ORDER NO. R8-2009-0003 (NPDES NO. CAG998001) HAS BEEN POSTPONED TO THE MARCH 27, 2009 BOARD MEETING. THIS ORDER INCLUDES THE ERRATA SHEET CHANGES PROPOSED AT THE JANUARY 23, 2009 BOARD MEETING.

California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

NOTICE OF PUBLIC HEARING
for
Order No. R8-2009-0003, NPDES No. CAG998001
General Waste Discharge Requirements for Discharges to Surface Waters
That Pose an Insignificant (De Minimus) Threat to Water Quality
(National Pollutant Discharge Elimination System Permit)

On the basis of lawful standards and regulations, the California Regional Water Quality Control Board, Santa Ana Region proposes to issue, with some modifications, the general waste discharge requirements for discharges to surface waters that pose an insignificant threat to water quality within the Santa Ana Region.

The Board is seeking comments concerning these proposed actions and the potential effects of the discharges on the water quality and beneficial uses of the affected receiving waters within the Santa Ana Region.

The Board will hold a public hearing to consider adoption of the proposed waste discharge requirements as follows:

DATE: March 27, 2009
TIME: 9:00 a.m.
PLACE: City Council Chambers of Loma Linda
25541 Barton Road
City of Loma Linda

The Board's proposed Orders, related documents, and all comments and petitions received may be inspected and copied at the Regional Board office, 3737 Main Street, Suite 500, Riverside, CA 92501-3348 (phone 951-782-4130) by appointment scheduled between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. Copies of the proposed Orders will be mailed to interested persons upon request to Jane Qiu at (951) 320-2008. The proposed Orders can also be downloaded from our website at *http://www.waterboards.ca.gov/santaana/board_decisions/tentative_orders/index.shtml* starting February 9, 2009

Interested persons are invited to submit written comments on the proposed Orders No. R8-2009-0003. Interested persons are also invited to attend and express their views on issues relating to the proposed Orders. Oral statements will be heard, but should be brief to allow all interested persons time to be heard. For the accuracy of the record, all testimony (oral statements) should be submitted in writing.

Although all comments that are provided up to and during the public hearing on this matter will be considered, receipt of comments by March 9, 2009 would be appreciated so that they can be used in the formulation of the draft Orders that will be transmitted to the Board two weeks prior to the hearing. To view or download a copy of the tentative Order that the Board will consider at its meeting, please access our website at http://www.waterboards.ca.gov/santaana/board_info/agendas/2009_agendas.shtml on or after March 16, 2009.

Any person who is physically challenged and requires reasonable accommodation to participate in this Regional Board Meeting should contact Felipa Carrillo at (951) 782-3285 no later than March 16, 2009. Please bring the foregoing to the attention of any persons known to you who would be interested in this matter.

State of California
California Regional Water Quality Control Board
Santa Ana Region

March 27, 2009

ITEM: *

SUBJECT: Issuance of updated general waste discharge requirements for discharges to surface waters that pose an insignificant (de minimus) threat to water quality – Order No. R8-2009-0003, NPDES NO. CAG998001

DISCUSSION:

See attached Order No. R8-2009-0003 and Attachments

RECOMMENDATIONS:

Adopt Order No. R8-2009-0003, NPDES No. CAG998001 as presented.

COMMENT SOLICITATION:

Comments were solicited from the dischargers and the following agencies:

U.S. Environmental Protection Agency, Permits Issuance Section (WTR-5) – Doug Eberhardt
U.S. Army District, Los Angeles, Corps of Engineers - Regulatory Branch
U.S. Fish and Wildlife Service, Carlsbad
State Water Resources Control Board, Office of the Chief Counsel – David Rice
State Department of Water Resources, Glendale – Charles Keene
State Department of Fish and Game, Los Alamitos – Latonio
State Department of Fish and Game, South Coast Region, San Diego – Dolores Duarle
California Department of Public Health, Santa Ana - Oliver Pacifico
California Department of Public Health, San Diego - Steve Williams
California Department of Public Health, San Bernardino - Sean McCarthy
San Bernardino County Department of Public Health, Division of Environmental Health Services – Daniel Avera
San Bernardino County Flood Control and Transportation Department - Naresh Varma
Riverside County Flood Control and Water Conservation District – Jason Uhley
Riverside County Environmental Health Department - Sandy Bunchek
Orange County Public Facilities and Resources Department, Flood Control – Chris Crompton/Andy Ngo
Orange County Health Care Agency - Larry Honeybourne
Orange County Resources and Development Management Department – Richard Boon
Orange County Planning & Development Services Department – Trish McNally
Orange County Water District - Nira Yamachika
Orange County Coastkeeper - Garry Brown
Lawyers for Clean Water C/c San Francisco Baykeeper
Inland Empire Waterkeeper – Lee Reeder
Defend the Bay, Newport Beach - Robert J. Caustin
Current R8-2003-0061 enrollees

California Regional Water Quality Control Board
Santa Ana Region

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

ORDER NO. R8-2009-0003
NPDES NO. CAG998001

GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS THAT POSE AN INSIGNIFICANT (DE MINIMUS) THREAT TO WATER QUALITY

A Discharger, as described in the following table, who has complied with the requirements for coverage under this Order, is authorized to discharge under this Order, once permit coverage is effective, as described in this Order.

Dischargers	Individuals/agencies/other parties who discharge wastewater that pose an insignificant (de minimus) threat to water quality of surface waters.

This Order was adopted by the Regional Water Quality Control Board on:	**March 27, 2009**
This Order shall become effective on:	**March 27, 2009**
This Order shall expire on:	**March 1, 2014**
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified these discharges as **minor** discharges.	

TENTATIVE

IT IS HEREBY ORDERED, that this Order supersedes Order No. R8-2003-0061 except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the California 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.

I, Gerard J. Thibeault, 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, Santa Ana Region, on March 27, 2009.

_____
Gerard J. Thibeault, Executive Officer

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I. DISCHARGER[1] INFORMATION

A. Background

Order No. R8-2003-0061, NPDES No. CAG998001 is a general NPDES permit adopted by the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Water Board), on August 22, 2003 for discharges to surface waters of various types of wastes that pose an insignificant threat to water quality.

On March 4, 2005, Order No. R8-2003-0061 was amended by Order No. R8-2005-0041, allowing the discharge of de minimus discharges within the San Diego Creek/Newport Bay Watershed provided it can be demonstrated that there are no pollutants of concern (selenium and nitrates) in the discharge.

On January 18, 2006, Order No. R8-2003-0061 was again amended by Order No. R8-2006-0004 to include the proposed discharge of decanted backwash filter wastewater and/or sludge dewatering filtrate water from water treatment facilities as one of the types of discharges that may be considered for coverage under this general Order.

To date, 166 Dischargers have been authorized under Order No. R8-2003-0061; of these, 113 are still active. It is anticipated that these existing Dischargers will be submitting renewal applications for continued discharges. The demand for permit issuance will far exceed the available staff resources to develop and bring individual tentative waste discharge requirements to the Board for adoption. These circumstances necessitate the renewal of this general NPDES permit.

B. Regulatory Approach

1. Order No. R8-2009-0003 (hereinafter, this Order) will update Order No. R8-2003-0061 and will facilitate the processing of permit applications and the implementation of de minimus discharge projects within the Santa Ana Region. However, as discussed in the Fact Sheet (Attachment F), certain types of municipal separate storm sewer system (MS4) permittee discharge activities will no longer be regulated under this Order but will be regulated under the area-wide MS4 permits when these permits are updated appropriately and renewed during the early part of 2009. Similarly, other Waste Discharge Requirement (WDR) holders may no longer be regulated under this Order if their WDRs are appropriately amended. The types of wastewater discharges regulated under this Order include the following discharges:

    a. Construction dewatering wastes; [2]

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[1] *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.*

[2] *Stormwater and non-stormwater (e.g. pumping of rising groundwater) discharges are covered under either the State's General Construction Activity permit or under the Municipal Storm Sewer System permit.*

b. Wastes associated with well installation, development, test pumping and purging;

c. Aquifer testing wastes;

d. Dewatering wastes from subterranean seepage, except for discharges from utility vaults;

e. Discharges resulting from hydrostatic testing of vessels, pipelines, tanks, etc.;

f. Discharges resulting from the maintenance of potable water supply pipelines, tanks, reservoirs, etc.;

g. Discharges resulting from the disinfection of potable water supply pipelines, tanks, reservoirs, etc.;

h. Discharges from potable water supply systems resulting from initial system startup, routine startup, sampling of influent flow, system failures, pressure releases, etc.;

i. Discharges from fire hydrant testing or flushing;

j. Air conditioning condensate;

k. Swimming pool discharge;

l. Discharges resulting from diverted stream flows;

m. Decanted filter backwash wastewater and/or sludge dewatering filtrate water from water treatment facilities; and

n. Other similar types of wastes as determined by the Regional Water Board Executive Officer, which pose a de minimus threat to water quality yet must be regulated under waste discharge requirements.

2. This Order regulates proposed groundwater related discharges and/or de minimus discharges within the San Diego Creek/Newport Bay Watershed that do not contain nutrients, selenium, and other pollutants of TMDL concern at levels that pose a threat to water quality.

3. The following discharges are excluded from regulation under this Order:

a. Wastewater with pollutants of concern other than those for which effluent limitations are specified in this Order.

b. Wastewater discharges from hydro-testing of contaminated pipes or contaminated vessels or tanks.

c. Wastewater discharges from draining of decorative ponds, golf course lakes and ponded water (irrigation tailwater that may commingle with stormwater), unless full characterization of the wastewater for the presence of pesticides, priority pollutants, insecticide, biocide and/or other chemicals that may have been applied to the wastewater is provided. There must be a demonstration that there are no pollutants present at levels of concern.

II. GENERAL PERMIT APPLICATION

A. New Dischargers

At least 45 days before the start of a new discharge, the Discharger shall submit an application and obtain the authorization letter from the Executive Officer to discharge wastewater to surface waters. The application shall include the following information:

1. Notice of Intent to be covered under this Order.

2. For projects involving well development, well purging and groundwater extraction or dewatering, a site characterization study that defines the proximity of the extraction well to known contaminated sites, the presence of contaminated groundwater onsite, contaminants and their properties and a three-dimensional assessment of the extent and concentration of contaminants in the subsurface and includes a description of the geologic and hydrologic factors that control the migration of the contaminants. It shall also include a list of known or suspected leaking underground tanks and other facilities or operations which have or may have impacted the quality of the underlying groundwater within 200 feet of the site property lines. If the project site is adjacent or near a contaminated site, considering the depth of extraction well, the groundwater extraction flow rate and other influencing factors, the Discharger shall evaluate the possibility of extracting the contaminated groundwater from the adjacent site and shall determine the time at which contaminated wastewater will reach the groundwater extraction wells.

3. A report that shall include the following:

   a. A list of constituents and the discharge concentration of each constituent from each source. Unless specified elsewhere in this Order, all laboratory analyses for analyzing pollutant concentration shall be in accordance with 40 CFR 136. For projects involving well development, well purging and groundwater extraction, a representative groundwater sample shall be analyzed for Cadmium, Chromium VI, Copper, Lead, Mercury, Nickel, Selenium[3], Silver, Zinc, total dissolved solids, total inorganic nitrogen, hardness, perchlorate, and organic pollutants[4]. Test results shall be reported with the reported minimum levels (ML) and the method detection limit (MDL);

   b. The estimated average and maximum daily flow rates in million gallons per day (mgd), the expected start date of discharge, the frequency and duration of the discharge;

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[3] *Use modified EPA Method 200.8 using a Dynamic Reaction Cell (DRC) with an ICP-MS and with reporting limit below 1 ug/L*

[4] *Using EPA method 8260B.*

c. The proposed discharge location(s) and latitude and longitude for each discharge point;

d. A description of the proposed treatment system (if appropriate);

e. The affected receiving water;

f. A map showing the path from the point of initial discharge to the ultimate receiving water. Please try to limit your maps to size of 8.5" X 11".

4. Any other information deemed necessary by the Executive Officer.

5. The application for coverage under this Order, including the NOI (see Attachment B of this Order), map(s), report, and fee, must be submitted to the following address:

   Permitting Section
   California Regional Water Quality Control Board
   3737 Main Street, Suite 500
   Riverside, CA 92501-3348

B. Existing Dischargers

For existing Dischargers authorized to continue discharging under Order No. R8-2003-0061 after August 1, 2008, discharges will continue to be regulated under the terms and conditions of Order No. R8-2003-0061 until a new discharge authorization is issued, provided that the Discharger submits, no later than April 11, 2009, an updated NOI, a copy of the current Monitoring & Reporting Program previously issued to the Discharger, and proposed treatment modifications (if any). If no application is submitted, the Discharger shall terminate the discharge upon the effective date of this Order.

C. Effectivity of Coverage

Coverage under this Order shall be effective on the date that the Executive Officer issues a discharge authorization letter, which shall include a self monitoring program for the proposed discharge.

