in this Order planning to discharge hydrostatic test water and potable water discharges after the expiration date of September 1, 2014 may be subject to new prohibitions or requirements based on the re-issuance of this Order after September 1, 2014.

o. The enrollee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order and the Notice of Enrollment from the Regional Board, including such accelerated or additional monitoring as may be necessary to determine the nature, and effect of the non-complying discharge.

p. This Order or the Notice of Enrollment from the Regional Board, may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

(1) Violation of any terms or conditions of this Order or the Notice of Enrollment from the Regional Board;

(2) Obtaining enrollment in this Order, or a Notice of Enrollment from the Regional Board, by misrepresentation or failure to disclose fully all relevant facts;

(3) A change in any condition that requires either a temporary or permanent reduction or elimination of the discharge subject to waste discharge requirements; or

(4) A finding that monitoring "indicator" pollutants listed in this Order do not ensure compliance with water quality criteria or objectives for the pollutants expected to be represented by the "indicator" pollutants.

q. The filing of a request by the enrollee for modification, revocation and reissuance, or termination of this Order or an associated discharge Notice of Enrollment from the Regional Board, or a notification of planned change in or anticipated noncompliance with this Order or discharge Notice of Enrollment does not stay any condition of this Order or the Notice of Enrollment from the Regional Board.

r. Notwithstanding Provision 2.d above, if any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this Order, the Regional Board may institute proceedings under these regulations to modify or revoke and reissue this Oder to conform to the toxic effluent standard or prohibition.

s. In addition to any other grounds specified herein, this Order or a Notice of Enrollment from the Regional Board shall be modified or revoked at any time if, on the basis of any data, the Regional Board determines that continued discharges may cause unreasonable degradation of the aquatic environment.

t. The Regional Board or the Director of the USEPA may require any person requesting enrollment under this Order or subject to waste discharge requirements under this Order to apply for and obtain an individual NPDES permit. Cases where an individual NPDES permit may be required include but are not limited to those described in 40 CFR 122.28 (b)(3)(i) and (b)(3)(ii), and where the volume of a discharge exceeds 10 million gallons per year, or the duration of a discharge exceeds 3 years.

u. It shall not be a defense for the enrollee in an enforcement action that effluent limitation violations are a result of analytical variability rendering the results inaccurate. The validity of the testing results, whether or not the enrollee has monitored or sampled more frequently than required by this Order, shall not be a defense to an enforcement action.

v. The enrollee shall take all reasonable steps to minimize or prevent any discharge in violation of this Order which has a reasonable likelihood of adversely affecting human health or the environment.

w. For the purposes of this Order, the term permit, general permit, and WDR, shall have the same meaning as the term Order used elsewhere in this Order.

B. Monitoring and Reporting Program Requirements

The Discharger shall comply with the MRP, and future revisions thereto, in Attachment E of this Order.

C. Special Provisions

1. Reopener Provisions (Not Applicable)

2. Special Studies, Technical Reports and Additional Monitoring Requirements (Not Applicable)

3. Best Management Practices

   This Order contains requirements to reduce the discharge of pollutants, other than those that have effluent limitations in Section V.A of this Order, to the maximum extent practicable (MEP). The Discharger shall establish a set of Best Management Practices (BMPs) that address discharges associated with hydrostatic test water and/or potable water, including emergencies and discharges of raw water. The BMPs should include source control BMPs to minimize contact between pollutants and flow (e.g. rerouting of flow to prevent the discharge, erosion, which can lead to sedimentation in discharge) as well as treatment control BMPs to remove pollutants present in the discharge water before it enters receiving waters, including storm drains and other conveyance systems. Implementation of BMPs shall not interfere with necessary repair operations or impact public health and safety. A copy of the BMPs shall be submitted to the Regional Board, if requested.

4. Compliance Schedules (Not Applicable)

5. Construction, Operation and Maintenance Specifications (Not Applicable)

6. Special Provisions for Municipal Facilities (POTWs Only) (Not Applicable)

7. Other Special Provisions

   The Dischargers shall dispose of solids removed from liquid wastes in a manner that is consistent with Title 27 of the CCR and approved by the Regional Board.

8. Order No. R9-2009-0094 may be modified by the Regional Board and EPA to enable the discharger to participate in comprehensive regional monitoring activities conducted in the Southern California Bight during the term of this permit. The intent of regional monitoring activities is to maximize the efforts of all monitoring partners using a more cost-effective monitoring design and to best utilize the pooled scientific resources of the region. During these coordinated sampling efforts, the discharger's sampling and analytical effort may be reallocated to provide a regional assessment of the impact of the discharge of municipal wastewater to the Southern California Bight.

   Anticipated modifications to the monitoring program will be coordinated so as to provide a more comprehensive picture of the ecological and statistical significance of monitoring results and to determine cumulative impacts of various pollution sources. If predictable relationships among the biological, water quality and effluent monitoring variables can be demonstrated, it may be appropriate to decrease the discharger's sampling effort. Conversely, the monitoring program may be intensified if it appears that the objectives cannot be achieved through the discharger's existing monitoring program. These changes will improve the overall effectiveness of monitoring in the Southern California Bight. Minor changes may be made without further public notice.

VIII. Compliance Determination

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

A. Instantaneous Maximum Effluent Limitation

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a violation will be flagged and the Discharger will 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).

Attachment A – Definitions

Acute Toxicity

a. Acute Toxicity (TUa)

Expressed in Toxic Units Acute (TUa)

$$TUa = \frac{100}{96\text{-hr LC}_{50\%}}$$

b. Lethal Concentration 50% (LC 50)

LC 50 (percent waste giving 50% survival of test organisms) shall be determined by static or continuous flow bioassay techniques using standard marine test species as specified in Ocean Plan Appendix III. If specific identifiable substances in wastewater can be demonstrated by the discharger as being rapidly rendered harmless upon discharge to the marine environment, but not as a result of dilution, the LC 50 may be determined after the test samples are adjusted to remove the influence of those substances.

When it is not possible to measure the 96-hour LC 50 due to greater than 50 percent survival of the test species in 100 percent waste, the toxicity concentration shall be calculated by the expression:

$$TUa = \frac{\log (100 - S)}{1.7}$$

where:

S = percentage survival in 100% waste. If S > 99, TUa shall be reported as zero.

Areas of Special Biological Significance (ASBS)
Those areas designated by the State Water Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. All Areas of Special Biological Significance are also classified as a subset of STATE WATER QUALITY PROTECTION AREAS.

Arithmetic Mean (μ), also called the average: the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

Arithmetic mean = $\mu = \Sigma x / n$ where: Σx is the sum of the measured ambient water concentrations, and n is the number of samples.

Average Monthly Effluent Limitation (AMEL): the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges

measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Effluent Limitation (AWEL): the highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Bioaccumulative Pollutants: those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

Carcinogenic Pollutants: substances that are known to cause cancer in living organisms.

Coefficient of Variation (*CV*): a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

Cone of Depression: A depression in the water table that develops around a pumped well.

Cone of Influence: The depression, roughly conical in shape, produced in a water table by the pumping of water from a well.

Contamination Site: A site that is currently under investigation or cleanup for any medium (air, soil, water), or is provided oversight by any local, state, or federal environmental regulatory agency, such as the County of San Diego, Air Pollution Control District, and Department of Toxics Substance Control, or the quality of surface water or groundwater at a site has been altered by wastes to a degree which unreasonably affects either the waters for beneficial uses or facilities which serve these beneficial uses.

Chronic Toxicity

This parameter shall be used to measure the acceptability of waters for supporting a healthy marine biota until improved methods are developed to evaluate biological response.

a. Chronic Toxicity (TUc)

Expressed as Toxic Units Chronic (TUc)

$$TUc = \frac{100}{NOEL}$$

b. No Observed Effect Level (NOEL)

The 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 Ocean Plan Appendix II.

Daily Discharge: Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12 a.m. through 11:59 p.m.) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day, or other 24-hour period defined as a day), or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if one day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

Degrade: Degradation shall be determined by comparison of the waste field and reference site(s) for characteristic species diversity, population density, contamination, growth anomalies, debility, or supplanting of normal species by undesirable plant and animal species. Degradation occurs if there are significant differences in any of three major biotic groups, namely, demersal fish, benthic invertebrates, or attached algae. Other groups may be evaluated where benthic species are not affected, or are not the only ones affected.

Detected, but Not Quantified (DNQ): those sample results less than the Reporting Level (RL), but greater than or equal to the laboratory's Method Detection Limit (MDL).

Dilution Credit: the amount of dilution granted to a Discharger in the calculation of a water quality-based effluent limitation, based on the allowance of a specified mixing zone. It is calculated from the dilution ratio, or determined through conducting a mixing zone study, or modeling of the discharge and receiving water.

Effluent Concentration Allowance (ECA): a value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the coefficient of variation for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as waste load allocation (WLA) as used in USEPA guidance (Technical Support Document For Water Quality-based Toxics Control, March 1991, second printing, EPA/505/2-90-001).

Enclosed Bays: indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75

percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

Estimated Chemical Concentration: the estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the Minimum Level value.

Estuaries: waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters include~~d~~, but are not limited to, the Sacramento-San Joaquin Delta, as defined in Water Code section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

Initial Dilution: the process which results in the rapid and irreversible turbulent mixing of wastewater with ocean water around the point of discharge. For a submerged buoyant discharge, characteristic of most municipal and industrial wastes that are released from the submarine outfalls, the momentum of the discharge and its initial buoyancy act together to produce turbulent mixing. Initial dilution in this case is completed when the diluting wastewater ceases to rise in the water column and first begins to spread horizontally.

For shallow water submerged discharges, surface discharges, and nonbuoyant discharges, characteristic of cooling water wastes and some individual discharges, turbulent mixing results primarily from the momentum of discharge. Initial dilution, in these cases, is considered to be completed when the momentum induced velocity of the discharge ceases to produce significant mixing of the waste, or the diluting plume reaches a fixed distance from the discharge to be specified by the Regional Board, whichever results in the lower
estimate for initial dilution.

Inland Surface Waters: all surface waters of the State that do not include the ocean, enclosed bays, or estuaries. Inland surface water consist of freshwater and do not have any measurable salinity.

Instantaneous Maximum Effluent Limitation: the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation: the lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

Kelp Beds: for purposes of the bacteriological standards of the Ocean plan, are significant aggregations of marine algae of the genera Macrocystis and Nereocystis. Kelp beds include the total foliage canopy of Macrocystis and Nereocystis plants throughout the water column.

Maximum Daily Effluent Limitation (MDEL): the highest allowable daily discharge of a pollutant, over a calendar day (or 24-hour period). For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

Median: the middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements (n) is odd, then the median = $X_{(n+1)/2}$. If n is even, then the median = $(X_{n/2} + X_{(n/2)+1})/2$ (i.e., the midpoint between the $n/2$ and $n/2+1$).

Method Detection Limit (MDL): the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in title 40 of the Code of Federal Regulations, Part 136, Attachment B, revised as of July 3, 1999.

Minimum Level (ML): the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

Mixing Zone: A limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body.

Natural Light: Reduction of natural light may be determined by the Regional Board by measurement of light transmissivity or total irradiance, or both, according to the monitoring needs of the Regional Board.

Not Detected (ND): those sample results less than the laboratory's MDL.

Notice of Enrollment: A notice from the Regional Board to the discharger that the NOI application has been accepted and the project is enrolled in this Order. The Notice of Enrollment will specify the discharge flow limit, any additional or increase in monitoring due to specific circumstances of the discharge, or other requirements.

Notice of Intent (NOI): A form completed and signed by a Discharger notifying the Regional Board that the Discharger is applying for enrollment under the terms and conditions of the Order and will comply with the Order for hydrostatic and potable water discharge activity at a specific site.