D. Termination of Coverage

The Discharger shall inform the Regional Water Board by a letter if coverage under this Order is no longer needed. Upon receipt of said letter, the Regional Water Board Executive Officer or a designee shall issue a letter terminating coverage under this Order.

E. Election of Permit Coverage

Dischargers already covered under the NPDES program, whether by a general or individual permit, may elect to continue coverage under the existing valid permit or may submit a complete application for coverage under this Order. Dischargers who submit a complete application under this Order are not required to submit an individual permit application. The Regional Water Board may request additional information and determine that a Discharger is not eligible for coverage under this Order and would be better regulated under an individual or other general NPDES permit or, for discharges to land, under waste discharge requirements (WDRs). If the Regional Water Board issues an NPDES permit or WDRs, the applicability of this Order to the specified discharge is immediately terminated on the effective date of the NPDES permit or WDRs.

III. FINDINGS

The Regional Water Board finds:

A. Background.

This Order replaces Order No. R8-2003-0061. The NPDES permit number, No. CAG998001, remains the same. Dischargers enrolled under the previous Order No. R8-2003-0061 must obtain coverage under this new Order to continue their authorization to discharge. To obtain authorization for continued and future discharge to waters of the United States, Dischargers must submit a complete application, as described in II.A. and B. above, and obtain coverage in order to be regulated under this Order as provided in 40 Code of Federal Regulations (CFR) Section 122.28 (b)(2).

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. Industry Description.

This Order regulates de minimus discharges (as listed in Section I. Discharge Information, above) to surface waters. The discharges are to surface waters, including estuarine and ocean waters, within the Santa Ana Region, including de minimus discharges to Newport Bay and San Diego Creek watershed that do not contain nutrients, selenium, and other pollutants of TMDL concern at levels that pose a threat to water quality or beneficial uses.

C. Legal Authorities. This Order is issued pursuant to Section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC) (commencing with Section 13370). It shall serve as an NPDES permit for de minimus point source discharges from facilities to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4, Division 7 of the California Water Code (commencing with Section 13260).

D. Background and Rationale for Requirements. The Regional Water Board developed the requirements in this Order based on information obtained through issuance and enforcement of the prior general permits for groundwater cleanup discharges, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and, thus constitutes part of the Findings for this Order. Attachments A through E and G through I are also incorporated into 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 Section 21000 et seq. (*County of Los Angeles v. California State Water Resources Control Board* (2006) 143 Cal.App.4th 985, mod. (Nov. 6, 2006, B184034) 50 Cal.Rptr.3d 619, 632-636.)

F. Technology-based Effluent Limitations. Section 301(b) of the CWA and implementing USEPA permit regulations at Section 122.44, title 40 of the Code of Federal Regulations[5], requires 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 (WQS). The discharges authorized by this Order must, at a minimum, meet technology-based requirements and/or Best Professional Judgment (BPJ) standard in accordance with Part 125, Section 125.3. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet. This Order does not include technology-based Effluent Limitation.

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 WQS.

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

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, WQBELs must be established using: (1) USEPA criteria guidance under CWA Section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in Section 122.44(d)(1)(vi).

H. Water Quality Control Plans. The Regional Water Board adopted a revised Water Quality Control Plan for the Santa Ana Region (hereinafter Basin Plan) that became effective on January 24, 1995 (Resolution No. 94-1). The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters in the Santa Ana Region addressed through the Basin Plan. More recently, Resolution No. R8-2004-0001 amended the Basin Plan significantly to incorporate revised boundaries for groundwater subbasins, now termed "management zones", new nitrate-nitrogen and TDS objectives for the new management zones, and new nitrogen and TDS management strategies applicable to both surface and ground waters. This Basin Plan amendment was adopted by the Regional Water Board on January 22, 2004. The State Water Resources Control Board (State Water Board) and Office of Administrative Law (OAL) approved the amendment on September 30, 2004 and December 23, 2004, respectively. EPA approved the surface water standards components of the nitrogen/total dissolved solids (N/TDS) amendment on June 20, 2007.

The existing and potential beneficial uses of surface waters in the Santa Ana Region are designated in Chapter 3 of the Basin Plan and may include:

1. Municipal and Domestic Supply,
2. Agricultural Supply,
3. Industrial Service Supply,
4. Industrial Process Supply,
5. Groundwater Recharge,
6. Hydropower Generation,
7. Water Contact Recreation,
8. Non-contact Water Recreation
9. Warm Freshwater Habitat,
10. Limited Warm Freshwater Habitat,
11. Cold Freshwater Habitat,

12. Preservation of Biological Habitats of Special Significance,
13. Wildlife Habitat,
14. Marine Habitat,
15. Shellfish Harvesting,
16. Estuarine Habitat,
17. Rare, Threatened or Endangered Species, and
18. Spawning, Reproduction, and Development.

Many surface waters within the region recharge underlying groundwater basins. The existing and potential beneficial uses of groundwater within the Santa Ana Region generally include:

1. Municipal and Domestic Supply,
2. Agricultural Supply,
3. Industrial Service Supply, and
4. Industrial Process Supply

Requirements of this Order implement the Basin Plan.

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, numeric criteria for certain priority pollutants in California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the State. The CTR was amended on February 13, 2001. The NTR and CTR contain water quality criteria for priority pollutants. This Order does not include priority pollutants limits, because this Order covers only discharges that pose an insignificant (de minimus) threat to water quality.

J. State Implementation Policy. On March 2, 2000, the State Water 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 the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water 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 toxicity control. Requirements of this Order implement the SIP.

K. Compliance Schedules and Interim Requirements – Not Applicable

L. Alaska Rule. On March 30, 2000, USEPA revised its regulation that specifies when new and revised State and Tribal WQS become effective for CWA purposes. (40 C.F.R. Section 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.

M. Stringency of Requirements for Individual Pollutants. This Order contains water quality based effluent limitations for individual pollutants. This Order contains effluent limitations more stringent than the minimum, federal technology-based requirements that are necessary to meet WQS.

N. 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 quality of waters 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. As discussed in detail in the Fact Sheet, the permitted discharge is consistent with the antidegradation provision of section 131.12 and State Water Board Resolution No. 68-16.

O. Anti-Backsliding Requirements. Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations 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. As discussed in the Fact Sheet, the limitations in this Order are at least as stringent as the effluent limitations in the prior Order.

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

Existing Dischargers enrolled under Order No. R8-2003-0061 who wish to continue discharging under this Order shall, as appropriate, be issued a monitoring and reporting program similar to the previous monitoring and reporting program issued under Order No. R8-2003-0061. For discharges not previously reported the monitoring and reporting program may be revised accordingly.

Q. Standard and Special 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. Dischargers must comply with all standard provisions and with those additional conditions that are applicable under Section 122.42. The Regional Water Board has also included in this Order special provisions applicable to any Dischargers. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet.

R. Notification of Interested Parties. The Regional Water Board has notified the Dischargers currently regulated under Order No. R8-2003-0061 and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of this notification are provided in the Fact Sheet (Attachment F) of this Order.

S. Consideration of Public Comment. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

IV. DISCHARGE PROHIBITIONS

A. The discharge of oil, trash, industrial waste sludge, or other solids directly to the surface waters in this region or in any manner that will ultimately affect surface waters in this region is prohibited.

B. The discharge of any substances in concentrations toxic to aquatic life, animal life, or plant life is prohibited.

C. The discharge of wastes to property not owned or controlled by the Discharger is prohibited.

D. Odors, vectors, and other nuisances of waste origin are prohibited beyond the limits of each Discharger's facility.

E. The addition of chemicals to the extracted groundwater, exclusive of chlorine to control biofouling in treatment systems, is prohibited except when approved in writing by the Executive Officer.

F. There shall be no direct discharges of waste to Areas of Special Biological Significance such as Newport Beach Marine Life Refuge and Irvine Coast Marine Life Refuge.

V. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The limitations apply at the point of the discharge. If the receiving surface water body is dry and the wastewater percolates to the same groundwater management zone from which the groundwater was extracted and/or dewatered, these limitations do not apply.

A. Effluent Limitations and Discharge Specifications

1. **Final Effluent Limitations**

   a. The Discharger shall maintain compliance with the following effluent limitations at approved compliance point monitoring locations:

Table 1. Effluent Limitations Applicable to All Receiving Waters

Constituent	Maximum Daily Concentration Limit in milligrams per liter (mg/L)
Total Dissolved Solids (TDS)	See Section A.4. and Section A.5., below
Total Inorganic Nitrogen (TIN)	See Section A.4. and Section A.5., below
Total Petroleum Hydrocarbons	0.1 mg/L
Total Residual Chlorine[6]	0.1 mg/L
Suspended Solids	75 mg/L
Sulfides	0.4 mg/L
Oil and Grease	15 mg/L

2. The pH of the discharge shall be within 6.5 and 8.5 pH units (see also Receiving Water Limitations B.2.g.).

3. There shall be no visible oil and grease in the discharge.

4. The discharge of decanted filter backwash wastewater and/or sludge dewatering filtrate water from water treatment facilities shall not contain a total suspended solids maximum daily concentration in excess of 30 mg/L.

5. For discharges to surface waters where groundwater will not be affected by the discharge, the TDS and/or TIN of the effluent shall not exceed the water quality objectives for the receiving surface water where the effluent is discharged, as specified in Table 4-1 of the Basin Plan for the Santa Ana Region.

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6 *If chlorine is used for treatment or disinfection of wastes.*

6. For discharges to surface waters where the groundwater will be affected by the discharge, the TDS and/or TIN concentrations of the effluent shall not exceed the water quality objectives for the surface water where the effluent is discharged nor the affected groundwater management zone, as specified in Table 4-1 of the Basin Plan for the Santa Ana Region. The more restrictive water quality objectives shall govern. However, treated effluent exceeding the groundwater management zone water quality objectives may be returned to the same management zone from which it was extracted without reduction of the TDS or TIN concentrations so long as the concentrations of those constituents are no greater than when the groundwater was first extracted. Incidental increases in the TDS and TIN concentrations (such as may occur during air stripping) of treated effluent will not be considered increases for the purposes of determining compliance with this discharge specification.

B. Land Discharge Specifications – Not Applicable

C. Reclamation Specifications – Not Applicable

VI. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

1. The discharge of wastes shall not cause a violation of any applicable WQS for receiving waters adopted by the Regional Water Board or the State Water Board, as required by the Federal CWA and any regulations adopted thereunder.

2. The discharge shall not cause any of the following:

   a. Coloration of the receiving waters that causes a nuisance or adversely affects beneficial uses. The natural color of fish, shellfish or other inland, bay and estuarine water resources used for human consumption shall not be impaired.

   b. Deposition of oil, grease, wax or other materials in the receiving waters in concentrations that result in a visible film or in coating objects in the water, or which cause a nuisance or adversely affect beneficial uses.

   c. An increase in the amounts of suspended or settleable solids in the receiving waters that will cause a nuisance or adversely affect beneficial uses as a result of controllable water quality factors.

   d. Taste or odor producing substances in the receiving waters at concentrations that cause a nuisance or adversely affect beneficial uses.

   e. The presence of radioactive materials in the receiving waters in concentrations that is deleterious to human, plant or animal life.

   f. The depletion of the dissolved oxygen concentration below 5.0 mg/L.

g. The temperature of the receiving waters to be raised above 90°F (32°C) during the period of June through October, or above 78°F (26°C) during the rest of the year.

h. Change the ambient pH levels more than 0.5 pH units.

i. The concentration of pollutants in the water column, sediments, or biota to adversely affect the beneficial uses of the receiving water. The discharge shall not result in the degradation of inland surface water communities and populations, including vertebrate, invertebrate, and plant species.

3. Pollutants not specifically mentioned and limited in this Order shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health or animal life.

B. Groundwater Limitations

1. The discharge shall not cause the underlying groundwater to be degraded, to exceed water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance.

2. The discharge, in combination with other sources, shall not cause underlying groundwater to contain waste constituents in concentrations greater than background water quality.

VII. PROVISIONS

A. Standard Provisions

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

2. Neither the treatment nor the discharge of waste shall create, or threaten to create, a nuisance or pollution as defined by Section 13050 of the California Water Code.

3. This Order expires on March 1, 2014. However, coverage under the Order shall continue in force and effect until a new Order is issued. Only those Dischargers authorized to discharge under the expiring Order are covered by the continued Order. Upon reissuance of a new Order, the Dischargers shall file a new application within 45 days of the effective date of the new order and obtain a new authorization to discharge from the Executive Officer.

4. The Executive Officer shall determine whether the proposed discharge is eligible for coverage under this Order, after which, the Executive Officer may;

    a. Authorize the proposed discharge by transmitting a "Discharge Authorization Letter" to the discharge proponent (now an "Authorized Discharger") authorizing the initiation of the discharge under the conditions of this Order and any other conditions consistent with this Order which are necessary to protect the beneficial uses of the receiving waters; or,

    b. Require the discharge proponent to obtain an individual NPDES permit prior to any discharge to surface waters within the Santa Ana Region.

5. The Executive Officer is authorized to issue a single discharge authorization letter to a Discharger proposing unknown future de minimus discharges at multiple locations within the Santa Region, provided that the general nature of the discharges and the general locations are reported and included in the application to discharge wastes under this general permit and that at least five days prior to each discharge, more detailed information regarding each discharge is reported. (see section VIII.B.4.)

6. The Discharger shall comply with all the requirements of this Order and the terms and conditions of the discharge authorization letter. The discharge authorization letter from the Executive Officer shall identify the discharge location(s), specify any conditions necessary to protect the beneficial uses of the receiving waters, and shall specify the Self-Monitoring Program for the proposed discharge in accordance with this Order. The discharge authorization letter may be terminated or revised by the Executive Officer at any time. Any and all discharge authorization letters, which may be issued by the Executive Officer pursuant to this Order, are incorporated by reference into this Order.

7. For projects involving groundwater dewatering, the Discharger shall assure that extraction wells at the project site are properly abandoned/demolished or sealed at the completion of the project, to prevent the occurrence of future groundwater contamination resulting from groundwater extraction wells.

8. The Discharger shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order.

9. The Discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.

10. The Discharger shall take all reasonable steps to minimize any adverse impacts to receiving waters resulting from noncompliance with any effluent limitations specified in this Order, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. When adverse impacts are identified following exceedance of effluent limitation(s), and/or violation of discharge prohibitions and provisions, Dischargers shall mitigate impacts in accordance with a plan approved by the Executive Officer. The proposed plan shall be submitted within 30 days of the finding of an adverse impact.

11. The Discharger shall, at all times, properly operate and maintain all facilities and systems of treatment (and related appurtenances) and control which are installed or used by the Discharger to achieve compliance with this Order and the conditions of the discharge authorization letter(s) from the Executive Officer. Proper operation and maintenance shall include the following:

    a. Effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls and appropriate quality assurance procedures.
    b. Regular maintenance and inspection of all systems.
    c. Maintenance of records of the inspection results that shall be made available to the Regional Water Board whenever required and demanded.

12. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate these requirements.

13. This Order does not convey any property rights of any sort, or any exclusive privilege.

14. This Order is not transferable to any person except after notice to and approval by the Regional Water Board.

15. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the Discharger from liabilities arising under federal, State, or local laws, nor guarantee the Discharger a capacity right in the receiving waters.

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

17. Any violation of this Order constitutes a violation of the CWA, its regulations, and the California Water Code, and is grounds for enforcement action and/or termination of the authorization to discharge.

18. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from this facility, 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.

19. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, discharge limitation (e.g., maximum daily effluent limitation), or receiving water limitation of this Order, the Discharger shall notify the Regional Water Board by telephone (951) 782-4130 within 24 hours of having knowledge of such noncompliance that may endanger public health or the environment, 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.

20. All treatment facility startup and operation instruction manuals shall be maintained and available to operating personnel at the site where groundwater remediation is being conducted.

B. Monitoring and Reporting Program (MRP) Requirements

The Discharger shall comply with the monitoring and reporting program issued by the Executive Officer with the discharge authorization letter. Revision of this monitoring and reporting program by the Executive Officer may be necessary to confirm that the Discharger is in compliance with the requirements and provisions contained in this Order. Revisions may be made by the Executive Officer at any time during the term of this Order, and may include a reduction or an increase in the number of constituents to be monitored, the frequency of monitoring or the number and size of samples collected. Reduction in the number of constituents being monitored and/or frequency of monitoring shall be considered only if the following conditions are satisfied:

1. Only Dischargers without any criminal convictions under any (federal, State, or local) environmental statute and who have been assessed no civil or administrative liability for violations of any NPDES permit are eligible.
2. Only Dischargers covered under the previous Order No. R8-2003-0061 or under an existing individual permit for the last consecutive two years who have had no effluent violations of monitored constituents during the last two years are eligible.

3. Constituents with effluent limitations shall be monitored at least once per year.
4. Reductions in monitoring frequency can be considered by the Executive Officer under the following conditions:
   a. For a specific constituent, reduction of weekly monitoring to bi-monthly (every two weeks) monitoring can be considered for approval by the Executive Officer when the effluent monitoring data for the last 3 months shows compliance with effluent limitations.
   b. For a specific constituent, reduction of bi-monthly (every two weeks) monitoring to monthly monitoring can be considered for approval by the Executive Officer when the effluent monitoring data for the last 6 months shows compliance with effluent limitations.
   c. For a specific constituent, reduction of monthly monitoring to quarterly monitoring can be considered for approval by the Executive Officer when the effluent monitoring data for the last 12 months show compliance with effluent limitations.

C. Special Provisions

1. Reopener Provisions

a. This Order may be reopened for modification, or revocation and reissuance, as a result of the detection of a reportable priority pollutant generated by special conditions included in this Order. These special conditions may be, but are not limited to, fish tissue sampling, whole effluent toxicity, monitoring requirements on internal waste stream(s), and monitoring for surrogate parameters. Additional requirements may be included in this Order as a result of the special condition monitoring data.

b. If more stringent applicable WQS are promulgated or approved pursuant to Section 303 of the CWA, or amendments thereto, the Regional Water Board will revise and modify this Order in accordance with such standards.

c. This Order may be reopened to address any changes in State or federal plans, policies or regulations that would affect the requirements for the discharges covered by this Order.

d. Any permit noncompliance constitutes a violation of the CWA and the California Water Code and is grounds for: (1) an enforcement action; (2) permit or authorization letter termination, revocation and reissuance, or modification; (3) the issuance of an individual permit; or (4) for denial of a renewal application.

e. This Order may be modified by the Regional Water Board prior to the expiration date to include effluent or receiving water limitations for toxic constituents determined to be present in significant amounts in the discharge through the comprehensive monitoring program included as part of this Order.

f. This Order may be modified, revoked and reissued, or terminated for cause.

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

3. Best Management Practices and Pollution Prevention - Not Applicable

4. Construction, Operation and Maintenance Specifications – Not Applicable

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

6. Other Special Provisions

a. If two consecutive monitoring sample results collected pursuant to the accelerated monitoring program specified in Section IV.A.3. and IV.A.5. of Attachment E also show results in excess of effluent limits and/or greater than the pollutants values listed in Attachment I, or equal or exceed the maximum contaminant level (MCL) values listed in the Attachment I, then the Discharger must cease discharging and notify the Regional Water Board to determine a further course of action.

b. Proposed wastewater (de minimus) discharges as defined in Section I.B.1. (1.e. through 1.n., excluding 1.l.) within the San Diego Creek/Newport Bay watershed that do not contain nutrients, selenium and other TMDL pollutants of concern at levels that pose a threat to water quality or beneficial uses may apply for coverage under this Order.

c. The Discharger shall file with the Regional Water Board a report of waste discharge at least 45 days before making any material change or proposed change in the character, location, volume, treatment, or disposal methods of the discharge.

d. In the event of any change in control or ownership of real property or waste discharge facility currently owned or controlled by the Discharger and which facility or real property are subject to this Order , the Discharger shall notify the succeeding owner of the real property or operator of the facility of the existence of this Order by letter, a copy of which signed by the new owner accepting responsibility for complying with this Order shall be forwarded to the Executive Officer at least 30 days in advance of transfer of ownership..

e. The Discharger shall furnish, within a reasonable time, any information the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the Dischargers coverage under this Order. The Discharger shall also furnish to the Executive Officer, upon request, copies of records required to be kept by this Order.

f. As appropriate, the regulation of the following types of discharges by MS4 permittees shall be transferred to the MS4 permits issued to the cities, municipalities and Counties within the Santa Ana Region, when updated MS4 permits with applicable terms and conditions necessary to address the regulation of these discharges are adopted and effective.

(1) Dewatering wastes from subterranean seepage, except for discharges from utility vaults;

(2) Discharges resulting from hydrostatic testing of vessels, pipelines, tanks, etc.;

(3) Discharges resulting from the maintenance of potable water supply pipelines, tanks, reservoirs, etc.;

(4) Discharges resulting from the disinfection of potable water supply pipelines, tanks, reservoirs, etc.;

(5) Discharges from potable water supply systems resulting from initial system startup, routine startup, sampling of influent flow, system failures, pressure releases, etc.;

(6) Discharges from fire hydrant testing or flushing;

(7) Air conditioning condensate;

(8) Swimming pool discharge;

(9) Discharges resulting from diverted stream flows; and

(10) Construction dewatering wastes.

7. Compliance Schedules - Not Applicable

VIII. COMPLIANCE DETERMINATION

1. Compliance determinations shall be based on available analyses for the time interval associated with the effluent limitation. Where only one sample analysis is available in a specified time interval (e.g., weekly, monthly, quarterly), that sample shall serve to characterize the discharge for the entire interval.

2. When determining compliance, based on a single sample, with a single effluent limitation which applies to a group of chemicals (e.g., PCBs), concentrations of individual members of the group may be considered to be zero if the analytical response for individual chemicals falls below the MDL for that chemical.

3. Maximum Daily Effluent Limitation (MDEL). If a daily discharge (or when applicable, the median determined by paragraph VIII.4., above, for multiple sample data of a daily discharge) exceeds the MDEL for a given parameter, the Discharger will be considered out of compliance for that parameter for that day only within the reporting period. For any day during which no sample is taken, no compliance determination can be made for that day.

ATTACHMENT A – DEFINITIONS

Areas of Special Biological Significance (ASBS) are 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, is 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.

Best Management Practices (BMPs) are methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges including storm water. BMPs include structural and non-structural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.

Best Professional Judgment (BPJ) –Based Limits are technology-based NPDES permits derived on a case-by-case basis using all reasonably available and relevant data for non-municipal facilities in the absence of effluent limitations guidelines (ELG).

Bioaccumulative pollutants are 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 are substances that are known to cause cancer in living organisms.

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

Cooling water for purposes of this Order means water used for cooling of equipment which does not come into direct contact with any raw product, intermediate product (other than heat) or finished product.

Criteria Continuous Concentration (CCC) equals the highest concentration of a pollutant to which aquatic life can be exposed for an extended period of time (4 days) without deleterious effects.

Criteria Maximum Concentration (CMC) equals the highest concentration of a pollutant to which aquatic life can be exposed for a short period of time without deleterious effects.

Daily Discharge: Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) 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 1 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.

Decanted Backwash Filter Wastewater: Water Treatment Plants are facilities that treat groundwater or surface water to produce potable water. The treatment processes include coagulation, sedimentation, and filtration to remove suspended solids and other pollutants from the intake water. Wastewater discharges come mainly from backwashing of filters and dewatering of sludge. Filter backwashing is an integral part of the water treatment plant operation. Filters are typically cleaned by flushing them with water in the reverse direction to normal flow. The water flow must have sufficient force to separate particles from the filter media, so a greater than normal flow is used. The resulting water, called waste or spent filter backwash water, carries particles flushed from the filters, including microbes (such as *Cryptosporidium*), raw water particles, and particles from the coagulation process. Spent filter backwash is allowed to settle in a clarifier or sedimentation tank. The decanted water is discharged either to the storm drain or to surface waters. The settled particulates (sludge) are either dried through sludge drying beds or dewatered using belt press. Dewatered sludge is hauled offsite for proper disposal.

Detected, but Not Quantified (DNQ) are those sample results less than the RL, but greater than or equal to the laboratory's MDL.

Effluent Concentration Allowance (ECA) is 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).

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

Existing Discharger means any discharger that is not a new discharger. An existing discharger includes an "increasing discharger" (i.e., an existing facility with treatment systems in place for its current discharge that is or will be expanding, upgrading, or modifying its existing permitted discharge after the effective date of the State Implementation Policy).

Infeasible means not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Inland Surface Waters are all surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

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).

Load Allocation (LA) is the portion of receiving water's total maximum daily load that is allocated to one of its non-point sources of pollution or to natural background sources.

Maximum Daily Effluent Limitation (MDEL) means 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.

Maximum Daily Flow is the maximum flow sample of all samples collected in a calendar day.

MEC: Maximum Effluent Concentration.

Median is 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) is 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) is 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 is 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.

Non-contact cooling water is water used for cooling that does not come into direct contact with any raw material, product, byproduct, or waste. It includes water generated from any cooling equipment blowdown or produced as a result of any non-contact cooling process through either a single pass (once through) or recirculating system. Most non-contact cooling water systems are also open recirculating cooling systems (see definition below).

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

Objectionable Bottom Deposits are an accumulation of materials or substances on or near the bottom of a water body, which creates conditions that adversely impact aquatic life, human health, beneficial uses, or aesthetics. These conditions include, but are not limited to, the accumulation of pollutants in the sediments and other conditions that result in harm to benthic organisms, production of food chain organisms, or fish egg development. The presence of such deposits shall be determined by RWQCB(s) on a case-by-case basis.