Notice of Termination (NOT): A letter completed and signed by a Discharger notifying the Regional Board that the Discharger no longer wishes to discharge under the Order. Submission of a NOT constitutes notice that the owner (and his/her agent) of the site identified on the letter has ceased discharge groundwater associated with groundwater extraction activities at the site under this Order.

Ocean Waters: the territorial marine waters of the State as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. Discharges to ocean waters are regulated in accordance with the State Board's California Ocean Plan.

Persistent pollutants: substances for which degradation or decomposition in the environment is nonexistent or very slow.

Potable Water: Water that is safe for drinking.

Public Water [Supply] System: A system for the provision to the public of piped water [provided] for human consumption through pipes or other constructed conveyances if such a system has at least fifteen service connections or regularly serves at least twenty-five individuals.

Raw water: Water that is taken from the environment with the intent to subsequently treat or purify to produce potable water.

Radius of Influence: The radial distance from the center of a wellbore to the point where there is no lowering of the water table or potentiometric surface (the edge of the cone of depression).

Reporting Level (RL): the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this WDR. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Board either from Appendix 4 of the SIP in accordance with section 2.4.2 of the SIP, or established in accordance with section 2.4.3 of the SIP. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

Satellite Collection System: the portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility that a sanitary sewer system is tributary to.

Shellfish: organisms identified by the California Department of Health Services as shellfish for public health purposes (i.e., mussels, clams and oysters).

Significant difference is defined as a statistically significant difference in the means of two distributions of sampling results at the 95 percent confidence level.

Six-Month Median Effluent Limitation: the highest allowable median of all daily discharges, based on 24-hour flow-weighted composite samples, for any 180-day period.

Source of Drinking Water: any water designated as municipal or domestic supply (MUN) in a Regional Board Basin Plan.

Standard Deviation (σ): a measure of variability that is calculated as follows:

$$\sigma = (\sum[(x - \mu)^2]/(n - 1))^{0.5}$$

where:

x is the observed value;

μ is the arithmetic mean of the observed values; and

n is the number of samples.

Toxicity Reduction Evaluation (TRE): a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A Toxicity Identification Evaluation (TIE) may be required as part of the TRE, if appropriate. (A TIE is a set of procedures to identify the specific chemical[s] responsible for toxicity. These procedures are performed in three phases [characterization, identification, and confirmation] using aquatic organism toxicity tests.)

Waste: as used in the Ocean Plan, waste includes a discharger's total discharge, of whatever origin, i.e., gross, not net, discharge.

Waters of the United States or waters of the U.S.: (40 e-CFR 122.2, March 20, 2007) (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (b) All interstate waters, including interstate "wetlands;" (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) Which are or could be used by interstate or foreign travelers for recreational or other

purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as waters of the United States under this definition; (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition; (f) The territorial sea; and (g) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Attachment B – Notice of Intent Form

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

NOTICE OF INTENT

TO COMPLY WITH THE TERMS AND CONDITIONS OF THE GENERAL WASTE DISCHARGE REQUIREMENTS FOR THE DISCHARGES OF HYDROSTATIC TEST WATER AND POTABLE WATER TO SURFACE WATERS AND STORM DRAINS OR OTHER CONVEYANCE SYSTEMS, SAN DIEGO COUNTY
(Order No. R9-2009-0094, NPDES NO. CAG919001)

I. Stipulation of Applicability and Certification

☐ **<AGENCY NAME>** has determined that the discharges of hydrostatic test water and potable water will be to surface waters within the San Diego Region and that any violation of effluent limitations will be subject to Mandatory Minimum Penalties under California Water Code section 13385(h) and (i).

☐ **<AGENCY NAME>** has determined that this discharge is eligible for enrollment in this General "Waste Discharge Requirements" (WDR or Order) and the discharge will comply with the Discharge Specifications of this Order.

☐ All other alternative methods of disposal, such as water conservation and reuse of water, have been explored and considered and determined to be economically infeasible.

☐ **<AGENCY NAME>** has read Order No. R9-2009-0094 and hereby certifies that:

1. **<AGENCY NAME>** understands the requirements of Order No. R9-2009-0094.

2. The enclosed information describing proposed discharges of hydrostatic test water and potable water is accurate and describes a discharge that meets the requirements of Order No. R9-2009-0094, which is the applicable general hydrostatic test water and potable water discharge permit.

3. **<AGENCY NAME>** will comply with all terms, conditions, and requirements of Order No. R9-2009-0094.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those directly responsible for gathering the

information, the information submitted is true, accurate, and complete to the best of my knowledge and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the permit, including the criteria for eligibility will be complied with.	
A. Printed Name:	
B. Signature*:	C. Date:
D. Agency and Title:	

* The appropriate person must sign the application form.
Acceptable signatures are:
1. for a corporation, a principal executive officer of at least the level of senior vice-president;
2. for a partnership or individual (sole proprietorship), a general partner or the proprietor;
3. for a governmental or public agency, either a principal executive officer or ranking elected/appointed official.

II. Items Required for Determining Eligibility

- ☐ A. Identify and discuss technical and economic feasibility of alternative disposal options.
- ☐ B. If discharging to an MS4, obtain authorization from the appropriate municipality and submit proof.
- ☐ C. Submit a completed and signed Form 200 (*Application/Report of Waste Discharge, General Information for Waste Discharge Requirements or NPDES Permit*).
- ☐ D. A map identifying all discharge points.

III. Notice of Intent Status

Is this a reenrollment of an expiring General NPDES/WDR? 1. ☐ No 2. ☐ Yes, Order No.: _____

IV. Contractor/Operator[1]

Name			
Mailing Address			
City	State	ZIP	Phone
Contact Person			
☐ Contractor	☐ Operator	☐ Contractor/Operator	

V. Property Owner[2]

Name			
Mailing Address			
City	State	ZIP	Phone
Contact Person			

VI. Responsible Party for Compliance with Order No. R9-2009-0094

☐ Same as Contractor/Operator		☐ Same as Property Owner	
Name			
Mailing Address			
City	State	ZIP	Phone
Contact Person			

VII. Contact Information and Billing Address

Name			
Mailing Address			
City	State	ZIP	Phone
Contact Person			

VIII. Discharge Information

A. Will treatment be required to meet the Discharge Specifications of this Order?

☐ Yes* ☐ No

If Yes, describe.

_____

_____

B. Describe the proposed discharge(s). List any potential pollutants in the discharge. Attach additional sheets if needed.

[1] If additional contractors/operators are involved, provide the information in a supplementary attachment.
[2] If additional property owners are involved, provide the information in a supplementary attachment.

C. Proposed Start Date of the Discharge: _____ Estimated Stop Date of the Discharge:_____

Estimated Frequency of the Discharge: _____ Estimated Duration of Discharge Event: _____

D. For each discharge point, identify the location of discharge according to the following (*show on attached map*):

☐ Storm Drain, ☐ Attach proof of authorization from the appropriate municipality for the discharge into the storm drain or conveyance used to convey the discharge.

☐ Directly into surface water, ☐ submerged, or ☐ on the surface

IX. Evaluation of Disposal/Reuse Options

Provide an evaluation of disposal and/or reuse options and justification for selecting a surface water disposal alternative. If no alternative disposal options are viable, explain why (attach additional sheet as necessary). If alternative disposal options are feasible, contact the Regional Water Board. This Order does not apply if there is no discharge to surface waters.

Can water be reused?	☐ Yes	☐ No
Is groundwater recharge a viable option?	☐ Yes	☐ No
Is land disposal a viable option?	☐ Yes	☐ No
Other If no, explain:	☐ Yes	☐ No

X. Application Fee

The initial fee and annual fee are based upon the type of pollutants to be discharged or potentially discharged.

Make checks payable to “State Water Resources Control Board” and include “Hydrostatic Test Water and Potable Water Discharges” in the “memo” field.

Category 3 Lowest Threat to Water Quality
Discharges that require minimal or no treatment systems to meet limits and pose no significant threat to the environment. (Current fee is $1,200 plus $252 surcharge = $1,452)

V. ANTIDEGREDATION POLICIES

A. ☐ Statement of compliance with 40 CFR 131.12 and State Water Resources Control Board Resolution No. 68-16 (attach) (collectively antidegredation policies)

40 CFR 131.12 Antidegradation policy.
(a) The State shall develop and adopt a statewide antidegradation policy and identify the methods for implementing such policy pursuant to this subpart. The antidegradation policy and implementation methods shall, at a minimum, be consistent with the following:
(1) Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.
(2) Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the State shall assure water quality adequate to protect existing uses fully. Further, the State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control.
(3) Where high quality waters constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges, and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.
(4) In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with section 316 of the Act.

RESOLUTION NO, 68-16
STATEMENT OF POLICY WITH RESPECT TO MAINTAINING HIGH QUALITY OF WATERS IN CALIFORNIA
WHEREAS the California Legislature has declared that it is the policy of the State that the granting of permits and licenses for unappropriated water and the disposal of wastes into the waters of the State shall be so regulated as to achieve highest water quality consistent with maximum benefit to the people of the State and shall be controlled so as to promote the peace, health, safety and welfare of the people of the State; and
WHEREAS water quality control policies have been and are being adopted for waters of the State; and
WHEREAS the quality of some waters of the State is higher than that established by the adopted policies and it is the intent and purpose of this Board that such higher quality shall be maintained to the maximum extent possible consistent with the declaration of the Legislature;

NOW, THEREFORE, BE IT RESOLVED:
1. Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.
2. Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur, and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.
3. In implementing this policy, the Secretary of the Interior will be kept advised and will be provided with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Secretary of the Interior as part of California's water quality control policy submission.
CERTIFICATION
The undersigned, Executive Officer of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 24, 1968.
Dated: October 28, 1968
Kerry W. Mulligan, Executive Officer
State Water Resources Control Board

VI. CALIFORNIA CONSTITUTION COMPLIANCE

A. ☐ Discuss the potential uses of the extracted groundwaters, efforts made to ensure use to the fullest extent possible and compliance with Article 10, Section 2 of the California Constitution (attach)

CALIFORNIA CONSTITUTION
ARTICLE 10 WATER
SEC. 2. It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. The right to water or to the use or flow of water in or from any natural stream or water course in this State is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water. Riparian rights in a stream or water course attach to, but to no more than so much of the flow thereof as may be required or used consistently with this section, for the purposes for which such lands are, or may be made adaptable, in view of such reasonable and beneficial uses; provided, however, that nothing herein contained shall be construed as depriving any riparian owner of the reasonable use of water of the stream to which the owner's land is riparian under reasonable methods of diversion and use, or as depriving any appropriator of water to which the appropriator is lawfully entitled.

This section shall be self-executing, and the Legislature may also enact laws in the furtherance of the policy in this section contained.

Submit the NOI, first annual fee, map, and other attachments to the following address:

CRWQCB – San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Attn: Hydrostatic Test Water and Potable Water Discharges
Core Regulatory Unit
NOTICE OF INTENT

VII. STATE USE ONLY

WDID:	Staff Initials:	Status: ☐ Complete ☐ Incomplete ☐ Withdrawn
Date NOI Received:	Check #:	
Date NOI Processed:	Fee Amount Received: $	
Comments:		

Attachment C – (Not applicable)

Attachment D – Standard Provisions

I. Standard Provisions – Permit Compliance

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (CWC) and is grounds for enforcement action, for permit termination, revocation and reissuance, or denial of a permit renewal application [40 CFR §122.41(a)].

2. The Discharger shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not been modified to incorporate the requirement [40 CFR §122.41(a)(1)].

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order [*40 CFR §122.41(c)*].

C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment [40 CFR §122.41(d)].

D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order [40 CFR §122.41(e)].

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges [40 CFR §122.41(g)].

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations [40 CFR §122.5(c)].

F. Inspection and Entry

The Discharger shall allow the Regional Water Quality Control Board (Regional Board), California State Water Resources Control Board (State Board), United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to [*40 CFR §122.41(i)*] [*CWC 13383(c)*]:

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order [40 CFR §122.41(i)(1)];

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order [40 CFR §122.41(i)(2)];

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order [40 CFR §122.41(i)(3)];

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location [40 CFR §122.41(i)(4)].

G. Bypass

1. Definitions

   a. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility [40 CFR §122.41(m)(1)(i)].

   b. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production [40 CFR §122.41(m)(1)(ii)].

2. Bypass not exceeding limitations – The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3 and I.G.5 below [40 CFR §122.41(m)(2)].

3. Prohibition of bypass – Bypass is prohibited, and the Regional Board may take enforcement action against a Discharger for bypass, unless [40 CFR §122.41(m)(4)(i)]:

   a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage [40 CFR §122.41(m)(4)(A)];

   b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance [40 CFR §122.41(m)(4)(B)]; and

   c. The Discharger submitted notice to the Regional Board as required under Standard Provision – Permit Compliance I.G.5 below [40 CFR §122.41(m)(4)(C)].

4. The Regional Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above [40 CFR §122.41(m)(4)(ii)].

5. Notice

   a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass [40 CFR §122.41(m)(3)(i)].

   b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below [40 CFR §122.41(m)(3)(ii)].

H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of

preventive maintenance, or careless or improper operation [*40 CFR §122.41(n)(1)*].

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph H.2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review [40 CFR §122.41(n)(2)].

2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that [40 CFR §122.41(n)(3)]:

   a. An upset occurred and that the Discharger can identify the cause(s) of the upset [40 CFR §122.41(n)(3)(i)];

   b. The permitted facility was, at the time, being properly operated [40 CFR §122.41(n)(3)(i)];

   c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b [40 CFR §122.41(n)(3)(iii)]; and

   d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above [40 CFR §122.41(n)(3)(iv)].

3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof [40 CFR §122.41(n)(4)].

II. Standard Provisions – Permit Action

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition [*40 CFR §122.41(f)*].

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of the CWA for a toxic pollutant which is present in the discharge, and that standard or prohibition is more stringent than any limitation on the pollutant in this Order, this Order shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the Discharger so notified.

B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit [*40 CFR §122.41(b)*].

C. Transfers

This Order is not transferable to any person because the Regional Board is required to modify or revoke and reissue this Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the CWC [*40 CFR §122.41(l)(3)*] [*40 CFR §122.61*]. Since this is a Order a new owner or operator shall instead submit an NOI application to enroll in this Order and the previous owner or operator shall submit a NOT.

D. Severability

The provisions of this Order are severable and if any provisions of this Order or the application of any provisions of this Order to any circumstance is held invalid, the applications of such provision to other circumstances and the remainder of this Order shall not be affected thereby.

E. Pollution, Contamination, or Nuisance [CWC §13050]

Neither the treatment nor the discharge shall create a condition of pollution, contamination or nuisance.

III. Standard Provisions – Monitoring

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [40 CFR §122.41(j)(1)].

B. Monitoring results must be conducted according to test procedures under 40 CFR section 136 or, in the case of sludge use or disposal, approved under 40 CFR section 136 unless otherwise specified in 40 CFR section 503 unless other test procedures have been specified in this Order [40 CFR §122.41(j)(4)] [40 CFR §122.44(i)(1)(iv)].

IV. Standard Provisions – Records

A. Except for records of monitoring information required by this Order related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR section 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this

Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Board Executive Officer at any time [40 CFR §122.41(j)(2)].

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements [40 CFR §122.41(j)(3)(i)];

2. The individual(s) who performed the sampling or measurements [40 CFR §122.41(j)(3)(ii)];

3. The date(s) analyses were performed [40 CFR §122.41(j)(3)(iii)];

4. The individual(s) who performed the analyses [40 CFR §122.41(j)(3)(iv)];

5. The analytical techniques or methods used [40 CFR §122.41(j)(3)(v)]; and

6. The results of such analyses [40 CFR §122.41(j)(3)(vi)].

C. Claims of confidentiality for the following information will be denied [40 CFR §122.7(b)]:

1. The name and address of any permit applicant or Discharger [40 CFR §122.7(b)(1)]; and

2. Permit applications and attachments, permits and effluent data [40 CFR §122.7(b)(2)].

V. Standard Provisions – Reporting

A. Duty to Provide Information

The Discharger shall furnish to the Regional Board, State Board, or USEPA within a reasonable time, any information which the Regional Board, State Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Board, State Board, or USEPA copies of records required to be kept by this Order [*40 CFR §122.41(h)*] [*CWC 13267*].

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Board, State Board, and/or USEPA shall be signed and certified in accordance with paragraph (B.2) and (B.3) of this provision [40 CFR §122.41(k)].

2. All permit applications shall be signed as follows:

    a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures [40 CFR §122.22(a)(1)];

    b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively [40 CFR §122.22(a)(2)]; or

    c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA) [40 CFR §122.22(a)(3)].

3. All reports required by this Order and other information requested by the Regional Board, State Board, or USEPA shall be signed by a person described in paragraph (B.2) of this provision, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

    a. The authorization is made in writing by a person described in paragraph (B.2) of this provision [40 CFR §122.22(b)(1)];

    b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position) [40 CFR §122.22(b)(2)]; and

c. The written authorization is submitted to the Regional Board, State Board, or USEPA [40 CFR §122.22(b)(3)].

4. If an authorization under paragraph (B.3) of this provision is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (B.3) of this provision must be submitted to the Regional Board, State Board or USEPA prior to or together with any reports, information, or applications, to be signed by an authorized representative [40 CFR §122.22(c)].

5. Any person signing a document under paragraph (B.2) or (B.3) of this provision shall make the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations" [*40 CF R §122.22(d)*].

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the MRP in this Order [40 CFR §122.41(l)(4)].

2. Monitoring results must be reported on a Self-Monitoring Report (SMR) form or forms provided or specified by the Regional Board or State Board for reporting results of monitoring of sludge use or disposal practices [40 CFR §122.41(l)(4)(i)].

3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR section 136 or, in the case of sludge use or disposal, approved under 40 CFR section 136 unless otherwise specified in 40 CFR section 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the SMR or sludge reporting form specified by the Regional Board [40 CFR §122.41(l)(4)(ii)].

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order [40 CFR §122.41(l)(4)(iii)].

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date [*40 CFR §122.41(l)(5)*].

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [40 CFR §122.41(l)(6)(i)].

2. The following shall be included as information that must be reported within 24 hours under this paragraph [40 CFR §122.41(l)(6)(ii)]:

    a. Any unanticipated bypass that exceeds any effluent limitation in this Order [40 CFR §122.41(l)(6)(ii)(A)].

    b. Any upset that exceeds any effluent limitation in this Order [40 CFR §122.41(l)(6)(ii)(B)].

    c. Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours [40 CFR §122.41(l)(6)(ii)(C)].

3. The Regional Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours [40 CFR §122.41(l)(6)(iii)].

F. Planned Changes

The Discharger shall give notice to the Regional Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when [*40 CFR §122.41(l)(1)*]:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b) [40 CFR §122.41(l)(1)(i)]; or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in this Order nor to notification requirements under 40 CFR section 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1) [40 CFR §122.41(l)(1)(ii)]; or

3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan [40 CFR §122.41(l)(1)(iii)].

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Board or State Board of any planned changes in the permitted facility or activity that may result in noncompliance with the requirements of this Order [*40 CFR §122.41(l)(2)].*

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting E.3, E.4, and E.5 at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E [*40 CFR §122.41(l)(7)*].

I. Discharge Monitoring Quality Assurance (DMQA) Program [STATE WATER BOARD/USEPA 106 MOA]

The Discharger shall conduct appropriate analyses on any sample provided by USEPA as part of the DMQA program. The results of such analyses shall be submitted to USEPA's DMQA manager.

J. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Board, State Board, or USEPA, the Discharger shall promptly submit such facts or information [*40 CFR §122.41(l)(8)*].

VI. Standard Provisions – Enforcement

A. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions [40 CFR §122.41(a)(2)] [CWC 13385 and 13387].

B. Any person may be assessed an administrative penalty by the Regional Board for violating CWA section 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any of such sections in a permit issued under CWA section 402. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day, during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000 [40 CFR §122.41(a)(3)].

C. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both [40 CFR §122.41(j)(5)].

D. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this WDR, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both [40 CFR §122.41(k)(2)].

VII. Additional Provisions – Notification Levels

A. Non-Municipal Facilities

Dischargers of existing manufacturing, commercial, mining, and silvicultural wastes shall notify the Regional Board as soon as they know or have reason to believe [*40 CFR §122.42(a)*]:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this WDR, if that discharge will exceed the highest of the following "notification levels" [40 CFR §122.42(a)(1)]:

    a. 100 micrograms per liter (µg/L) [40 CFR §122.42(a)(1)(i)];

    b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony [40 CFR §122.42(a)(1)(ii)];

    c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [40 CFR §122.42(a)(1)(iii)]; or

    d. The level established by the Regional Board in accordance with 40 CFR section 122.44(f) [40 CFR §122.42(a)(1)(iv)].

2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this WDR, if that discharge will exceed the highest of the following “notification levels" [40 CFR §122.42(a)(2)]:

a. 500 micrograms per liter (µg/L) [40 CFR §122.42(a)(2)(i)];

b. 1 milligram per liter (mg/L) for antimony [40 CFR §122.42(a)(2)(ii)];

c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [40 CFR §122.42(a)(2)(iii)]; or

d. The level established by the Regional Board in accordance with 40 CFR §122.44(f) [40 CFR §122.42(a)(2)(iv)].

B. Publicly-Owned Treatment Works (POTWs) (Not Applicable)

Attachment E – Monitoring and Reporting Program (MRP)

Title 40 of the Code of Federal Regulations (CFR) section 122.48 requires that all National Pollutant Discharge Elimination System (NPDES) permits specify monitoring and reporting requirements. California Water Code sections 13267 and 13383 also authorize the California Regional Water Quality Control Board (Regional Board) to require technical and monitoring reports. This Order establishes monitoring and reporting requirements, which implement the federal and California regulations.

I. GENERAL MONITORING PROVISIONS

A. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring location identified in the representative sampling and analysis program. Another waste stream, body of water, or substance shall not dilute the monitored discharge. Monitoring points shall not be changed without notification to and the approval of the appropriate Regional Board.

B. Monitoring must be conducted according to USEPA test procedures approved under 40 CFR section 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act as amended, unless other test procedures are specified in this Order and/or by the appropriate Regional Board.

C. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR section 136, or as specified in this Order or by the appropriate Regional Board, the results of the monitoring shall be included in the calculation and reporting of the data submitted in the Discharger's Annual Report. The increased frequency of monitoring shall also be reported.

D. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order.

E. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the Regional Board.

F. All monitoring instruments and devices used by the Discharger to fulfill the monitoring program shall be properly maintained and calibrated to ensure accuracy. All flow measurement devices shall be calibrated at least once per year to ensure accuracy of the devices.

G. Records and monitoring information shall include:

1. The date, exact location, and time of sampling or measurements;
2. The name(s) of individual(s) who performed the sampling or measurements;
3. The date(s) analysis were performed;
4. The name(s) of the laboratory and individual(s) who performed the analyses;
5. The analytical techniques or methods used; and

6. The results of such analyses

II. MONITORING LOCATIONS

The Discharger shall establish monitoring locations, for each discharge event, to demonstrate compliance with effluent limitations, discharge specifications, and other requirements in this Order.