Open Recirculating Cooling Water Systems use the same water repeatedly to cool process equipment. Heat absorbed from the process must be dissipated to allow reuse of the water. Cooling towers, spray ponds, and evaporative condensers are used for this purpose.

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

Pollutant Minimization Program (PMP) means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

Pollution Prevention means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in Water Code section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State or Regional Water Board.

Reporting Level (RL) is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Water Board either from Appendix 4 of the SIP[1] 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.

Sludge Dewatering Filtrate Water: Some water treatment facilities do not dewater the sludge but rather discharge the sludge directly to the sanitary sewer line. Those water treatment facilities that do dewater the sludge may employ a sludge thickener and/or a belt filter press. The resulting filtrate water from the sludge dewatering operation is the wastewater being discharged.

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

Standard Deviation (σ) is 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.

Technology Based Effluent Limitation is a permit limit for a pollutant that is based on the capability of a treatment method to reduce the pollutant to a certain concentration.

Water Effect Ratio (WER) is an appropriate measure of the toxicity of a material obtained in a site water divided by the same measure of the toxicity of the same material obtained simultaneously in a laboratory dilution water.

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1 *SIP refers to the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California.*

12-Month Running Average Effluent Limitation (12-MRAEL): the highest allowable average of monthly discharges over last twelve months, calculated as the sum of all monthly discharges measured during last twelve months divided by the number of monthly discharges measured during that time period.

California Regional Water Quality Control Board
Santa Ana Region

NOTICE OF INTENT

TO COMPLY WITH THE TERMS AND CONDITIONS OF THE GENERAL PERMIT TO DISCHARGE WASTEWATER THAT POSE INSIGNIFICANT (DE MINIMUS) THREAT TO WATER QUALITY
(Order No. R8-2009-0003, NPDES No. CAG998001)

I. PERMITTEE (*Person/Agency Responsible for the Discharge*)

Agency/Company Name:_____

Address:_____

Street *City* *State* *ZIP*

Contact Person:_____; Phone: (_____)_____; Email: _____

II. FACILITY

Name:_____

Location:_____

Street *City* *State* *ZIP*

Contact Person:_____; Phone: (_____)_____; Email: _____

a. Projected Flow Rate (*gpd*):_____, b. Receiving Water (*identify*):_____

III. BILLING INFORMATION (*Where annual fee invoices should be sent*)

Agency/Company Name:_____

Address:_____

Street *City* *State* *ZIP*

Contact Person:_____; Phone: (_____)_____; Email: _____

IV. INDICATE EXISTING PERMIT NUMBER: (*if applicable*)

a. Individual permit Order No. _____ NPDES No. _____

b. General Permit Order No. R8-2003-0061-_____

c. Others (specify) _____

V. CERTIFICATION:

I certify under penalty of law that I am an authorized representative of the permittee and that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe the information is true, accurate and complete. 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 permittee will comply with the terms and conditions stipulated in Order No. R8-2009-0003, including the monitoring and reporting program issued by the Executive Officer of the Regional Board.

Name:_____ Title:_____
(type or print) *(type or print)*

Signature: _____ Date: _____; Email: _____

Remarks: If changes to facility ownership and/or treatment processes were made after the issuance of the existing permit, please provide a description of such changes on another sheet and submit it with this Notice of Intent.

VI. OTHER REQUIRED INFORMATION - FOR NEW DISCHARGERS AND FOR NEW DISCHARGES AND LOCATIONS NOT PREVIOUSLY REPORTED BY EXISTING DISCHARGERS.

Please provide a COMPLETE characterization of your discharge. A complete characterization includes, but is not limited to:

a. A list of constituents and the discharge concentration of each constituent;

b. The estimated average and maximum daily flow rates at unit of gallons per day(gpd); the frequency and duration of the discharge and the date(s) when discharge will start;

c. The proposed discharge location(s) as latitude and longitude for each discharge point;

d. A description of the proposed treatment system (if appropriate);

e. The affected receiving water; the receiving water(s) shall be

   1). receiving storm drain/creek, and/or

   2). the ultimate receiving water, such as the Pacific Ocean, or the Reach 3 of Santa Ana River, or the Lake;

f. A map showing the path from the point of initial discharge to the ultimate receiving water. Please try to limit your maps to size of 8.5" X 11".

g. A list of known or suspected leaking underground tanks and other facilities or operations that have, or may have impacted the quality of the underlying groundwater within 200 feet of the site property lines for projects with expected discharge flow rates of less than 100,000 gallons per day and within 500 feet of the site property lines for projects with expected discharge flow rates of greater than 100,000 gallons per day.

h. Any other information deemed necessary by the Executive Officer.

VII. OTHER

Attach additional sheets to explain any responses which need clarification. List attachments with titles and dates below:

_____

_____

_____

You will be notified by a representative of the RWQCB within 30 days of receipt of your application. The notice will state if your application is complete or if there is additional information you must submit to complete your application, pursuant to Division 7, Section 13260 of the California Water Code.

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 modification; 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 yet 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 (RWQCB), State Water Resources Control Board (SWRCB), 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, I.G.4, and I.G.5 below [*40 CFR §122.41(m)(2)*].

3. Prohibition of bypass – Bypass is prohibited, and the Regional Water 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 Water Board as required under Standard Provisions – Permit Compliance I.G.5 below [*40 CFR §122.41(m)(4)(C)*].

4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water 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 (24-hour notice) [*40 CFR Section 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 permittee. 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 Standard Provisions – Permit Compliance I.H.2 below 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 Section 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 below (24-hour notice) [*40 CFR Section 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)*].

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 except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the 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*].

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 Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 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 Part 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 Water 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 Water Board, SWRCB, or USEPA within a reasonable time, any information which the Regional Water Board, SWRCB, 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 Water Board, SWRCB, 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 Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below [*40 CFR Section 122.41(k)*].

2. All permit applications shall be signed 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 Section 122.22(a)(3)].

3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, 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 Standard Provisions – Reporting V.B.2 above [*40 CFR Section 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 Section 122.22(b)(2)*]; and

   c. The written authorization is submitted to the Regional Water Board and State Water Board [*40 CFR Section 122.22(b)(3)*].

4. If an authorization under Standard Provisions – Reporting V.B.3 above 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 Standard Provisions – Reporting V.B.3 above must be submitted to the Regional Water Board, State Water Board or USEPA prior to or together with any reports, information, or applications, to be signed by an authorized representative [40 CFR Section 122.22(c)].

5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above 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 CFR Section 122.22(d)*].

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order [*40 CFR §122.41(l)(4)*].

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or SWRCB 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 Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 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 DMR or sludge reporting form specified by the Regional Water 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)*].

3. The Regional Water 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 Water 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 Part 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1) [*40 CFR §122.41(l)(1)(ii)*].

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 Water Board or SWRCB of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements [*40 CFR §122.41(l)(2)].*

H. Other Noncompliance

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

I. 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 Water Board, SWRCB, or USEPA, the Discharger shall promptly submit such facts or information [*40 CFR §122.41(l)(8)*].

VI. STANDARD PROVISIONS – ENFORCEMENT

A. The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the CWC, including, but not limited to, sections 13385, 13386, and 13387.

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Publicly-Owned Treatment Works (POTWs)

All POTWs shall provide adequate notice to the Regional Water Board of the following [*40 CFR Section 122.42(b)*]:

1. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants [*40 CFR Section 122.42(b)(1)*]; and

2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order [*40 CFR Section 122.42(b)(2)*].

3. Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW [*40 CFR Section 122.42(b)(3)*].

Attachment E – Monitoring and Reporting Program

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Attachment E – Monitoring and Reporting Program (MRP)

The Code of Federal Regulations (CFR) at 40 CFR §122.48 requires that all NPDES permits specify monitoring and reporting requirements. CWC Sections 13267 and 13383 also authorize the Regional Water Quality Control Board (Regional Water Board) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements that implement the federal and California regulations.

I. GENERAL MONITORING PROVISIONS

A. General Monitoring Provision

1. All sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association).

2. All laboratory analyses[1], [2] shall be performed in accordance with test procedures under 40 CFR 136 (revised as of April 11, 2007) "Guidelines Establishing Test Procedures for the Analysis of Pollutants," promulgated by the United States Environmental Protection Agency (EPA), unless otherwise specified in this MRP. In addition, the Regional Water Board and/or EPA, at their discretion, may specify test methods that are more sensitive than those specified in 40 CFR 136.

3. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the California Department of Public Health in accordance with the provision of Water Code Section 13176, or conducted at a laboratory certified for such analyses by the EPA or at laboratories approved by the Regional Water Board's Executive Officer.

4. In conformance with federal regulations 40 CFR 122.45(c), analyses to determine compliance with the effluent limitations for metals shall be conducted using the total recoverable method. For Chromium (VI), the dissolved method in conformance with 40 CFR 136 may be used to measure compliance with the Chromium (VI) limitation.

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1 *For Selenium testing use modified EPA Method 200.8 using a Dynamic Reaction Cell (DRC) with an ICP-MS and with reporting limit below 1 ug/L*

2 *For testing organic volatile compounds use EPA Method 8260B and report entire suite of detected constituents*

5. The Discharger shall require its testing laboratory to calibrate the analytical system down to the minimum level (ML)[3] specified in Attachment "H" for priority pollutants with effluent limitations in this Order, unless an alternative reporting level is approved by the Regional Water Board's Executive Officer. When there is more than one ML value for a given substance, the Discharger shall use the ML values, and their associated analytical methods, listed in Attachment "H" that are below the calculated effluent limitation. The Discharger may select any one of those cited analytical methods for compliance determination. If no ML value is below the effluent limitation, then the lowest ML value and its associated analytical method, listed in Attachment "H" shall be used. Any internal quality control data associated with the sample must be reported when requested by the Executive Officer. The Regional Water Board will reject the quantified laboratory data if quality control data is unavailable or unacceptable.

6. The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

   a. Sample results greater than or equal to the reported ML shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
   b. Sample results less than the reported ML, but greater than or equal to the laboratory's current Method Detection Limit (MDL)[4], shall be reported as "Detected, but Not Quantified," or "DNQ." The estimated chemical concentration of the sample shall also be reported.
   c. Sample results not detected above the laboratory's MDL shall be reported as "not detected" or "ND."

7. The Discharger shall submit to the Regional Water Board reports necessary to determine compliance with effluent limitations in this Order. The Discharger shall report with each sample result:

   a. The reporting level achieved by the testing laboratory; and
   b. The laboratory's current MDL, as determined by the procedure found in 40 CFR 136 (revised as of April 11, 2007).

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3 *Minimum level is the concentration at which the entire analytical system must give a recognizable signal and acceptable 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.*

4 *MDL is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analytical concentration is greater than zero, as defined in 40 CFR 136, Appendix B, revised as of April 11, 2007.*

8. For receiving water monitoring and for those priority pollutants without effluent limitations, the Discharger shall require its testing laboratory to quantify constituent concentrations to the lowest achievable MDL as determined by the procedure found in 40 CFR 136 (revised as of April 11, 2007)[5]. In situations where the most stringent applicable receiving water objective (freshwater or human health (consumption of organisms only), as specified for that pollutant in 40 CFR 131.38[6] is below the minimum level value specified in Attachment "H" and the Discharger cannot achieve an MDL value for that pollutant below the ML value, the Discharger shall submit justification why a lower MDL value cannot be achieved. Justification shall be submitted together with monthly monitoring reports.

9. The Discharger shall have, and implement an acceptable written quality assurance (QA) plan for laboratory analyses. Duplicate chemical analyses must be conducted on a minimum of ten percent (10%) of the samples, or at least one sample per month, whichever is greater. A similar frequency shall be maintained for analyzing spiked samples. When requested by the Regional Water Board or EPA, the Discharger will participate in the NPDES discharge monitoring report QA performance study.

10. For every item of monitoring data where the requirements are not met, the monitoring report shall include a statement discussing the reasons for noncompliance, the actions undertaken or proposed that will bring the discharge into full compliance with requirements at the earliest time, and an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Water Board by letter when compliance with the time schedule has been achieved.

11. The Discharger shall assure that records of all monitoring information are maintained and accessible for a period of at least five years (this retention period supercedes the retention period specified in Section IV.A. of Attachment D) from the date of the sample, report, or application. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge or by the request of the Regional Water Board at any time. Records of monitoring information shall include:

    a. The information listed in Attachment D- IV Standard Provisions – Records, subparagraph B. of this Order;
    b. The laboratory which performed the analyses;
    c. The date(s) analyses were performed;
    d. The individual(s) who performed the analyses;
    e. The modification(s) to analytical techniques or methods used;
    f. All sampling and analytical results, including
        (1) Units of measurement used;
        (2) Minimum reporting level for the analysis (minimum level);

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5 *For Selenium testing use modified EPA Method 200.8 using a Dynamic Reaction Cell (DRC) with an ICP-MS and with reporting limit below 1 ug/L*

6 *See Federal Register/ Vol. 65, No. 97 / Thursday, May 18, 2000 / Rules and Regulations.*

(3) Results less than the reporting level but above the method detection limit (MDL);
(4) Data qualifiers and a description of the qualifiers;
(5) Quality control test results (and a written copy of the laboratory quality assurance plan);
(6) Dilution factors, if used; and
(7) Sample matrix type.

g. All monitoring equipment calibration and maintenance records;
h. All original strip charts from continuous monitoring devices;
i. All data used to complete the application for this Order; and,
j. Copies of all reports required by this Order.
k. Electronic data and information generated by the Supervisory Control And Data Acquisition (SCADA) System.

12. The flow measurement system shall be calibrated at least once per year or more frequently, to ensure continued accuracy.

13. All monitoring instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. In the event that continuous monitoring equipment is out of service for greater than a 24-hour period, the Discharger shall obtain a representative grab sample each day the equipment is out of service. The Discharger shall correct the cause(s) of failure of the continuous monitoring equipment as soon as practicable. In its monitoring report, the Discharger shall specify the period(s) during which the equipment was out of service and if the problem has not been corrected, shall identify the steps which the Discharger is taking or proposes to take to bring the equipment back into service and the schedule for these actions.

14. Monitoring and reporting shall be in accordance with the following:

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. The monitoring and reporting of influent, effluent, and sludge shall be done more frequently as necessary to maintain compliance with this Order and or as specified in this order.

c. Whenever the Discharger monitors any pollutant more frequently than is required by this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharge monitoring report specified by the Executive Officer.

d. A "grab" sample is defined as any individual sample collected in less than 15 minutes.

e. A composite sample is defined as a combination of no fewer than eight individual grab samples obtained over the specified sampling period. The volume of each individual grab sample shall be proportional to the discharge flow rate at the time of sampling. The compositing period shall equal the specific sampling period, or 24 hours, if no period is specified.

f. Daily samples shall be collected on each day of the week.

g. Monthly samples shall be collected on any representative day of each month.

h. Quarterly samples: A representative sample shall be taken on any representative day of January, April, July, and October and test results shall be reported in either micrograms/liter (ug/L) or milligrams/liter (mg/L) or nanograms/L (ng/L), as appropriate, by the last day of the month following the month that the sample was taken.

i. Semi-annual samples shall be collected in January and July.

j. Annual samples shall be collected in January to December.

II. MONITORING LOCATIONS

The Discharger shall establish monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order: The sample station shall be located where representative samples of the discharge can be obtained. The volume of daily discharge shall be recorded daily on a permanent log.

III. INFLUENT MONITORING REQUIREMENTS – NOT APPLICABLE

IV. EFFLUENT MONITORING REQUIREMENTS

A. The following shall constitute the effluent monitoring program for discharges other than decant filter backwash wastewater and/or sludge dewatering filtrate water. If there is no discharge see Section VIII.B.5., below.

1. For intermittent (less than daily) discharge flow of less than 25,000 gallons per day (gpd), effluent monitoring is as follows:

Table 1. Effluent Monitoring Program for Flow Less than 25,000 GPD

Parameter	Unit	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method and Minimum Level, units, respectively
Flow	gpd	measured	Each discharge event	See Section I.A.3. above, of this MRP

Table 1. Effluent Monitoring Program for Flow Less than 25,000 GPD

Parameter	Unit	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method and Minimum Level, units, respectively
Total Petroleum Hydrocarbons	µg/L	Grab	Once monthly or as directed by the Executive Officer thereafter; see also Section IV.A.3.	EPA METHOD 8015 Modified
Oil and Grease	mg/L	Grab	Once monthly or as directed by the Executive Officer thereafter; see also Section IV.A.3.	See Section I.A.2. above, of this MRP
Total Residual Chlorine[7]	mg/L	Grab	"	See Section I.A.2. above, of this MRP
Total Suspended Solids[8]	mg/L	"	"	"
Total Inorganic Nitrogen (TIN)	mg/L	"	"	"
Sulfate	mg/L	"	"	"
pH	Std. Units	"	"	"
Total Dissolved Solids	mg/L	Grab	Annually, see also Section IV.A.3.	"
Hardness	mg/L	"	"	"
Pollutants listed in Attachment "I"	µg/L	Grab	Once during the first[9] 30 minutes of the discharge and annually thereafter; see also Section IV.A.4. and IV.A.5.	See Section I.A.2. & I.A.3. above, of this MRP

7 *Unless it is known that chlorine is not in the discharge.*

8 *Not applicable if all wastewater will percolate prior to reaching receiving waters.*

9 *If the pollutants were monitored at the outset during the application process, the Discharger may submit the analytical results in lieu of the first sampling event.*

2. For discharge flow of 25,000 gpd or more, effluent monitoring is as follows:

Table 2. Effluent Monitoring Program for Flow Over 25,000 GPD

Parameter	Unit	Sample Type See also IV.A.6., below	Minimum Sampling Frequency	Required Analytical Test Method and Minimum Level, units, respectively
Flow	gpd	measured	Daily	See Section I.A.3. above, of this MRP
Total Petroleum Hydrocarbons	µg/L	Grab	During the first 30 minutes of the discharge, then monthly see also Section IV.A.3.	EPA METHOD 8015 Modified
Oil and Grease	mg/L	Grab	"	See Section I.A.3. above, of this MRP
Total Residual Chlorine[10]	mg/L	Grab	"	See Section I.A.3. above, of this MRP
Total Suspended Solids[11]	mg/L	"	During the first 30 minutes of each discharge event, then monthly, see also Section IV.A.3.	"
Total Inorganic Nitrogen (TIN)	mg/L	"	"	"
Sulfate	mg/L	"	"	"
pH	Std. Units	"	"	"
Temperature	°F	"	"	"
Total Dissolved Solids	mg/L	Grab	"	"
Hardness	mg/L	"	"	"
Pollutants[12] listed in Attachment "I"	µg/L	Grab	Once during the first[13] 30 minutes of the discharge and annually thereafter; see also Section IV.A.4., and IV.A.5.	See Section I.A.2. & I.A.3. above, of this MRP

10 *Unless it is known that chlorine is not in the discharge.*

11 *Not applicable if all wastewater will percolate prior to reaching receiving waters.*

12 *For testing organic volatile compounds use EPA Method 8260B and report entire suite of detected constituents.*

13 *If the pollutants were monitored at the outset during the application process, the Discharger may submit the analytical results in lieu of the first sampling event.*

3. Should any of the weekly, bi-monthly, monthly, quarterly or annual monitoring for a specific constituent show effluent concentrations above the effluent limit, the frequency of monitoring for that constituent shall be increased to weekly or as directed by the Executive Officer. To return to the monitoring frequency specified, the Discharger shall request and receive approval from the Regional Water Board's Executive Officer or designee. (See also Provision VII.C.6.a. of the Order regarding conditions that necessitate termination of the discharge.)

4. Should the annual monitoring for a specific constituent show effluent concentrations above the values specified in Attachment I, the monitoring frequency for that constituent shall be increased to weekly for one quarter or as directed by the Executive Officer. To return to the monitoring frequency specified, the Discharger shall request and receive approval from the Regional Water Board's Executive Officer or designee. (See also Provision VII.C.6.a. of the Order regarding conditions that necessitate termination of the discharge.)

5. Should two consecutive annual monitoring results for all the constituents specified in Attachment I show values below those listed in Attachment "I", the Discharger may stop monitoring for the pollutants listed in Attachment I.

6. If the discharge does not last for more than a day, one composite sample shall be taken for the duration of the discharge and shall be analyzed.

B. The following shall constitute the effluent monitoring program for discharges from water treatment plants of decant filter backwash wastewater and/or sludge dewatering filtrate water. If there is no discharge see Section VIII.B.5., below.

Table 3. Effluent Monitoring Program for Decant Filter Backwash Wastewater And/Or Sludge Dewatering Filtrate Water

Parameter	Unit	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method and Minimum Level, units, respectively
Flow	gpd	measured	Daily	See Section I.A.3. above, of this MRP
Total Residual Chlorine[14]	mg/L	Grab	During the first 30 minutes of each discharge event,	See Section I.A.3. above, of this MRP
Total Suspended Solids[15]	mg/L	Grab	During the first 30 minutes of each discharge event	"
Aluminum	µg/L	Grab	"	See Section I.A. 3. above, of this MRP; RL is 50 µg/L

14 *Unless it is known that chlorine is not in the discharge.*

15 *Not applicable if all wastewater will percolate prior to reach receiving waters.*

Table 3. Effluent Monitoring Program for Decant Filter Backwash Wastewater And/Or Sludge Dewatering Filtrate Water

Parameter	Unit	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method and Minimum Level, units, respectively
Iron	µg/L	Grab	"	See Section I.A.3. above, of this MRP; RL is 100 µg/L
Manganese	µg/L	Grab	During the first 30 minutes of each discharge event	See Section I.A.3. above, of this MRP; RL is 20 µg/L

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS – NOT APPLICABLE

VI. LAND DISCHARGE MONITORING REQUIREMENTS – NOT APPLICABLE.

VII. RECEIVING WATER MONITORING REQUIREMENTS

Whenever there is a discharge and the Discharger asserts that there are no surface waters at the point where the discharge reaches the stream, the Discharger shall record on a permanent log the following information: (a) the date(s), time(s), and duration(s) of the discharge; (b) a description of the location where the discharge(s) percolated into the ground, (c) the climatic condition in the area during the discharge and (d) the name of the individual(s) who performed the observation. This information shall be submitted with the required quarterly report.

VIII. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

2. All analytical data shall be reported with method detection limit[16] (MDLs) and with identification of either reporting level or limits of quantitation (LOQs).

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16 *The standardized test procedure to be used to determine the method detection limit (MDL) is given at Appendix B, 'Definition and Procedure for the Determination of the Method Detection Limit' of 40 CFR 136.*

3. Laboratory data for effluent samples must quantify each constituent down to the down to ML specified in Attachment "H" for priority pollutants. Any internal quality control data associated with the sample must be reported when requested by the Executive Officer. The Regional Water Board will reject the quantified laboratory data if quality control data are unavailable or unacceptable.

4. Discharge monitoring data shall be submitted in a format acceptable to the Regional Water Board. Specific reporting format may include preprinted forms and/or electronic media. The results of all monitoring required by this Order shall be reported to the Regional Water Board, and shall be submitted in such a format as to allow direct comparison with the limitations and requirements of this Order.

5. The Discharger shall submit to the Regional Water Board reports necessary to determine compliance with effluent limitations in this Order and shall follow the chemical nomenclature and sequential order of priority pollutant constituents shown in Attachment "G" – Priority Pollutant Lists. The Discharger shall report with each sample result:

   a. The reporting level achieved by the testing laboratory; and
   b. The laboratory's current MDL, as determined by the procedure found in 40 CFR 136 (revised as of April 11, 2007).

6. For non-priority pollutants monitoring, all analytical data shall be reported with identification of method detection limits, as determined by the procedure found in 40 CFR 136 (revised as of April 11, 2007).

7. The State or Regional Water Board may notify the Discharger to discontinue submittal of hard copies of reports. When such notification is given, the Discharger shall stop submitting hard copies of required monitoring reports.

B. Reporting Requirements:

1. All monitoring reports, or information submitted to the Regional Water Board shall be signed and certified in accordance with 40 CFR 122.22 and shall be submitted under penalty of perjury.

2. All reports shall be arranged in a tabular format to clearly show compliance or noncompliance with each discharge limitation.

3. Five days prior to any discharge from locations already reported, the Discharger shall notify the Regional Board staff by phone or by a fax letter indicating the date and time of the proposed discharge..

4. Five days prior to any planned discharge[17] from locations not yet reported, the discharger shall notify the Regional Board staff by phone or by a fax letter indicating the following:

   a. Specific type of the proposed wastewater discharge (see listing on Finding 1 of the Order);
   b. The estimated average and maximum daily flow rates;
   c. The frequency and duration of the discharge;
   d. The affected receiving water(s);
   e. A description of the proposed treatment system (if appropriate); and
   f. A description of the path from the point of initial discharge to the ultimate location of discharge (fax a map if possible);

5. If no discharge occurs during the previous monitoring period, a letter to that effect shall be submitted in lieu of a monitoring report specified in Table 4, below.

6. Noncompliance Reporting

   a. The discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided to the Executive Officer (951-782-4130) and the Office of Emergency Services (1-800-852-7550) orally within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within 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.
   b. Any violation of a maximum daily discharge limitation for any of the pollutants listed in this Order shall be included as information that must be reported within 24 hours.
   c. The Regional Water Board may waive the above required written report on a case-by-case basis.

7. Except for data determined to be confidential under Section 308 of the Clean Water Act (CWA), all reports prepared in accordance with the terms of this Order shall be available for public inspection at the offices of the Regional Water Quality Control Board and the Regional Administrator of EPA. As required by the CWA, effluent data shall not be considered confidential.