III. INFLUENT MONITORING REQUIREMENTS- NOT APPLICABLE

IV. EFFLUENT MONITORING REQUIREMENTS

A. The Regional Board may increase monitoring requirements on a case-by-case basis. Additional monitoring for individual discharges may be required, where necessary, to show that during the term of the discharge, applicable water quality objectives will be maintained.

B. Treatment System Status

The daily status (e.g., onsite, in operation/on standby, etc.) of any treatment systems used to achieve compliance with this Order or the Notice of Enrollment from the Regional Board shall be reported annually.

C. Discharge Monitoring

Discharge monitoring shall be conducted as follows:

Table E-1 Effluent Monitoring

CONSTITUENTS	UNITS	TYPE	FREQUENCY OF MONITORING
Flow	GPD	N/A	Daily
Total Residual Chlorine	mg/l	Grab	During the first 30 minutes of each discharge and as directed by the Executive Officer, thereafter
Total Dissolved Solids (TDS)	mg/l	Grab	"
pH	Units	Grab	"
Temperature	°F	Grab	"
CTR Priority Pollutants	ug/l	Grab	Once during the life of the permit*

* Results for CTR monitoring shall be submitted at least 180 days before the expiration of this Order.

Laboratories analyzing monitoring samples shall be certified by the Department of Health Services, in accordance with the provision of Water Code Section 13176, and must include quality assurance/quality control data with their reports.

The results of such analysis shall be reported in the annual report. Grab samples shall be collected at the applicable point of discharge (either at the storm drain or the receiving water). If a Discharger monitors the above constituents more frequently than required by this Order, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the annual report.

D. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least five years from the date of the sample, measurement, report, or application. This period may be extended by request of this Regional Board. These records shall include:

1. The date, place, and time of site inspections, sampling, visual observation, and/or measurement;
2. The individual(s) who performed the site inspections, sampling, visual observations, and/or measurements;
3. The dimension, size and/or volume of vault;
4. Flow measurements (if required) and duration of discharge;
5. The estimated volume of discharge;
6. The date and time of analyses;
7. The laboratory, staff, or wholesaler who performed the analyses; and
8. Analytical results.

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS- NOT APPLICABLE

VI. LAND DISCHARGE MONITORING REQUIREMENTS- NOT APPLICABLE

VII. RECL AMATION MONITORING REQUIREMENTS - NOT APPLICABLE

VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER

A. Receiving water monitoring shall consist of visual observations for turbidity, erosion, and sedimentation within one hour after each discharge event, at the point of discharge. If the discharge is directly into a receiving water, receiving water monitoring shall include all visual observations mentioned above as well as measurements of turbidity 100 feet upstream and 100 feet downstream of the discharge point. The discharger shall also discuss any turbidity plumes created by the discharge including a description (e.g. color, extent, duration, etc.) of any turbidity plumes.

Table E-2 Receiving Water Monitoring

VISUAL OBSERVATIONS	POINT OF DISCHARGE	100-FT UP-STREAM	100-FT DOWN-STREAM
Turbidity	Within 1 hour after discharge event	Within 1 hour after discharge event	Within 1 hour after discharge event
Erosion	"	"	"
Sedimentation	"	"	"

B. The Regional Board may increase receiving water monitoring on a case-by-case basis. Additional receiving water monitoring for individual dischargers may be required, where necessary, to show that during the term of the discharge, applicable surface water quality objectives will be maintained.

IX. OTHER MONITORING REQUIREMENTS – NOT APPLICABLE

X. REPORTI NG REQUIREMENTS

A. A monitoring report shall be submitted annually to the Regional Board. The report shall include a summary of all discharges, including emergency discharges, which occurred during the reporting period. The report shall include, at a minimum, the following information:

1. Date, time, and duration of discharge;
2. Location of discharge;
3. The average flow rate (in gallons per minute, GPM);
4. Total discharge flow volume; (in gallons)
5. The affected receiving water or the location of the MS4 storm drain;
6. The extent of sedimentation and erosion as a result of the discharge (if applicable);
7. Description of discharge; and
8. Results of any sampling conducted.

For emergency discharges, the report shall also include:

9. Number of discharges within 1000 ft of the location within the past 12 months;
10. Cause of discharge; and
11. Corrective action and prevention

A Windows XP compatible compact disc (CD) shall also be submitted containing the data described in Items 1 – 11 above for the calendar year. The disk shall be labeled with the discharger's name, Monitoring and Reporting Program No. R9-2009-0094, NPDES No. CAG679001, and the calendar year. The information submitted shall be fully compatible with Microsoft EXCEL version 2003. In order to safeguard the integrity of the information submitted on disk against errors caused by accidental changes, all information should be write protected. This can be done with Microsoft EXCEL version 2003 by choosing "Protection" from Tools Menu, and choosing "Protect Sheet". If more than one sheet is created, protect every sheet with the same password. Any form of data protection may be used which will allow Regional Board staff to open the file and copy the data to a

new file. This procedure will safeguard the integrity of information submitted on computer disk to the Regional Board. An EXCEL template of the database will be provided by the Regional Board before the first annual report is due.

If there were no discharges for the calendar year, the discharger shall submit a statement certifying that there were no discharges. The statement shall be signed in accordance with Attachment D, Section V.B and shall include the certification statement.

B. An annual report shall be submitted to the Regional Board for all projects proposed over the next calendar year. The annual report shall include, at a minimum, the following:

1. Characterization of the proposed discharge;
2. The proposed discharge amount (in gallons per day);
3. The duration of the proposed discharge;
4. The affected receiving water or the location of the MS4 storm drain; and
5. Dechlorination method (if applicable)
6. A certification that alternative methods of disposal, such as water conservation and reuse of water, have been explored and considered and that no alternative method of disposal exist.

C. **Emergencies.** A report shall be submitted for all emergency discharges meeting any one of the following:

- Discharge is greater than 100,000 GPD;
- Erosion or sedimentation have occurred;
- The discharge threatens to create a condition of pollution or nuisance.

The report shall be submitted within 24 hours after the discharger becomes aware of the release and shall include, at a minimum, the following:

1. Date, time, and duration of discharge;
2. Location of discharge;
3. Discharged amount (GPD);
4. Affected receiving water; and
5. Extent of sedimentation and erosion as a result of the discharge.

When reporting emergencies, the discharger shall include pictures of the affected receiving water (if applicable) and areas in which sedimentation and erosion have occurred (if applicable).

D. **One week prior to any planned discharge from a location not yet reported, the discharger shall notify the Regional Board staff by phone, fax or email indicating the following:**

- Characterization of the proposed discharge;
- Location of the discharge;

- The estimated average and maximum daily flow rates;
- The frequency and duration of the discharge;
- The affected receiving water(s);
- A description of the proposed dechlorination method (if appropriate); and
- A certification that alternative methods of disposal, such as water conservation and reuse of water, have been explored and considered and that no alternative method of disposal exist.

E. General Monitoring and Reporting Requirements

1. The Enrollee shall give advance notice to the Regional Board of any planned changes in the permitted facility or activity that may result in non compliance with the requirements of this Order or the Enrollment Letter.

2. Reports for annual proposed discharges, as described in Section X.B of the MRP, shall be submitted on an annual basis starting with the initial application for enrollment.

3. Enrollees that propose to discharge potable water which does not contain more than 50% MWDs water are required to either submit the necessary data needed to perform a reasonable potential analysis or submit the information required under Section 5.3 of the State Implementation Policy to be considered for an exemption.

4. All reports submitted in response to this Order shall comply with signatory requirements set forth in the Standard Provisions.

F. Self Monitoring Reports (SMRs) to State and Regional Board

1. At any time during the term of this permit, the State or Regional Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Board's California Integrated Water Quality System (CIWQS) Program Web site (http://www.waterboards.ca.gov/ciwqs/index.html). Until such notification is given, the Discharger shall submit hard copy SMRs and a CD with a single file in PDF format (including the certification specified in Section V.B. 5 of Attachment D). The CIWQS Web site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.

2. The Discharger shall submit annual monitoring results to the Regional Board in accordance with the due date specified in the enrollment letter. The Discharger shall submit annual SMRs including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. If the Discharger monitors any pollutant more frequently than required by this Order, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR.

3. The Discharger shall submit SMRs in accordance with the following requirements:

   a. The Discharger shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the discharge is in compliance with effluent limitations. The Discharger is not required to duplicate the submittal of data that are entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, the Discharger shall electronically submit the data in a tabular format as an attachment.

   b. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of this Order; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.

   c. SMRs must be submitted to the appropriate Regional Board, signed and certified as required by the Standard Provisions (Attachment D).

G. **Self-Monitoring Reports (SMRs) to EPA**

When requested by USEPA, the Discharger shall also complete and submit Self-Monitoring Reports to USEPA. The submittal date shall be specified in the request.

H. **Other Reports (Not Applicable)**

Attachment F – Fact Sheet

As described in section III of this Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

I. Discharge Information

A. Introduction

Water in southern California is provided through a complex distribution system that is operated by many different institutional entities. The major water sources for southern California are the northern California State Water Project and the Colorado River. Drinking water is usually a blend from both sources to help reduce the concentration of total dissolved solids, which are found to be in high concentrations in Colorado River water. Metropolitan Water District (MWD) is the primary wholesale provider of the imported water in the San Diego Region. MWD serves 26 member agencies, comprising 14 cities, 11 municipal water districts, and 1 county authority. The county authority is operating in San Diego County (San Diego County Water Authority [SDCWA]). Riverside County's main water suppliers are Eastern and Western Municipal Water District, both member agencies of MWD. The Municipal Water District of Orange County supplies the part of Orange County that is located in the San Diego Region, and is also a member agency of MWD.

Water distributors (also called purveyors), water districts, municipalities, and private entities have to conduct periodic repair and maintenance work on their distribution system, which usually results in discharges of potable[1] water to various receiving waters within the San Diego Region. Repair and maintenance work may include water line draining for addition of new service connections, draining for internal inspections, draining for valve replacements, or water line flushing for water quality reasons.

Water purveyors, water districts, municipalities, and private entities may also conduct hydrostatic testing on pipelines, tanks, and vessels dedicated to drinking water purveyance and storage as well as hydrostatic testing on newly constructed non-drinking water (e.g. recycled water, oil, gasoline) pipelines, tanks, and vessels.

All the above mentioned discharges can be categorized as waste, pursuant to Porter-Cologne Water Quality Control Act (Chapter 2, Section 13050), since the water is discharged for the purpose of disposal.

On average, the San Diego County Water Authority discharges approximately 120 million gallons of potable water each year during basic repair and maintenance projects. Discharges from water districts and municipalities are usually less than 20 million gallons each year and are the result of fire hydrant flushing, water quality flushing, water line breaks and leaks, etc.

Certain constituents potentially contained in potable water and/or hydrostatic test water discharges threaten to cause or contributes to excursions above narrative and numeric water quality objectives contained in state and federal regulations. These types of discharges could therefore pose a chronic or acute toxicity risk to freshwater and saltwater aquatic animal and plant life. For example, hydrostatic testing of pipelines, tanks, etc., often results in a discharge of super-chlorinated water that is needed for the initial disinfection. Super-chlorinated water can have a chlorine concentration of more than 25 milligrams per liter (mg/L). In drinking water, the Maximum Disinfecting Residual Level (MDRL) is set by the Department of Health Services and is to be no more than 4 mg/L. Typically, the chlorine concentration in drinking water ranges from 0.5 - 2.5 mg/L. However, the acute sensitivity of freshwater species, when exposed to total residual chlorine, ranges from 0.028 mg/L to 0.7 mg/L (*Quality Criteria for Water, 1986)*. Other constituents of concern include total dissolved solids and total suspended solids.