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[17] *For those unplanned discharges, as much prior notification as possible is required before any discharge is initiated.*

8. Monitoring reports shall be submitted by the 30th day of each month following the monitoring period and shall include:

   a. The results of all chemical analyses for the previous month, and annual samples whenever applicable,

   b. The daily flow data,

   c. A summary of the month's activities including a report detailing compliance or noncompliance with the task for the specific schedule date, and

   d. For every item of monitoring data where the requirements are not met, the monitoring report shall include a statement discussing the reasons for noncompliance, and of the actions undertaken or proposed which will bring the discharger into full compliance with requirements at the earliest time, and an estimate of the date when the discharger will be in compliance. The discharger shall notify the Regional Water Board by letter when compliance with the time schedule has been achieved.

9. For Dischargers discharging at a volume equal to or greater than 150,000 gallons per day, the Discharger shall submit semi-annual reports that tabulate all measured flows and measured parameters within the most recent six month period. Where discharges associated with these projects last less than 6 months, a report covering the period of discharges shall be submitted. Copies of these monitoring reports shall be submitted to the Regional Water Board and to the Water Quality Director of the Orange County Water District at P.O. Box 8300, Fountain Valley, CA 92728-8300.

C. Self Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Water 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 SMRsin accordance with the requirements described in subsection B.5 below. 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 report in the SMR the results for all monitoring specified in this MRP under sections III through IX. Additionally, the Discharger shall report in the SMR the results of any special studies, acute and chronic toxicity testing, TRE/TIE, PMP, and Pollution Prevention Plan required by Special Provisions – VI.C. of this Order. The Discharger shall submit monthly, quarterly, and 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. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

Table 4. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
Continuous	Day after permit effective date	All	30th day of the month following the sampling month.
Hourly	Day after permit effective date	Hourly	30th day of the month following the sampling month.
Daily	Day after permit effective date	Midnight through 11:59 PM or any 24-hour period that reasonably represents a calendar day for purposes of sampling.	30th day of the month following the sampling month.
Weekly	Sunday following permit effective date or on permit effective date if on a Sunday	Sunday through Saturday	30th day of the month following the sampling month.
Monthly	First day of calendar month following permit effective date or on permit effective date if that date is first day of the month	1st day of calendar month through last day of calendar month	30th day of the month following the sampling month.
Quarterly	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	April 30 July 30 October 30 January 30
Semiannually	Closest of January 1 or July 1 following (or on) permit effective date	January 1 through June 30 July 1 through December 31	July 30 January 30
Annually	See Table 1	See Table 1	30th day of the month following the sampling month.
Per Discharge Event	Anytime during the discharge event or as soon as possible after aware of the event	At a time when sampling can characterize the discharge event	30th day of the month following the sampling month.

D. Other Reports – Not Applicable

ATTACHMENT F – FACT SHEET

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ATTACHMENT F – FACT SHEET

This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of Order No. R8-2009-0003 (hereinafter, this Order).

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for Dischargers in California. Some sections or subsections of this Order have therefore been identified as "not applicable" to this group of Dischargers. Sections or subsections of this Order not specifically identified as "not applicable" are fully applicable to the Dischargers authorized by this Order.

I. PERMIT INFORMATION

Order No. R8-2003-0061, NPDES No. CAG998001 is a general NPDES permit adopted by the Regional Water Board on August 22, 2003, for discharges to surface waters of various types of wastes that pose an insignificant threat to water quality. Order No. R8-2003-0061, NPDES No. CAG998001 facilitated the processing of permit applications and the early regulation of projects that created de minimus discharges within the Santa Ana Region. Order No. R8-2003-0061 specifically excluded from coverage under its terms and conditions groundwater-related discharges within the San Diego Creek/Newport Bay watershed. This exclusion was due to concern that selenium, nitrogen and potentially other pollutants present in the discharges could result in adverse water quality and beneficial use impacts in the receiving waters.

On March 4, 2005, Order No. R8-2003-0061 was amended by Order No. R8-2005-0041, allowing de minimus discharges within the San Diego Creek/Newport Bay Watershed provided it could be demonstrated that there were no pollutants of concern (e.g., selenium, nitrates and other pollutants for which a TMDL had been adopted) in the discharge.

On January 18, 2006, Order No. R8-2003-0061 was again amended by Order No. R8-2006-0004 to include discharges of decanted backwash filter wastewater and/or sludge dewatering filtrate water from water treatment facilities.

II. NOTIFICATION REQUIREMENTS – GENERAL PERMIT APPLICATION

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This Order requires each existing Discharger regulated under the previous Order No. R8-2003-0061 and who requires ongoing regulatory coverage, to submit an updated Notice of Intent form (NOI) to be covered under this Order by April 11, 2009. De minimus discharges for which an NOI is not submitted by April 11, 2009 are not authorized by this Order and must cease, unless the discharges are authorized pursuant to other waste discharge requirements adopted by the Regional Water Board or State Water Resources Control Board.

This Order requires each new Discharger[1] to submit to the Executive Officer an application for the proposed discharge at least 45 days before the start of a new discharge. The application for the proposed discharge will require, at the minimum, the following information:

A. Notice of Intent to be covered under this Order - see Attachment B of this Order.

B. For projects involving well development, well purging, groundwater extraction or dewatering, a site characterization study report defining:

1. The proximity of the well(s) to known contaminated sites;
2. The presence of contaminated groundwater onsite;
3. The contaminants and their properties[2], and;
4. A three dimensional assessment of the extent and concentration of contaminants in the subsurface. The study report shall include a description of the geologic and hydrologic factors that control the migration of the contaminants. It shall also include a list of known or suspected leaking underground tanks and other facilities or operations which have or may have impacted the quality of the underlying groundwater within 200 feet of the site property lines.

C. A report that shall include the following:

1. A list of constituents and the discharge concentration of each constituent from each point source. For projects involving well development, well purging and groundwater extraction, a representative groundwater sample shall be analyzed using approved test methods for cadmium, chromium VI, copper, lead, mercury, nickel, selenium[3], silver, zinc, and including total dissolved solids, total inorganic nitrogen, hardness, perchlorate, and organic pollutants[4]. Test results shall be reported with Minimum levels (ML) and method detection limit (MDL);
2. The estimated average and maximum daily flow rates in million gallons per day (mgd), the expected start and end dates of discharge(s), the frequency and duration of the discharge(s);
3. The proposed discharge location(s) and latitude and longitude for each discharge point;
4. A description of the proposed treatment system (if appropriate);
5. The affected receiving water;
6. A map showing the path from the point of initial discharge to the ultimate receiving water. Please try to limit your maps to size of 8.5” X 11”.

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1 “*New discharger” refers to those proposing to discharge wastewater under Order No. R8-2009-0003 and not currently covered under Order No. R8-2003-0061.*

2 *Properties include boiling point, vapor pressure, vapor density, solubility in water, specific gravity, appearance, odor and pH.*

3 *Use modified EPA Method 200.8 using a Dynamic Reaction Cell (DRC) with an ICP-MS and with reporting limit below 1 ug/L.*

4 *Using EPA method 8260B.*

D. Any other information deemed necessary by the Executive Officer.

III. INDUSTRY DESCRIPTION

Order No. R8-2003-0061 expired on August 1, 2008 but remains in full force and effect until Order No. 2009-0003 is adopted. To date, 166 Dischargers have been authorized under Order No. R8-2003-0061; of these, 113 are still active. Order No. R8-2003-0061 has facilitated the processing of these permit applications. It is anticipated that most of the currently enrolled Dischargers will be submitting renewal applications for authorization of continued de minimus discharges. The demand for permit issuance will exceed the available staff resources to develop and bring individual tentative waste discharge requirements to the Regional Water Board for adoption. These circumstances necessitate the adoption of this Order (also a general NPDES permit) to expedite the processing of current and anticipated permit applications for de minimus discharges.

A. Background

Order No. R8-2003-0061 regulated wastewater discharges to surface waters of various types of wastes that pose an insignificant threat to water quality, defined as de minimus discharges, in the Santa Ana Region. The types of discharges regulated under that Order included:

1. Construction dewatering wastes; (except stormwater dewatering at construction sites)[5]
2. Wastes associated with well installation, development, test pumping and purging;
3. Aquifer testing wastes;
4. Dewatering wastes from subterranean seepage, except for discharges from utility vaults;
5. Discharges resulting from hydrostatic testing of vessels, pipelines, tanks, etc.;
6. Discharges resulting from the maintenance of potable water supply pipelines, tanks, reservoirs, etc.;
7. Discharges resulting from the disinfection of potable water supply pipelines, tanks, reservoirs, etc.;
8. Discharges from potable water supply systems resulting from initial system startup, routine startup, sampling of influent flow, system failures, pressure releases, etc.;
9. Discharges from fire hydrant testing or flushing;
10. Non-contact cooling water;
11. Air conditioning condensate;
12. Swimming pool discharge;

[5] *Stormwater discharges were regulated under either the State's General Construction Activity permit or under the applicable county Municipal Storm Sewer System permit*

13. Discharges resulting from diverted stream flows;
14. Decanted filter backwash wastewater and/or sludge dewatering filtrate water from water treatment facilities, and
15. Other similar types of wastes that pose a de minimus threat to water quality yet technically must be regulated under waste discharge requirements

B. Revised Regulatory Approach

This Order takes a different approach from Order No. R8-2003-0061 in regulating certain types of discharges. The following lists the proposed changes and the rationale for them:

1. Discharges of the types listed in III.A.1., III.A.4. through III.A.9., and III.A.11. through III.A.13. to municipal separate storm sewer systems (MS4) from MS4 permittee activities within the Region will be regulated under this Order until the MS4 permits adopted by the Regional Water Board for the municipalities, cities and counties within the Region are re-issued with applicable terms and conditions necessary to address the regulation of these discharges. Reissuance of the permits is expected in early-mid 2009. Upon the adoption of MS4 permits that contain appropriate permit provisions, discharges of these types to the MS4 by the MS4 permittees will be regulated under the MS4 permits. Similarly, other waste discharge requirements issued by the Regional Water Board may be amended, as appropriate, in the future to address this de minimus discharges and thereby eliminate the need for coverage under this Order.

   Rationale: These De minimus discharges, which in many cases consist of potable water, are or can be regulated under the area-wide MS4 permits or other waste discharge requirements. This approach streamlines the regulatory process for these dischargers. Where these discharges are to waters of the U.S. and not to the MS4, the discharges may continue to be regulated under this Order.

   In all cases, the Regional Water Board retains the authority to issue separate waste discharge requirements for discharges of these types that, based on case-specific circumstances, are determined to have the potential for adverse water quality and/or beneficial use impacts.

2. Item III.A.10. - Non-contact cooling water[6] will no longer be regulated under this general permit. Open recirculating non-contact cooling water systems[7] are subject to metal corrosion, scale formation, and biological fouling, all of which can have a direct effect on system operating efficiency, reliability, longevity, and composition of the bleedoff sent to the drain. Chemical treatment products, such as tributyltin containing compounds, additives containing copper, zinc, hexavalent chromium and other organo-metallic compounds, are commonly used in the cooling water systems to address these problems. The constituents in these additives are or may be highly toxic to aquatic organisms and must be removed through additional treatment prior to discharge. Thus, non-contact cooling water discharges cannot be considered an insignificant threat to water quality and require regulation under separate waste discharge requirements. As a matter of information, no non-contact cooling water discharges have been authorized to be discharged under Order No. R8-2003-0061 or prior general de minimus orders adopted by the Regional Water Board.

C. Wastewater Treatment

The most common treatment required for de minimus discharges is settling and/or dechlorination. Settling is used for those discharges with high settleable solids concentration. Discharges with residual chlorine, such as wastewater from hydro-testing of pipes and storage tanks, swimming pool drainage, and development and purging of wells, must be dechlorinated, unless the concentration is depleted by natural processes prior to mixing with the receiving water. If dechlorination is not accomplished naturally, the most common method of dechlorination is with the use of chemicals.

Those discharges with high concentrations of total dissolved solids, total inorganic nitrogen, selenium, phosphorous, and/or perchlorate may require advanced forms of treatment and may need to be covered under individual permits. Unless otherwise determined based on pollutant and/or site-specific circumstances, where wastewater discharges contain pollutant concentrations lower than established objectives, EPA priority pollutant water quality criteria, and/or maximum contaminant levels(MCLs) for drinking water, wastewater may be discharged without treatment as they pose no reasonable potential to affect the water quality or beneficial uses of receiving waters.

D. Discharge Points and Receiving Waters

This Order authorizes permitted discharges to inland surface waters, estuarine, and ocean waters within the Santa Ana Region. In some cases, the de minimus discharges addressed by this Order are to storm drains or creeks that are typically dry in the summer. In these cases, the wastewater discharges percolate into the underlying groundwater management zones without reaching flowing surface water. During wet seasons, wastewater discharges are most oftentimes into flowing surface water. The beneficial uses of these receiving waters are described in Section IV.C.1., below.