In order to minimize potential impacts from hydrostatic test water and potable water discharges on the beneficial uses of surface waters within the San Diego Region, Order No. R9-2009-0094 requires the application of best available technology economically achievable (BAT) for the removal of pollutants commonly found in potable water and/or hydrostatic test water discharges. The discharges of these pollutants, in compliance with BAT-based effluent limitations, are not expected to have a significant impact on the beneficial uses of surface waters within the San Diego Region.

This Order establishes an Order regulating the discharge of hydrostatic test water and/or potable water into surface waters within San Diego County and tributaries and storm drains or other conveyance systems tributary thereto.

For the purposes of this Order, references to the “discharger” or “permittee” in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

B. Background

In 1972, the Federal Water Pollution Control Act, currently referred to as the Federal Clean Water Act (CWA), was amended to provide that the discharge of pollutants to waters of the United States from any point source is prohibited, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The federal regulations allow authorized states to issue either general permits or individual permits to regulate discharges of pollutants to waters of the United States.

On August 14, 2002, the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued a general permit for discharges of hydrostatic test water and potable water to surface waters and other conveyance systems within the San Diego Region (R9-2002-0020). The permit expired on August 14, 2007. The terms and conditions of the current Order have been automatically continued and remain in effect until new Waste Discharge Requirements and NPDES permit are adopted pursuant to this Order.

C. Discharge Description

Existing and proposed discharges of hydrostatic test water and potable water to various receiving water within the San Diego Region.

Hydrostatic test water discharges are those discharges resulting from testing of pipelines, tanks, and vessels that are dedicated to drinking water purveyance and storage as well as testing of newly constructed non-drinking water (gas, oil, reclaimed water, etc.) pipelines, tanks, and vessels. This permit does not cover discharges from hydrostatic test done on used non-drinking water pipelines, tanks, and vessels.

Potable water discharges include discharges resulting from repair, maintenance, and disinfection of pipelines, tanks, vessels, and reservoirs dedicated to drinking water purveyance and storage.

Discharges associated with potable water well drilling, construction, development, potable well redevelopment, potable well rehabilitation, potable well purging, and aquifer testing will no longer be covered under this Order. These discharges will now be covered under General Order No.'s R9-2007-0034 or R9-2008-0002 (General Dewatering Permits).

II. Permit Information

This Order supersedes Order No. R9-2002-0020 and covers discharges of hydrostatic test water and potable water to surface waters within the San Diego Region. Dischargers previously enrolled under Order No. R9-2002-0020 will be automatically enrolled under this permit unless the Regional Board receives a written notification (NOT) from the Discharger certifying permit overage is no longer necessary.

All new Dischargers shall submit an application for the proposed discharge at least 60 days before the start of the new discharge. Details on permit coverage and the application process are discussed in detail on the following sections.

A. Eligibility Criteria

Dischargers must meet the following criteria to be subject to waste discharge requirements by this Order:

1. Pollutant concentrations in the discharge do not cause, have a reasonable potential to cause, or contribute to an excursion above any applicable federal water quality criterion established by USEPA pursuant to CWA section 303;

2. Pollutant concentrations in the discharge do not cause, have a reasonable potential to cause, or contribute to an excursion above any water quality objective adopted by the Regional Water Board or State Water Resources

Control Board (State Water Board), including prohibitions of discharge for the receiving waters;

3. The discharge shall not cause acute or chronic toxicity in receiving waters;

4. The discharge shall need minimal or no waste treatment systems to meet the requirements of this Order. De-chlorination is considered to be "minimal treatment".

5. The Discharger has explored and considered alternative methods of disposal, such as water conservation, reuse of water and groundwater recharge, and has determined no alternative method of disposal exist. Pursuant to Chapter 7, Article7, Section 13550 of the Porter-Cologne Water Quality Control Act (Water Code) water resources of the State shall be put to beneficial use to the fullest extent possible. As such, dischargers shall submit a certification that alternative methods of disposal were considered and that no alternative method of disposal exist

6. When an individual NPDES permit with more specific requirements for hydrostatic test water and potable water discharges is issued to an Enrollee, the applicability of this Order to that Enrollee is automatically terminated on the effective date of the individual permit.

B. Enrollment

To obtain coverage under this Order a Discharger must submit the following to the California Regional Water Quality Control Board, San Diego Region (Regional Board):

1. A Notice of Intent (NOI) at least 60 days before the planned commencement of discharge (see Attachment A).

2. A report for each project proposed over the next 12-month period. The reports should include, at a minimum, the following:

   a. Characterization of the proposed discharge (i.e. repair of potable water line, maintenance, etc.);
   b. Location of the proposed discharge;
   c. Estimated average and maximum daily flow rates for the proposed discharge (if known);
   d. The frequency and duration of the proposed discharge (if known);
   e. The proposed date of the discharge;
   f. Affected receiving water(s);
   g. Map identifying the discharge location (s).
   h. A certification that alternative methods of disposal, such as water conservation and reuse of water, have been explored and considered and that no alternative method of disposal exist.

3. Payment of the application fee, equal to the first annual fee, made payable to State Water Resources Control Board or "SWRCB."

The WDR NOI, including, the application fee, and other attachments, must be submitted to the following address:

CRWQCB – San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Attn: Hydrostatic Test Water and Potable Water Discharges
Core Regulatory Unit
NOTICE OF INTENT

C. Coverage

Coverage will be effective when all of the following have occurred:

1. The Discharger has submitted a complete NOI application, as determined by the Regional Board; and

2. The Regional Board issues the Discharger's a Notice of Enrollment, which includes the discharge flow limit, mass limit, any additional or increase in monitoring due to specific circumstances of the discharge, and any other additional requirements.

3. Current dischargers enrolled in Order No. R9-2002-0020 will be automatically re-enrolled under this Order. If a discharger does not want to continue coverage under this Order, a written request (Notice of Termination) shall be submitted to the Regional Board (see Section E below).

D. Discharge to a Municipal Separate Storm Sewer System (MS4)

Local agencies responsible for operating the MS4s may not passively receive and discharge pollutants from third parties. By providing free and open access to an MS4 that conveys discharges to waters of the U.S., the MS4 operator essentially accepts responsibility for discharges into the MS4 that it does not prohibit or control. These discharges may cause or contribute to a condition of contamination or a violation of water quality standards.

Prior to discharging into an MS4, the Discharger shall demonstrate alternatives to discharging hydrostatic test water and/or potable water discharges into an MS4 and why it is technically or economically infeasible to implement these alternatives.

Without prior approval from the appropriate local agency with jurisdiction over the MS4, the discharger shall not discharge hydrostatic test water and/or potable water under this Order into an MS4.

Therefore, at least 30 days prior to initiating a discharge of hydrostatic test water and/or potable water to an MS4, the Discharger shall notify and receive authorization from the appropriate local agency with jurisdiction over the MS4. This requirement encourages communication between Dischargers enrolled under this Order and local agencies responsible for MS4s in an effort to reduce misunderstandings and concerns over the types of discharges covered by this Order.

E. Termination of Discharges

Dischargers shall submit a written request referred to as a "Notice of Termination (NOT)" to this Regional Board when coverage under this Order is no longer required. The NOT letter constitutes a notice that the discharger (and his/her agent) of the site has ceased the discharge of hydrostatic test water and/or potable water under this Order.

The NOT should include "Notice of Termination (NOT)" In the subject line, the Waste Discharge Identification Number (WDID) assigned to the project by the Regional Board when enrolled in the Order, the name and address of the water distributors (purveyor), water district, municipality, or private entity, and be signed and dated in accordance with the signatory requirements of the Order. The Discharger shall continue to comply with the requirements of the Order until the Regional Board approves the NOT. Submittal of a NOT letter does not guarantee termination. Approval of the NOT does not relieve the Discharger's responsibility for paying any applicable outstanding invoices of annual fees as a result of enrollment under this Order.

F. Transferring Ownership

Enrollment under the Order is not transferable. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the enrolled Discharger, the Discharger must notify the new succeeding owner or operator of the existence of this Order by letter 120 days prior to property transfer, a copy of which must be immediately forwarded to the Regional Board office. Additionally, the Discharger must submit a NOT to the Regional Board. The new succeeding owner or operator must submit a new NOI in application of enrollment under this Order.

G. Description of Wastewater and Biosolids Treatment or Controls – Not Applicable

H. Discharge Points and Receiving Waters

All surface waters within the San Diego Region are potential receiving waters for discharges of potable water and hydrostatic test water by water purveyors and other entities enrolling under this general NPDES permit. This includes inland surface waters, enclosed bays, harbors, lagoons, estuaries, and the ocean.

Storm drains are not designed to maximize initial dilution; therefore, this Order uses zero initial dilution factor. In addition, the Regional Board has the practice not

to consider dilution when setting water quality-based effluent limitations for discharges to bays and estuaries unless the dilution ratio is verified with field data. Since this is an Order without existing data points, no dilution credit is considered for the discharge.

I. Summary of Existing Requirements

Order No. R9-2002-0020, which this WDR replaces, requires the Discharger not to exceed the Effluent Limitations for total residual chlorine and pH, and to monitor and report total dissolved solids and temperature. Receiving water monitoring includes visual observations for turbidity, erosion, and sedimentation.

J. Compliance Summary - Not Applicable

K. Planned Changes - Not Applicable

III. Applicable Plans, Policies, and Regulations

The requirements contained in this WDR are based on the requirements and authorities described in this section.

A. Legal Authorities

This Order is issued pursuant to CWA section 402and implementing regulations adopted by the USEPA and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as an NPDES permit for point source discharges from hydrostatic test water and potable water to surface waters within the San Diego Region. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC for discharges that are not subject to regulation under CWA section 402.

States may request authority to issue general NPDES permits pursuant to 40 CFR section 122.28. On June 8, 1989, the State Board submitted an application to the USEPA requesting revisions to its NPDES Program in accordance with 40 CFR 122.28, 123.62, and 403.10. The application included a request to add WDR authority to its approved NPDES Program. On September 22, 1989, the USEPA, Region 9, approved the State Board's request and granted authorization for the State to issue general NPDES permits.

Pursuant to NPDES regulations at 40 CFR 122.28 (a) (2) general permits may regulate point source discharges that:

1. Involve the same or substantially similar types of operations,
2. Discharge the same types of wastes,
3. Require the same effluent limitations,
4. Require the same or similar monitoring, and
5. In the opinion of the Executive Officer, are more appropriately controlled under a general permit than under individual permits.

B. California Environmental Quality Act (CEQA)

This action to adopt a NPDES permit is exempt from the provisions of CEQA (Public Resources Code section 21100, et seq.) in accordance with CWC section 13389 for the following reasons: 1) A Discharger cannot obtain coverage under this Order if pollutants in the discharge, cause, contribute, or have the reasonable potential to cause or contribute to a water quality standards violation; 2) The permit requires Dischargers to monitor and report the discharge to ensure the Dischargers will not cause a violation; and 3) The Regional Board's granting of the exceptions does not have the potential for causing significant adverse environmental effects. See California Code of Regulations, Title 14, section 15061(b)(3).

C. State and Federal Regulations, Policies, and Plans

1. Water Quality Control Plan

The *Comprehensive Water Quality Control Plan, San Diego Basin* (9) (hereinafter Basin Plan) was adopted by this Regional Board on September 8, 1994 and subsequently approved by the State Water Resources Control Board (SWRCB) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by this Regional Board and approved by the SWRCB. The Basin Plan designates beneficial uses and narrative and numerical water quality objectives, and prohibitions that are applicable to the discharges regulated under this Order. The applicable prohibitions of the Basin Plan have been incorporated into this Order. The applicable numerical water quality objectives have been incorporates herein as *Attachment G*.

In addition, State Board Resolution No. 88-63 requires that, with certain exceptions, the Regional Board assigns the municipal and domestic supply use to water bodies that do not have beneficial uses listed in the Basin Plans.

The Basin Plan identifies the following beneficial uses of surface waters in the San Diego Region to be protected (not all surface waters have all of the beneficial uses listed below):

- Municipal and domestic supply;
- Agricultural supply;
- Groundwater recharge;
- Freshwater replenishment;
- Hydropower generation;
- Warm freshwater habitat;
- Cold freshwater habitat;
- Inland saline water habitat;
- Estuarine habitat;
- Contact water recreation;
- Non-contact water recreation;
- Commercial and sport fishing;
- Preservation of rare, threatened or endangered species;
- Marine habitat;
- Migration of aquatic organisms;
- Shellfish harvesting;
- Spawning, reproduction, and/or early development;
- Wildlife habitat;

- Aquaculture;
- Industrial service and process supply;
- Navigation;
- Preservation of areas of special biological significance; and
- Mariculture.

In order to protect these beneficial uses, the Basin Plan establishes water quality objectives (for bacterial, physical, chemical, and biological characteristics, and for radioactivity), general requirements for management of waste discharge to the bays/harbors, quality requirements for waste discharges (effluent water quality requirements), discharge prohibitions, and general provisions

2. **National Toxics Rule (NTR) and California Toxics Rule (CTR)**

   USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About 40 criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants which are discharged to inland surface waters, bays, and estuaries.

3. **State Implementation Policy (SIP)**

   On March 2, 2000 the SWRCB, in Resolution No. 2000-15, adopted a Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (Implementation Policy). The Implementation Policy establishes:

   (a) implementation provisions for priority pollutant criteria promulgated by the U.S. EPA through the NTR and the CTR, and for priority pollutant objectives established in the Basin Plan;

   (b) monitoring requirements for 2,3,7,8-TCDD (tetrachlorodibenzo-p-dioxin) equivalents; and

   (c) chronic toxicity control provisions.

   The CTR regulations and the Implementation Policy are applicable to the discharges described in this General Permit. It is the dischargers responsibility to provide all data and other information requested by the Regional Board for use in determining whether the proposed discharge may cause, have a reasonable potential to cause, or contribute to an excursion above any applicable priority pollutant criterion or objective. A reasonable potential analysis of the submitted data is required to determine which Priority Pollutants require effluent limitations.

Section 5.3 of the Implementation Policy (Exceptions) states that the RWQCB may, after compliance with the California Environmental Quality Act (CEQA), grant exemptions for certain short-term or seasonal discharge categories from meeting the priority pollutant criteria/objectives of the CTR. No exemptions are granted at this time.

Pursuant to Section 5.3.2 of the Implementation Policy, the RWQCB may allow a short-term exception from meeting the requirements of the CTR if it is determined to be necessary to implement control measures regarding drinking water conducted to fulfill statutory requirements under the federal Safe Drinking Water Act or the California Health and Safety Code. Such categorical exceptions may also be granted for draining water supply reservoirs, canals, and pipelines for maintenance and for draining water treatment facilities for cleaning or maintenance. No exemptions are granted at this time.

CALIFORNIA TOXICS RULE-REASONABLE POTENTIAL ANALYSIS

The SDCWA distributes water to water districts within the San Diego County. Approximately 90% of the water used in San Diego County is delivered from SDCWAs distribution system. The remaining 10 % are made up of groundwater and/or treated rainwater. SDCWA purchases the water directly from Metropolitan Water District (MWD). Riverside and Orange County's main water suppliers are Eastern and Western Municipal Water District, respectively, who also purchase water from MWD.

On January 3, 2002, the San Diego County Water Authority (SDCWA) submitted analytical results of testing conducted on potable water discharged from their distribution system during a routine maintenance project. The sampling was conducted on September 6, 2001 and was analyzed by Environmental Engineering Laboratory and BSK Analytical Laboratories in San Diego. The potable water was analyzed for all Priority Pollutants listed in the CTR. The Regional Board considers the CTR analysis results as being representative of the potable water distributed by the water suppliers in the San Diego Region.

A reasonable potential analysis of the data was performed, which required ambient (receiving water) concentrations of Total Suspended Solids (TSS), hardness, pH, and the 126 Priority Pollutants. Receiving water data is required for comparison with the effluent data to evaluate if reasonable potential exists for the effluent to exceed any water quality criteria specified in the CTR. Values for TSS, hardness, and pH of the receiving water are not necessary when performing a reasonable potential analysis for discharges into a salt-water body. This is due to the fact that increasing hardness has the effect of decreasing the toxicity of metals. It was assumed that the majority of the discharges would be into freshwater water bodies. Three reasonable potential analyses were performed using the following low, medium, and high values to represent freshwater ambient conditions throughout the San Diego Region:

- TSS = 5, 15, 30 mg/L (minimum and maximum limit for Publicly Owned Treatment Works are 5 mg/L and 30 mg/L, respectively);

- Hardness = 75, 150, 300 mg/L (CaCO3 concentration, representing soft, moderate, and hard water);

- pH = 6, 8, 9 (water quality objectives [see Basin Plan] for bays and estuaries is 7-9 pH units, inland surface waters 6.5-9 pH units); and

- The 126 Priority Pollutants were assumed to be 'non-detect' in the receiving water.

It was determined that no effluent limits for the CTR listed Priority Pollutants are necessary for this type of discharge.

The reasonable potential analysis described above was conducted for Order No. R9-2002-0020. It has been included in this Order since there is no new information available. In accordance with the requirements of the SIP, the Regional Board shall require periodic monitoring for pollutants for which criteria or objectives apply and for which no effluent limitations have been established. As such, a full priority pollutant scan shall be required once during the life of this permit. Each agency need not conduct individual priority pollutant scans. As with the previous reasonable potential analysis, the Regional Board will accept one priority pollutant scan for all agencies, if, the sample obtained is representative of potable water distributed throughout the San Diego Region.

Water purveyors, water districts, and municipalities that propose to discharge potable water which does not contain more than 50% MWDs water are required to either submit the necessary data needed to perform a reasonable potential analysis or submit the information required under Section 5.3 of the Implementation Policy to be considered for an exemption.

4. **Ocean Plan**

The State Board adopted the Water Quality Control Plan for Ocean Waters of California (Ocean Plan) in 2005, it was approved by USEPA, and became effective on February 14, 2006. The Ocean Plan identifies the following beneficial uses of state ocean waters to be protected:

- Industrial water supply
- Aesthetic enjoyment
- Non-contact water recreation
- Mariculture
- Preservation and enhancement of Areas of Special Biological Significance
- Fish migration
- Fish spawning
- Navigation
- Water contact recreation
- Ocean commercial and sport fishing
- Preservation and enhancement of rare and endangered species
- Marine habitat
- Shellfish harvesting

In order to protect the above beneficial uses, the Ocean Plan establishes water quality objectives (for bacteriological, physical, chemical, and biological characteristics, and for radioactivity), general requirements for management of waste discharged to the ocean, quality requirements for waste discharges (effluent quality requirements), discharge prohibitions, and general provisions.

Limits derived from the Ocean Plan have not been included in this WDR.

5. **Alaska Rule**

On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes (40 C.F.R. § 131.21, 65 Fed. Reg. 24641 (April 27, 2000)). 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.

6. **Antidegradation Policy**

Section 131.12 requires that the 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. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. The permitted discharge must be consistent with the antidegradation provision of section 131.12 and State Water Board Resolution No. 68-16.

7. **Anti-Backsliding Requirements**

Sections 402(o)(2) and 303(d)(4) of the CWA and 40 CFR section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. All effluent limitations in the WDR are at least as stringent as the effluent limitations in the previous Order.

8. **Monitoring and Reporting Requirements**

Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Boards to require technical and monitoring reports.

The MRP establishes monitoring and reporting requirements to implement Federal and State requirements. This MRP is provided in Attachment E.

D. Impaired Water Bodies on CWA 303(d) List

The federal Clean Water Act requires States to identify and make a list of surface water bodies that are polluted. These water bodies, referred to in law as "water quality limited segments," do not meet water quality standards even after discharges of wastes from point sources have been treated by the minimum required levels of pollution control technology. Wastewater treatment plants, a city's storm drain system, or a boat yard, are a few examples of point sources that discharge wastes to surface waters. States are required to compile the water bodies into a list, referred to as the "Clean Water Act Section 303(d) List of Water Quality Limited Segments" (303(d) List). States must also prioritize the water bodies on the list and develop action plans, called total maximum daily loads (TMDLs) to improve the water quality.

The State Board updated the 2004-2006 303(d) List for California on October 25, 2006, and EPA approved it on November 30, 2006.

There are approximately 100 impaired water bodies on the 303(d) List in the San Diego Region. Most TMDLs for water bodies within the San Diego Region are under development or have not been started. However, four TMDLs for the San Diego Region need only State Board approval to be complete, and three are already complete. Of the three completed TMDLs, two impact the water quality of San Diego Bay and the third impacts the water quality of Rainbow Creek.

E. Other Plans, Polices and Regulations- Not Applicable

IV. Rationale for Effluent Limitations and Discharge Specifications

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. Effluent limitations are based on the following principles:

A. 40 CFR section 122.44(a) requires that permits include applicable technology-based limitations and standards;

B. 40 CFR section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality criteria have not been established, three options exist to protect water quality: 1) 40 CFR section 122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a); 2) proposed state criteria or a state policy interpreting narrative criteria supplemented with other relevant

information may be used; or 3) an indicator parameter may be established;

C. Any discharge of hydrostatic test and/or potable water threatens to cause or contribute to excursions above numeric water quality objectives contained in the Basin Plan as a result of the potential discharge of TDS, TSS, Boron, Sodium, Sulfate, and Flouride;

D. 40 CFR section 122.44(l) requires that when a permit is renewed or reissued, effluent limitations must be at least as stringent as the effluent limitations in the previous permit. Since this permit is a renewal of a previous permit, anti-backsliding is applicable and the following pollutants are included:

Total Residual Chlorine pH

E. Discharge Prohibitions

Discharges under this Order are required to be nontoxic. Toxicity is the adverse response of organisms to chemicals or physical agents. This prohibition is based on the Basin Plan, which requires that all waters be maintained free of toxic substances in concentrations that are lethal or produce other detrimental responses in aquatic organisms. Detrimental responses include, but are not limited to, decreased growth rate and decreased reproductive success of resident or indicator species. The Basin Plan also requires waters to be free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, or animal life. This objective applies regardless of whether the toxicity is caused by a single substance or the interactive effect of multiple substances.

F. Technology-Based Effluent Limitations (TBELs)

1. Scope and Authority

   The CWA requires that TBELs be established based on several levels of controls:

   Best Practicable Treatment Control Technology (BPT) represents the average of the best performance by plants within an industrial category or subcategory. The BPT standards apply to toxic, conventional, and nonconventional pollutants.

   Best Available Technology Economically Achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. The BAT standards apply to toxic and nonconventional pollutants.

   Best Conventional Pollutant Control Technology (BCT) represents the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering the “cost reasonableness” of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.

New Source Performance Standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires USEPA to develop Effluent Limitations, Guidelines and Standards (ELGs) representing application of BPT, BAT, BCT, and NSPS. Section 402(a)(1) of the CWA and 40 CFR section 125.3 of the NPDES regulations authorize the use of Best Professional Judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the permit writer must consider specific factors outlined in 40 CFR section 125.3.