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6 *See Attachment A for definitions.*

7 *See Attachment A for definitions.*

E. Excluded Discharges:

The following discharges are excluded from being regulated under this Order:

1. Wastewater with pollutants of concern for which no effluent limitations are specified in this Order.

2. Wastewater discharges from hydro-testing of contaminated pipes or contaminated vessels or tanks.

3. Wastewater discharges from draining of decorative ponds, golf course lakes and ponded water (irrigation tailwater that may commingle with stormwater), unless full characterization of the wastewater for the presence of pesticides, priority pollutants, insecticides, biocides and/or other chemicals that may have been applied to the wastewater is provided. There must be a demonstration that there are no pollutants present at levels of concern.

F. Compliance Summary - Not Applicable

G. Planned Changes - Not Applicable

IV. APPLICABLE PLANS, POLICIES, AND REGULATIONS

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

A. Legal Authorities

This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and its implementing regulations adopted by the USEPA, and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as an NPDES permit for the point source discharges described herein to inland surface waters, estuarine, and ocean waters within the Santa Ana Region. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260).

Pursuant to NPDES regulations at 40 CFR 122.28, States may request authority to issue general NPDES permits. On June 8, 1989, the State Water Board applied to the USEPA requesting revisions to its NPDES Program in accordance with 40 CFR 122.28, 123.62, and 403.10, including a request to add general permit authority to its approved NPDES Program. On September 22, 1989, the USEPA, Region 9, approved the State Water Board's request, granting authorization for the State to issue general NPDES permits.

Pursuant to NPDES regulations at 40 CFR 122.28 (a) (2) general permits may be 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)

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code section 21000 et seq. (*County of Los Angeles v. California State Water Resources Control Board* (2006) 143 Cal.App.4th 985, mod. (Nov. 6, 2006, B184034) 50 Cal.Rptr.3d 619, 632-636.).

C. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plans.** The Regional Water Board adopted a Water Quality Control Plan for the Santa Ana Basin (hereinafter Basin Plan) that became effective on January 24, 1995. The 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 plan. In addition, State Water Resources Control Board (State Water Board) Resolution No. 88-63 (Sources of Drinking Water Policy) requires that, with certain exceptions, the Regional Water Board assign the municipal and domestic water supply use to water bodies.

   On January 22, 2004, the Regional Water Board adopted Resolution No. R8-2004-0001, amending the Basin Plan to incorporate revised boundaries for groundwater subbasins, now termed “management zones”, new nitrate-nitrogen and TDS objectives for the new management zones, and new nitrogen and TDS management strategies applicable to both surface and ground waters. The State Water Resources Control Board and Office of Administrative Law (OAL) approved the N/TDS Amendment on September 30, 2004 and December 23, 2004, respectively. EPA approved the surface water standards components of the N/TDS Amendment on June 20, 2007.

   The existing and potential beneficial uses of surface waters in the Santa Ana Region are designated in Chapter 3 of the Basin Plan and may include:

   a. Municipal and Domestic Supply,
   b. Agricultural Supply,
   c. Industrial Service Supply,
   d. Industrial Process Supply,
   e. Groundwater Recharge,
   f. Hydropower Generation,
   g. Water Contact Recreation,
   h. Non-contact Water Recreation
   i. Warm Freshwater Habitat,
   j. Limited Warm Freshwater Habitat,

k. Cold Freshwater Habitat,
l. Preservation of Biological Habitats of Special Significance,
m. Wildlife Habitat,
n. Marine Habitat,
o. Shellfish Harvesting,
p. Estuarine Habitat,
q. Rare, Threatened or Endangered Species, and
r. Spawning, Reproduction, and Development.

Many surface waters within the region recharge underlying groundwater basins. The existing and potential beneficial uses of groundwater within the Santa Ana Region are designated in Chapter 3 of the Basin Plan and generally include:

a. Municipal and Domestic Supply,
b. Agricultural Supply,
c. Industrial Service Supply, and
d. Industrial Process Supply

The State Water Board adopted a Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California (the Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for surface waters of the State.

This Order implements applicable provisions of the Basin Plan and the Thermal Plan, as well as the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP)(see 3., below).

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. Approximately forty water quality criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR, which established new criteria for toxics in the State and incorporated the previously adopted criteria of the NTR. The CTR was amended on February 13, 2001. The NTR and CTR contain water quality criteria for priority toxic pollutants applicable to inland surface waters, enclosed bays, and estuaries of the State.

3. **State Implementation Policy.** On March 2, 2000, the State Water 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 the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water 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 toxicity control. Requirements of this Order implement the SIP.

4. **Alaska Rule.** On March 30, 2000, at 40 CFR 131.32, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards become effective for CWA purposes. [65 Fed. Reg. 24641 (April 27, 2000)] 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 before May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

5. **Antidegradation Policy.** NPDES regulations require that State water quality standards include an antidegradation policy consistent with the federal policy established at 40 CFR 131.12. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16, which incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Basin Plan implements and incorporates by reference both the state and federal antidegradation policies. The discharges authorized under this Order are expected to have an insignificant effect on water quality and beneficial uses and therefore conform to applicable antidegradation provisions of NPDES regulations at 40 CFR 131.12 and with State Water Board Resolution No. 68-16.

6. **Anti-Backsliding Requirements.** CWA Sections 402 (o) (2) and 303 (d) (4) and NPDES regulations at 40 CFR 122.44 (l) prohibit backsliding in NPDES permits; i.e., effluent limitations in a reissued permit must be at least as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. This Order/General Permit is consistent with applicable anti-backsliding requirements. The limitations in this Order are not less stringent than those in the prior Orders/General Permits.

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

Section 303(d) of the CWA requires states to identify water bodies where water quality standards are not expected to be met after technology-based effluent limitations have been implemented for point sources. For all 303(d)-listed water bodies and pollutants, the Regional Water Board has developed and/or plans to develop total maximum daily loads (TMDLs) that specify waste load allocations (WLA) for point sources and load allocations (LA) for non-point sources. These allocations form the basis, in part, for limitations in waste discharge requirements.

Since discharges will be regulated by this general permit only when they are determined to pose an insignificant threat to water quality, the discharges will not affect either the 303(d) listed bodies of water or TMDLs that have been or will be established to address identified impairments.

E. Other Plans, Polices and Regulations

In most areas of the watershed, there is no significant amount of receiving water at the point of discharge. Therefore, no mixing zone allowance is included in the calculation of effluent limits. Consequently, compliance with the effluent limits is required to be determined at the end of the discharge pipe or at a location prior to where the discharge enters the receiving water.

V. 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. There are two principal bases for effluent limitations in the Code of Federal Regulations: section 122.44(a) requires that permits include applicable technology-based limitations and standards; and 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 reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, WQBELs may be established: (1) using USEPA criteria guidance under CWA section 304 (a), supplemented where necessary by other relevant information; (2) on an indicator parameter for the pollutant of concern; or (3) using 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 40 CFR 122.44(d)(1)(vi).

A. Discharge Prohibitions

The discharge prohibitions are based on the Federal Clean Water Act, Basin Plan, State Water Resources Control Board's plans and policies, U.S. Environmental Protection Agency guidance and regulations, and previous permit Orders No. R8-2003-0061 provisions, and are consistent with the requirements set for other discharges regulated by NPDES permits adopted by the Regional Water Board.

B. Technology-Based Effluent Limitations

1. Scope and Authority

CWA Section 301 (b) and NPDES regulations at 40 CFR 122.44 require permits to, at a minimum, meet applicable technology-based requirements and any more stringent effluent limitations necessary to meet applicable water quality standards. The CWA requires the USEPA to develop effluent limitations, guidelines and standards (Effluent Limitations Guidelines - ELGs) representing application of best practicable treatment control technology (BPT), best available technology economically achievable (BAT), best conventional pollutant control technology (BCT), and best available demonstrated control technology for new sources (NSPS), for specific industrial categories. Where USEPA has not yet developed ELGs for a particular industry or a particular pollutant, Section 402 (a) (1) of the CWA and USEPA regulations at 40 CFR 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis. When BPJ is used, the permit writer must consider specific factors outlined at 40 CFR 125.3.

2. Applicable Technology-Based Effluent Limitations

This Order does not establish technology-based effluent limitations.

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

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 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).

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

The Order authorizes certain discharges to surface waters within the Santa Ana Region. Beneficial uses of these receiving waters, as designated by the Basin Plan (Chapter 3) are described in Section IV.C.1, Findings, of this Order.

a. The Basin Plan (Chapter 4) specifies narrative and numeric water quality objectives applicable to surface water as follows.

   TDS and TIN: TDS and TIN limitations are specified in the Order for discharges to surface waters. The proposed TDS/TIN limits for direct discharges into surface waters within the Santa Ana Region are based on the objectives specified in Table 4-1 of the Basin Plan, as amended.

   In accordance with 40 CFR Section 122.45(d), there may be instances in which the basis for a limit for a particular continuous discharge may be impracticable to be stated as a maximum daily, average weekly, or average monthly effluent limitation. The Regional Water Board has determined that it is not practicable to express TDS and TIN effluent limitations as average weekly and average monthly effluent limitations because the TDS and TIN objectives in the Basin Plan were established to protect the underlying groundwater. Consequently, a 12-month average period is more appropriate.

3. Determining the Need for WQBELs

NPDES regulations at 40 CFR 122.44(d)(1)(i) require permits to include WQBELs for all pollutants (non-priority or priority) "which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any narrative or numeric criteria within a State water quality standard" (have Reasonable Potential). Thus, assessing whether a pollutant has Reasonable Potential is the fundamental step in determining whether or not a WQBEL is required.

4. WQBEL Calculations

No mixing zone allowance is included in the calculation of effluent limits in this Order and, consequently, compliance with the effluent limits is required to be determined at the end of the discharge pipe for freshwater discharge. If a Discharger requests that a mixing zone allowance be included in the determination of appropriate effluent limits, a dilution model must be provided for approval.

5. Whole Effluent Toxicity (WET)-Not Applicable

D. Best Professional Judgment-Based Effluent Limitations

This Order includes effluent limitations for total petroleum hydrocarbons, suspended solids, sulfides, and oil and grease that are based on best professional judgment. The limitations were established when the first general de minimus permit Order No. 93-49 was adopted by the Regional Water Board in 1993.

For filter backwash wastewater discharges, the proposed maximum daily effluent total suspended solids limit is 30 mg/L and is based on best professional judgment.

E. Discharge Specifications

Discharge Limitations established by this Order require authorized Dischargers to compare effluent data, generated through routine monitoring, to effluent limitations. Exceedance of any of the specified effluent limitations may trigger mandatory minimum penalties, accelerated monitoring for certain constituents and may lead to discontinuance of coverage under this General Permit. The Discharge Specifications impose specific effluent limitations to assure that authorized discharges are not creating adverse impacts on receiving water quality. When adverse impacts are identified following exceedance of effluent limitation(s), and/or violation of discharge prohibitions and provisions, Dischargers are either directed to mitigate impacts, to sewer or stop the discharge and/or to seek coverage under an individual NPDES permit.

F. Final Effluent Limitations

1. Satisfaction of Anti-Backsliding Requirements

   All effluent limitations in this Order are the same as the effluent limitations in Order No. R8-2003-0061. Consequently, this Order conforms with anti-backsliding requirements.

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. Apart from certain standards changes resulting from the N/TDS Basin Plan amendment, 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.

Table 1. Effluent Limitations Applicable to All Receiving Waters

Constituent	Maximum Daily Concentration Limit (mg/l)
Total Dissolved Solids (TDS)	Table 4-1 of the Basin Plan for Santa Ana River
Total Inorganic Nitrogen (TIN)	Table 4-1 of the Basin Plan for Santa Ana River
Total Petroleum Hydrocarbons	0.1 mg/L
Total Residual Chlorine[8]	0.1 mg/L
Suspended Solids	75 mg/L
Sulfides	0.4 mg/L
Oil and Grease	15 mg/L

Filter backwash wastewater shall meet a maximum total suspended solids daily limit of 30 mg/L.

F. Interim Effluent Limitations – Not Applicable

G. Land Discharge Specifications – Not Applicable

H. Reclamation Specifications – Not Applicable

[8] *If chlorine is used for treatment or disinfection of wastes.*

VI. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Surface Water

The surface water receiving water limitations in the proposed Order are based upon the water quality objectives contained in the Basin Plan and are a required part of this Order.

B. Groundwater

The receiving groundwater limitations in the proposed Order are based upon the water quality objectives contained in the Basin Plan.

VII. 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 Water Boards 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 facility.

The principal purposes of a monitoring program by a Discharger are to:

1. Document compliance with waste discharge requirements and prohibitions established by the Regional Water Board,
2. Facilitate self-policing by the Discharger in the prevention and abatement of pollution arising from waste discharge,
3. Develop or assist in the development of limitations, discharge prohibitions, national standards of performance, pretreatment and toxicity standards, and other standards, and to
4. Prepare water and wastewater quality inventories.