2. Applicable Technology-Based Effluent Limitations

The USEPA has not developed numeric Technology-Based effluent limitations for pollutants in discharges from hydrostatic test or potable water discharges.

G. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

As specified in 40 CFR section 122.44(d)(1)(i), permits are required to include WQBELs for pollutants (including toxicity) that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an excursion above any state water quality standard. The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan, achieve applicable water quality objectives and criteria contained in state plans and policies, and meet water quality criteria in the CTR and NTR.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

The designated beneficial uses of surface waters throughout the State may include municipal, domestic, industrial, and agricultural supply; water contact and non-contact recreation; navigation; groundwater recharge and freshwater replenishment; hydropower generation; wildlife habitat; cold freshwater and warm freshwater habitat; fish migration and fish spawning; marine habitat; estuarine habitat; shellfish harvesting; ocean commercial and sport fishing; areas of special biological significance; and preservation of rare and endangered species. To the extent that the Basin Plan designates additional or different beneficial uses, the Basin Plan shall control.

3. Determining the Need for WQBELs

All applicable provisions of sections 301 and 402 of the CWA must be met for NPDES permits for discharges to surface waters. These provisions require

controls of pollutant discharges that utilize BAT and BCT to reduce pollutant and any more stringent controls necessary to meet water quality standards.

As specified in the SIP, the Regional Board shall conduct an analysis for each priority pollutant with applicable criterion or objective to determine if a water quality-based effluent limitation is required.

Data are unavailable to conduct an analysis because this Order as a general permit does not have a Report of Waste Discharge.

4. WQBEL Calculations

   The Instantaneous Daily Effluent WQBELs were calculated using a statistical approach with the following considerations and assumptions:

   No dilution credit is considered for the discharge. Therefore, the discharge must comply with the Water Quality Objective at the point of discharge.

5. Whole Effluent Toxicity (WET) – Not Applicable

H. Final Effluent Limitations

1. Anti-Backsliding Effluent Limitations

   All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order

2. Satisfaction of Antidegradation Policy

   Discharges in conformance with the requirements of this Order will not result in a lowering of water quality and therefore conform to antidegradation requirements specified in Resolution No. 68-16, which incorporates the federal antidegradation policy at 40 CFR 131.12 where, as here, it is applicable.

3. Stringency of Requirements for Individual Pollutants

   Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. 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 USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless “applicable water quality standards for purposes of the CWA” pursuant to section 131.21(c)(1). Collectively, this Order’s restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

Final Effluent Limitations have been outlined in Table F-1 below:

Table F-1 Summary of Water Quality-based Effluent Limitations Table

Parameter	Units	Effluent Limitations
		Maximum Concentration
Daily Flow	GPD	Specified in Enrollment Letter
Total Residual Chlorine	mg/L	0.1
pH	Units	**Bays and Estuaries** Between 7.0 and 9.0 at all times **Inland Surface Waters** Between 6.5 and 8.5 at all times.

The pH has been revised from "Within the limits of 6.0 and 9.0 at all times" to the limitations specified above to be consistent with the Basin Plan Objectives in Chapter 3.

I. Interim Effluent Limitations (Not Applicable)

J. Land Discharge Specifications (Not Applicable)

K. Reclamation Specifications (Not Applicable)

V. Rationale for Receiving Water Limitations

States are required to adopt numeric criteria where they are necessary to protect designated uses. (CWA §§ 303(a) – 303(c)). The Regional Board adopted numeric criteria in the Basin Plan. The Basin Plan is a regulatory reference for meeting the State and Federal requirements for water quality control. (40 CFR 131.20). State Board Resolution 68-16, the Antidegradation Policy, does not allow changes in water quality less than that prescribed in Water Quality Control Plans (Basin Plans). The Basin Plan states that; "The numerical and narrative water quality objectives define the least stringent standards that the Regional Water Board will apply to regional waters in order to protect the beneficial uses." This Order contains Receiving Water Limitations based on the Basin Plan numerical and narrative water quality objectives for Biostimulatory Substances, Chemical Constituents, Color, Dissolved Oxygen, Floating Material, Oil and Grease, pH, Pesticides, Radioactivity, Salinity, Sediment, Settleable Material, Suspended Material, Tastes and Odors, Temperature, Toxicity and Turbidity.

The discharge of waste shall not cause or contribute to an excursion above the following water quality objectives in the receiving water:

A. Surface Water

Inland Surface Waters, Bays and Estuaries

1. Bacterial Characteristics

   a. Waters Designated Contact Recreation

      In waters designated for contact recreation (REC-1), the fecal coliform concentration based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200/100 milliters (ml), nor shall more than 10 percent of total samples during any 30-day period exceed 400/100 ml.

   b. Waters Designated Non-Contact Recreation

      In waters designated for non-contact recreation (REC-2) and not designated for contact recreation (REC-1), the average fecal coliform concentrations for any 30-day period, shall not exceed 2,000/100 ml nor shall more than 10 percent of samples collected during any 30-day period exceed 4,000/100 ml.

   c. Shellfish Harvesting Standards

      In waters where shellfish harvesting for human consumption, commercial or sports purposes is designated (SHELL), the median total coliform concentration throughout the water column for any 30-day period shall not exceed 70/100 ml nor shall more than 10 percent of the samples collected during any 30-day period exceed 230/100 ml for a five-tube decimal dilution test or 330/100 ml when a three-tube decimal dilution test is used.

   d. Bays and Estuaries

      In bays and estuaries, the most probable number of coliform organisms in the upper 60 feet of the water column shall be less than 1,000 per 100 ml (10 per ml); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 ml (10 per ml), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 (100 per ml).

   e. San Diego Bay

      In San Diego Bay where bay waters are used for whole fish handling, the density of E. coli shall not exceed 7 per ml in more than 20 percent of any 20 daily consecutive samples of bay water.

2. Physical Characteristics

   a. Waters shall not contain oils, greases waxes, or other materials in concentrations which result in visible film or coating on the surface of the water or on objects in the water, or which cause nuisance or which otherwise adversely affect beneficial uses.

   b. Waters shall not contain floating material, including solids, liquids, foams, and scum in concentrations which cause nuisance or adversely affect beneficial uses.

   c. The discharge shall not alter the color, create a visual contrast with the natural appearance nor cause aesthetically undesirable discoloration of the receiving water.

   d. The natural color of fish, shellfish or other resources in inland surface waters, coastal lagoon or bay and estuary shall not be impaired.

   e. Waters shall not contain suspended and settleable solids in concentrations of solids that cause nuisance or adversely affect beneficial uses.

   f. The discharge shall not cause the turbidity to increase to the extent that such an increase causes nuisance or adversely affects beneficial uses; such increase shall not exceed 20% when the natural turbidity is over 50 NTU or 10% when the natural turbidity is 50 NTU or less.

   g. The discharge shall not cause sedimentation in the receiving water.

   h. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures, storm water conveyance systems or other facilities nor overload their design capacity.

3. Chemical Characteristics

   a. Chemical substances in amounts that adversely affect any designated beneficial uses are prohibited.

   b. The discharge shall not cause dissolved oxygen levels in receiving waters of less than 5.0 mg/l in waters designated for MARINE or WARM beneficial uses or less than 6.0 mg/l in waters designated for COLD beneficial uses. The annual mean dissolved oxygen concentration shall not be less than 7 mg/l more than 10% of the time.

   c. The pH shall not be changed at any time more than 0.2 units in waters designated MARINE, ESTUARINE, or SALINE. Changes in normal ambient pH levels shall not exceed 0.5 units in fresh waters designated COLD or WARM.

d. The discharge shall not cause the temperature at any time or place and within any given 24-hour period to be altered by more than 5°F above natural temperature, but at no time be raised above 80°F for waters designated as WARM.

e. The discharge shall not cause residual chlorine in concentrations that persist and impairs beneficial uses.

f. Any individual pesticide or combination of pesticides in concentrations that adversely affect beneficial uses or increase pesticide concentration in bottom sediment or aquatic life shall not be present.

4. Biological Characteristics

a. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.

b. The natural taste, odor, and color of fish, shellfish, or other aquatic resources used for human consumption shall not be altered.

c. Biostimulatory substances at concentrations that promote aquatic growth to the extent that such grown causes nuisance or adversely affects beneficial uses shall not be present.

d. The concentration of organic materials in fish, shellfish or other aquatic resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

5. Radioactivity

a. Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life.

b. Waters designated for use as domestic or municipal supply (MUN) shall not contain concentrations of radionuclides in excess of the levels specified in section 64441 of Title 22 of the California Code of Regulations (Natural Radioactivity) which is incorporated by reference into this plan. This incorporation by reference is prospective including future changes to the incorporated provisions as the changes take effect.

6. Toxic Materials Limitations

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity,

population density, growth anomalies, bioassays of appropriate duration, or other appropriate methods as specified by the Regional Water Board.

7. Other Water Quality Objectives

   CTR Priority Pollutants as specified in the Table of Paragraph (b)(1) of 40 CFR 131.38.

Pacific Ocean

1. Bacterial Characteristics

   a. Water-Contact Standards

      Both the SWRCB and the California Department of Health Services (DHS) have established standards to protect water contact recreation in coastal waters from bacterial contamination. Subsection a of this section contains bacterial objectives adopted by the SWRCB for ocean waters used for water contact recreation. Subsection b describes the bacteriological standards adopted by DHS for coastal waters adjacent to public beaches and public water contact sports areas in ocean waters.

      (1) SWRCB Water-Contact Standards

         i. Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone used for water contact sports, as determined by the Regional Board (i.e., waters designated as REC-1), but including all kelp beds, the following bacterial objectives shall be maintained throughout the water column: 30-day Geometric Mean – The following standards are based on the geometric mean of the five most recent samples from each site:

            1. Total coliform density shall not exceed 1,000 per 100 ml;
            2. Fecal coliform density shall not exceed 200 per 100 ml; and
            3. Enterococcus density shall not exceed 35 per 100ml.

            Single Sample Maximum:

            1. Total coliform density shall not exceed 10,000 per 100 ml;
            2. Fecal coliform density shall not exceed 400 per 100ml;
            3. Enterococcus density shall not exceed 104 per 100 ml; and

      (2) DHS Standards

         DHS has established minimum protective bacteriological standards for coastal waters adjacent to public beaches and for public water-contact sports areas in ocean waters. These standards are found in

the California Code of Regulations, title 17, section 7958, and they are identical to the objectives contained in subsection a. above. When a public beach or public water-contact sports area fails to meet these standards, DHS or the local public health officer may post with warning signs or otherwise restrict use of the public beach or public water-contact sports area until the standards are met. The DHS regulations impose more frequent monitoring and more stringent posting and closure requirements on certain high-use public beaches that are located adjacent to a storm drain that flows in the summer.

For beaches not covered under AB 411 regulations, DHS imposes the same standards as contained in Title 17 and requires weekly sampling but allows the county health officer more discretion in making posting and closure decisions.

b. Shellfish Harvesting Standards

(1) At all areas where shellfish may be harvested for human consumption, as determined by the Regional Board, the following bacterial objectives shall be maintained throughout the water column:

(2) The median total coliform density shall not exceed 70 per 100 ml, and not more than 10 percent of the samples shall exceed 230 per 100 ml.

2. Physical Characteristics

a. Floating particulates and grease and oil shall not be visible.

b. The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.

c. Natural light shall not be significantly reduced at any point outside the initial dilution zone as the result of the discharge of waste.

d. The rate of deposition of inert solids and the characteristics of inert solids in ocean sediments shall not be changed such that benthic communities are degraded.

3. Chemical Characteristics

a. The dissolved oxygen concentration shall not at any time be depressed more than 10 percent from that which occurs naturally, as the result of the discharge of oxygen demanding waste materials.

b. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.

c. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.

d. The concentration of substances set forth in Chapter II, Table B, in marine sediments shall not be increased to levels which would degrade indigenous biota.

e. The concentration of organic materials in marine sediments shall not be increased to levels that would degrade marine life.

f. Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.

g. Numerical Water Quality Objectives

(1) Table B water quality objectives apply to all discharges within the jurisdiction of the Ocean Plan.

B. Groundwater – Not Applicable

VI. Rationale for Monitoring and Reporting Requirements

Section 122.48 of 40 CFR requires all NPDES permits to specify recording and reporting of monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Board to require technical and monitoring reports. The MRP, Attachment E of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this permit.

A. Influent Monitoring- (Not applicable)

B. Effluent Monitoring

The Discharger is required to conduct monitoring of the permitted discharge in order to determine compliance with permit conditions. Monitoring requirements are given in the Monitoring and Reporting Program (Attachment E) of this Order. This provision requires compliance with the monitoring and reporting program, and is based on 40 CFR 122.44(i), 122.62, 122.63 and 124.5. The self monitoring program (SMP) is a standard requirement in almost all NPDES permits (including the proposed Order) issued by the Regional Water Board. In addition to containing definitions of terms, it specifies general sampling/analytical protocols and the requirements of reporting of spills, violations, and routine monitoring data in accordance with NPDES regulations, the California Water Code, and Regional Water Board's policies. Pollutants to be monitored include all pollutants for which effluent limitations are specified.

C. Whole Effluent Toxicity (WET) Testing Requirements – Not Applicable

D. Receiving Water Monitoring

Section 13267 of the California Water Code states, in part,

> (a) A regional board, in establishing … waste discharge requirements … may investigate the quality of any waters of the state within its region" and "(b) (1) In conducting an investigation … the regional board may require that any person who … discharges … waste … that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.

The attached Monitoring and Reporting Program is issued pursuant to CWC section 13267. The Monitoring and Reporting Program is necessary to determine compliance with these waste discharge requirements. The Discharger is responsible for the discharges of waste subject to this Order.

E. Other Monitoring Requirements (Not Applicable)

VII. Rationale for Provisions

A. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42.

Section 122.41(a)(1) and (b) through (n) establish conditions that apply to all State-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. Section 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with section 123.25, this Order omits federal conditions that address enforcement authority specified in sections 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

B. Special Provisions

1. Reopener Provisions (Not Applicable)

2. Special Studies and Additional Monitoring Requirements (Not Applicable)

3. Best Management Practices and Pollution Prevention Plan

This Order contains requirements to reduce the discharge of pollutants, other than those that have effluent limitations in Section V.A of this Order, to the maximum extent practicable (MEP). The Discharger shall establish a set of Best Management Practices (BMPs) that address discharges associated with hydrostatic test water and/or potable water, including emergencies and discharges of raw water. The BMPs should include source control BMPs to minimize contact between pollutants and flow (e.g. rerouting of flow to prevent the discharge, erosion, which can lead to sedimentation in discharge) as well as treatment control BMPs to remove pollutants present in the discharge water before it enters receiving waters, including storm drains and other conveyance systems. Implementation of BMPs shall not interfere with necessary repair operations or impact public health and safety. A copy of the BMPs shall be submitted to the Regional Board, if requested.

4. Compliance Schedules (Not Applicable)

5. Construction, Operation, and Maintenance Specifications (Not Applicable)

6. Special Provisions for Municipal Facilities (POTWs Only) (Not Applicable)

7. Other Special Provisions

The Dischargers shall dispose of solids removed from liquid wastes in a manner that is consistent with Title 27 of the CCR and approved by the Regional Board.

VIII. Public Participation

The California Regional Water Quality Control Board, San Diego Region (Regional Water Board) is considering the reissuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for Hydrostatic Test Water and Potable Water Discharges. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Regional 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. On June 26, 2009, the Regional Board sent out notification and the draft tentative Order to enrollees and interested persons by U.S. Postal Service. The draft tentative Order was posted on the Regional Board's webpage on June 26, 2009, and notification published in the San Diego Union Tribune newspaper on June 26, 2009.

B. Written Comments

Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person or by mail to the

Executive Office at the Regional Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Regional Water Board, written comments must be received at the Regional Water Board offices by 5:00 p.m. on August 5, 2009.

C. Public Hearing

The Regional Board plans to hold a public hearing on the tentative Order during its regular meeting on the following date and at the following location:

Date: **August 12, 2009**
Location: **Water Quality Control Board**
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Interested persons are invited to attend. At the public hearing, the Regional Board will hear testimony pertinent to the discharge and Order. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our Web address is http://www.waterboards.ca.gov/sandiego/ where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Water Board's action to the following address:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

E. Information and Copying

Order-related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. A partial list of these items are on the Regional Board's web site at: http://www.waterboards.ca.gov/sandiego/

Copying of documents may be arranged through the Regional Board by calling (858) 467-2952.

F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the Order was invited to contact the Regional Board, reference this Order, and provide a name, address, and telephone number.

G. Additional Information

Requests for additional information or questions regarding this Order may be directed to Michelle Mata at (858) 467-2981 or at: mmata@waterboards.ca.gov

This Order will expire on September 1, 2014.

WATER QUALITY OBJECTIVES BY HYDROLOGIC UNIT

The discharge of potable and/or hydrostatic test water within a watershed/stream reach shall not cause the receiving water to exceed the following concentrations:

Inland Surface Waters		Hydrologic Unit Basin Number	Constituents (mg/l or as noted)												
			TDS	Cl	SO_4	%Na	N&P	Fe	Mn	MBAS	B	ODOR	Turb NTU	Color Units	F
SAN JUAN HYDROLOGIC UNIT		**901.00**													
Laguna	HA	1.10	1000	400	500	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Mission Viejo	HA	1.20	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
San Clemente	HA	1.30	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
San Mateo Canyon	HA	1.40	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
San Onofre	HA	1.50	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
SANTA MARGARITA HYDROLOGIC UNIT		**902.00**													
Ysidora	HA	2.10	750	300	300	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Deluz	HA	2.20	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Deluz Creek	HSA [b]	2.21	750	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Gavilan	HAS [b]	2.22	750	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Murrieta	HA	2.30	750	300	300	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Auld	HA	2.40	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Pechanga	HA	2.50	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Wolf	HAS [b]	2.52	750	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Wilson	HA	2.60	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Cave Rocks	HA	2.70	750	300	300	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Aguanga	HA	2.80	750	300	300	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Oakgrove	HA	2.90	750	300	300	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0

HA – Hydrologic Area
HAS – Hydrologic Sub Area (Lower case letters indicate endnotes following the table

WATER QUALITY OBJECTIVES BY HYDROLOGIC UNIT

The discharge of potable and/or hydrostatic test water within a watershed/stream reach shall not cause the receiving water to exceed the following concentrations:

Inland Surface Waters		Hydrologic Unit Basin Number	Constituents (mg/l or as noted)												
			TDS	Cl	SO_4	%Na	N&P	Fe	Mn	MBAS	B	ODOR	Turb NTU	Color Units	F
SAN LUIS REY HYDROLOGIC UNIT		**903.00**													
Lower San Luis	HA	3.10	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Monserat	HA	3.20	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Warner Valley	HA	3.30	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
CARLSBAD HYDROLOGIC UNIT		**904.00**													
Loma Alta	HA	4.10	-	-	-	-	-	-	-	-	-	none	20	20	1.0
Buena Vista Creek	HA	4.20	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Agua Hedionda	HA	4.30	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Encinas	HA	4.40	-	-	-	-	-	-	-	-	-	none	20	20	1.0
San Marcos	HA	4.50	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Escondido Creek	HA	4.60	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
CARLSBAD HYDROLOGIC UNIT		**905.00**													
Solana Beach	HA	5.10	750	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Hodges	HA	5.20	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
San Pasqual	HA	5.30	750	300	300	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Santa Maria Valley	HA	5.40	750	300	300	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Santa Ysable	HA	5.50	750	300	300	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
PENASQUITOS HYDROLOGIC UNIT		**906.00**													
Miramar Reservoir	HA	6.10	750	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Poway	HA	6.20	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0

HA – Hydrologic Area
HAS – Hydrologic Sub Area (Lower case letters indicate endnotes following the table

WATER QUALITY OBJECTIVES BY HYDROLOGIC UNIT

The discharge of potable and/or hydrostatic test water within a watershed/stream reach shall not cause the receiving water to exceed the following concentrations:

Inland Surface Waters		Hydrologic Unit Basin Number	Constituents (mg/l or as noted)												
			TDS	Cl	SO_4	%Na	N&P	Fe	Mn	MBAS	B	ODOR	Turb NTU	Color Units	F
Scripps	HA	6.30	-	-	-	-	a	-	-	-	-	none	20	20	-
Miramar	HA	6.40	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Tecolote	HA	6.50	-	-	-	-	a	-	-	-	-	none	20	20	-
SAN DIEGO HYDROLOGIC UNIT		**907.00**													
Lower San Diego	HA	7.10	1000	400	500	60	a	0.3	0.05	0.5	1.0	none	20	20	-
Mission San Diego	HSA	7.11	1500	400	500	60	a	1.0	1.00	0.5	1.0	none	20	20	-
Santee	HSA [c]	7.12	1000	400	500	60	a	1.0	1.0	0.5	1.0	none	20	20	-
Santee	HSA [d]	7.12	1500	400	500	60	a	1.0	1.00	0.5	1.0	none	20	20	-
San Vicente	HA	7.20	300	50	65	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
El Capitan	HA	7.30	300	50	65	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Boulder Creek	HA	7.40	300	50	65	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
PUEBLO SAN DIEGO HYDROLOGIC UNIT		**908.00**													
Point Loma	HA	8.10	-	-	-	-	-	-	-	-	-	none	20	20	-
San Diego Mesa	HA	8.20	-	-	-	-	-	-	-	-	-	none	20	20	-
National City	HA	8.30	-	-	-	-	-	-	-	-	-	none	20	20	-
SWEETWATER HYDROLOGIC UNIT		**909.00**													
Lower Sweetwater	HA	9.10	1500	500	500	60	a	0.3	0.05	0.5	0.75	none	20	20	-
Middle Sweetwater	HA	9.20	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Upper Sweetwater	HA	9.30	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0

HA – Hydrologic Area
HAS – Hydrologic Sub Area (Lower case letters indicate endnotes following the table

WATER QUALITY OBJECTIVES BY HYDROLOGIC UNIT

The discharge of potable and/or hydrostatic test water within a watershed/stream reach shall not cause the receiving water to exceed the following concentrations:

Inland Surface Waters		Hydrologic Unit Basin Number	Constituents (mg/l or as noted)												
			TDS	Cl	SO_4	%Na	N&P	Fe	Mn	MBAS	B	ODOR	Turb NTU	Color Units	F
OTAY HYDROLOGIC UNIT		**910.00**													
Coronado	HA	10.10	-	-	-	-	-	-	-	-	-	-	-	-	-
Otay Valley	HA	10.20	1000	400	500	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Dulzura	HA	10.30	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
TIJUANA HYDROLOGIC UNIT		**911.00**													
Tijuana Valley	HA	11.10	-	-	-	-	-	-	-	-	-	-	-	-	-
San Ysidro	HSA	11.11	2100	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Potrero	HA	11.20	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Barrett Lake	HA	11.30	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Monument	HA	11.40	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Morena	HA	11.50	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Cottonwood	HA	11.60	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Cameron	HA	11.70	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0
Campo	HA	11.80	500	250	250	60	a	0.3	0.05	0.5	0.75	none	20	20	1.0

HA – Hydrologic Area
HAS – Hydrologic Sub Area (Lower case letters indicate endnotes following the table