The MRP is a standard requirement in almost all NPDES permits issued by the Regional Water Board, including this Order. It contains definitions of terms, specifies general sampling and analytical protocols, and sets out requirements for reporting of spills, violations, and routine monitoring data in accordance with NPDES regulations and the California Water Code.

Monitoring is the primary means of ensuring that waste discharge requirements are met. It is also the basis for enforcement actions against Dischargers who are in violation of the waste discharge requirements issued by the Regional Water Board. All Dischargers enrolled under this general permit will be required to conduct monitoring in accordance with a monitoring program issued by the Executive Officer. Each monitoring and reporting program will be customized for each enrollee based on the characteristics of the groundwater being treated and discharged. The typical required constituents and frequency of analyses are tabulated in the self-monitoring program attached to this general

permit as "Attachment E." This monitoring and reporting program will be revised as appropriate. An increase of the parameters or frequency of monitoring will be required when monitoring data show the presence of petroleum hydrocarbons that are not limited in this Order, or toxicity test failures. A reduction of the parameters or frequency of monitoring may be implemented with prior approval of the Executive Officer when monitoring data demonstrate that such reduction is warranted.

In addition, the monitoring program includes analyses for additional constituents to determine the overall impact of individual discharges and to screen for unexpected contaminants.

Specifically for filter backwash wastewater discharges, the proposed Order requires monitoring for iron, manganese and aluminum for those water treatment facilities that have the potential for discharging such constituents.

A. Influent Monitoring – Not Applicable

B. Effluent Monitoring

The Discharger is required to conduct monitoring of the permitted discharges in order to evaluate compliance with permit conditions and to allow ongoing characterization of discharges to determine potential adverse impacts and to determine continued suitability for coverage under the General Permit. Monitoring requirements are given in the proposed monitoring and reporting program (Attachment E). 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.

In addition to discharge rate, effluent is monitored for hardness, pH, total suspended and total dissolved solids. Annual monitoring for the full priority pollutants is no longer required since reported priority pollutant monitoring data show absence of most of the pollutants. However, annual monitoring is required for certain pollutants which have been determined to have high probability of being present in the discharges, though typically at insignificant concentrations. These pollutants are listed in Attachment I, "Trigger Table". This list was determined from evaluating monitoring data from facilities regulated under the de minimus permit and the groundwater cleanup general permit Order Nos. R8-2003-0061 and R8-2007-0008, respectively.

C. Whole Effluent Toxicity Testing Requirements – Not Applicable

D. Receiving Water Monitoring - Not Applicable

The MRP does not require characterization of receiving waters because the discharges are not expected to have an insignificant impact on water quality.

E. Other Monitoring Requirements - Not Applicable

VIII. 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.

40 CFR 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 this 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

This provision is based on 40 CFR Part 123. The Regional Water Board may reopen the permit to modify permit conditions and requirements. Causes for modifications include the promulgation of new regulations, or adoption of new regulations by the State Board or Regional Water Board, including revisions to the Basin Plan.

2. Special Studies and Additional Monitoring Requirements – Not Applicable

3. Best Management Practices and Pollution Prevention – Not Applicable

4. Construction, Operation, and Maintenance Specifications – Not Applicable

5. Special Provisions for Municipal Facilities - Not Applicable

6. Other Special Provisions

a. In some instances, Dischargers have continued to discharge wastewater that does not comply with effluent limitations and/or exceeds concentration values for

one or more of the constituents listed in Attachment I. To address this, the monitoring program (Attachment E) requires accelerated monitoring of constituents that are detected at concentrations that are greater than applicable effluent limits and/or above the pollutant values listed in Attachment I. If the results of two consecutive monitoring samples collected pursuant to the accelerated monitoring program exceed effluent limits and/or greater than the pollutant values listed in Attachment I, and/or equal or exceed the maximum contaminant level (MCL) or Reporting Level values listed in the Attachment I, the Order requires the Discharger to cease discharging (see Provision VII.C.6.a. of the Order). In this event, the Order also requires the Discharger to notify the Regional Water Board to determine a further course of action. Alternatives may include sewering the discharge or regulating the discharge under an individual permit or under a different general permit that addresses the type of pollutant(s) encountered at the site.

7. Compliance Schedules – Not Applicable

IX. PUBLIC PARTICIPATION

The California Regional Water Quality Control Board, Santa Ana Region (Regional Water Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) general permit for discharges to surface waters that pose an insignificant (de minimus) threat to water quality within the Santa Ana Region. 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. Notification was provided through the posting of Notice of Public Hearing at the Regional Water Board website: http://www.waterboards.ca.gov/santaana/board_decisions/tentative_orders/index.shtml on December 24, 2008 and publication in the Orange County Register, The Sun, and The Press Enterprise on December 19, 2008.

B. Written Comments

The staff determinations are tentative. 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 should be received at the Regional Water Board offices by 5:00 p.m. on March 9, 2009 to:

Jane Qiu
California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

C. Public Hearing

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: March 27, 2009
Time: 9:00 A.M.
Location: City Council Chambers of Loma Linda
25541 Barton Road
City of Loma Linda, CA

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. 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 http://www.waterboards.ca.gov/santaana 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

The Report of Waste Discharge (RWD), 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 9:00 a.m. and 3:00 p.m. Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (951) 782-4130.

F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference this facility, and provide a name, address, and phone number.

G. Additional Information

Requests for additional information or questions regarding this Order should be directed to Jane Qiu at (951) 320-2008.

ATTACHMENT H – MINIMUM LEVELS

MINIMUM LEVELS IN PPB (μg/l)

Table 1- VOLATILE SUBSTANCES[1]	GC	GCMS
Acrolein	2.0	5
Acrylonitrile	2.0	2
Benzene	0.5	2
Bromoform	0.5	2
Carbon Tetrachloride	0.5	2
Chlorobenzene	0.5	2
Chlorodibromomethane	0.5	2
Chloroethane	0.5	2
Chloroform	0.5	2
Dichlorobromomethane	0.5	2
1,1 Dichloroethane	0.5	1
1,2 Dichloroethane	0.5	2
1,1 Dichloroethylene	0.5	2
1,2 Dichloropropane	0.5	1
1,3 Dichloropropylene (volatile)	0.5	2
Ethylbenzene	0.5	2
Methyl Bromide (*Bromomethane*)	1.0	2
Methyl Chloride (*Chloromethane*)	0.5	2
Methylene Chloride (*Dichloromethane*)	0.5	2
1,1,2,2 Tetrachloroethane	0.5	1
Tetrachloroethylene	0.5	2
Toluene	0.5	2
trans-1,2 Dichloroethylene	0.5	1
1,1,1 Trichloroethane	0.5	2
1,1,2 Trichloroethane	0.5	2
Trichloroethylene	0.5	2
Vinyl Chloride	0.5	2
1,2 Dichlorobenzene (volatile)	0.5	2
1,3 Dichlorobenzene (volatile)	0.5	2
1,4 Dichlorobenzene (volatile)	0.5	2

Selection and Use of Appropriate ML Value:

ML Selection: When there is more than one ML value for a given substance, the discharger may select any one of those ML values, and their associated analytical methods, listed in this Attachment that are below the calculated effluent limitation for compliance determination. If no ML value is below the effluent limitation, then the discharger shall select the lowest ML value, and its associated analytical method, listed in the PQL Table.

ML Usage: The ML value in this Attachment represents the lowest quantifiable concentration in a sample based on the proper application of all method-based analytical procedures and the absence of any matrix interferences. Assuming that all method-specific analytical steps are followed, the ML value will also represent, after the appropriate application of method-specific factors, the lowest standard in the calibration curve for that specific analytical technique. Common analytical practices sometimes require different treatment of the sample relative to calibration standards.
Note: chemical names in parenthesis and italicized is another name for the constituent.

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1 *The normal method-specific factor for these substances is 1, therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.*

MINIMUM LEVELS IN PPB (μg/l)

Table 2 – Semi-Volatile Substances[2]	GC	GCMS	LC
2-Chloroethyl vinyl ether	1	1	
2 Chlorophenol	2	5	
2,4 Dichlorophenol	1	5	
2,4 Dimethylphenol	1	2	
4,6 Dinitro-2-methylphenol	10	5	
2,4 Dinitrophenol	5	5	
2- Nitrophenol		10	
4- Nitrophenol	5	10	
4 Chloro-3-methylphenol	5	1	
2,4,6 Trichlorophenol	10	10	
Acenaphthene	1	1	0.5
Acenaphthylene		10	0.2
Anthracene		10	2
Benzidine		5	
Benzo (a) Anthracene (*1,2 Benzanthracene*)	10	5	
Benzo(a) pyrene (*3,4 Benzopyrene*)		10	2
Benzo (b) Flouranthene (*3,4 Benzofluoranthene*)		10	10
Benzo(g,h,i)perylene		5	0.1
Benzo(k)fluoranthene		10	2
bis 2-(1-Chloroethoxyl) methane		5	
bis(2-chloroethyl) ether	10	1	
bis(2-Chloroisopropyl) ether	10	2	
bis(2-Ethylhexyl) phthalate	10	5	
4-Bromophenyl phenyl ether	10	5	
Butyl benzyl phthalate	10	10	
2-Chloronaphthalene		10	
4-Chlorophenyl phenyl ether		5	
Chrysene		10	5
Dibenzo(a,h)-anthracene		10	0.1
1,2 Dichlorobenzene (semivolatile)	2	2	
1,3 Dichlorobenzene (semivolatile)	2	1	
1,4 Dichlorobenzene (semivolatile)	2	1	
3,3' Dichlorobenzidine		5	
Diethyl phthalate	10	2	
Dimethyl phthalate	10	2	
di-n-Butyl phthalate		10	
2,4 Dinitrotoluene	10	5	
2,6 Dinitrotoluene		5	
di-n-Octyl phthalate		10	
1,2 Diphenylhydrazine		1	
Fluoranthene	10	1	0.05
Fluorene		10	0.1
Hexachloro-cyclopentadiene	5	5	
1,2,4 Trichlorobenzene	1	5	

MINIMUM LEVELS IN PPB (μg/l)

Table 2 - SEMI-VOLATILE SUBSTANCES[2]	GC	GCMS	LC	COLOR
Pentachlorophenol	1	5		
Phenol [3]	1	1		50
Hexachlorobenzene	5	1		
Hexachlorobutadiene	5	1		
Hexachloroethane	5	1		
Indeno(1,2,3,cd)-pyrene		10	0.05	
Isophorone	10	1		
Naphthalene	10	1	0.2	
Nitrobenzene	10	1		
N-Nitroso-dimethyl amine	10	5		
N-Nitroso -di n-propyl amine	10	5		
N-Nitroso diphenyl amine	10	1		
Phenanthrene		5	0.05	
Pyrene		10	0.05	

Table 3– INORGANICS[4]	FAA	GFAA	ICP	ICPMS	SPGFAA	HYDRIDE	CVAA	COLOR	DCP
Antimony	10	5	50	0.5	5	0.5			1000
Arsenic		2	10	2	2	1		20	1000
Beryllium	20	0.5	2	0.5	1				1000
Cadmium	10	0.5	10	0.25	0.5				1000
Chromium (total)	50	2	10	0.5	1				1000
Chromium VI	5							10	
Copper	25	5	10	0.5	2				1000
Lead	20	5	5	0.5	2				10000
Mercury				0.5			0.2		
Nickel	50	5	20	1	5				1000
Selenium		5	10	2	5	1			1000
Silver	10	1	10	0.25	2				1000
Thallium	10	2	10	1	5				1000
Zinc	20		20	1	10				1000
Cyanide								5	

2 *With the exception of phenol by colorimetric technique, the normal method-specific factor for these substances is 1000, therefore, the lowest standards concentration in the calibration curve is equal to the above ML value for each substance multiplied by 1000.*

3 *Phenol by colorimetric technique has a factor of 1.*

4 *The normal method-specific factor for these substances is 1, therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.*

MINIMUM LEVELS IN PPB (µg/l)

Table 4- PESTICIDES – PCBs[5]	GC
Aldrin	0.005
alpha–BHC (*a-Hexachloro-cyclohexane*)	0.01
beta–BHC (*b-Hexachloro-cyclohexane*)	0.005
Gamma–BHC (*Lindane; g-Hexachloro-cyclohexane*)	0.02
Delta-BHC (*d-Hexachloro-cyclohexane*)	0.005
Chlordane	0.1
4,4'-DDT	0.01
4,4'-DDE	0.05
4,4'-DDD	0.05
Dieldrin	0.01
Alpha-Endosulfan	0.02
Beta-Endosulfan	0.01
Endosulfan Sulfate	0.05
Endrin	0.01
Endrin Aldehyde	0.01
Heptachlor	0.01
Heptachlor Epoxide	0.01
PCB 1016	0.5
PCB 1221	0.5
PCB 1232	0.5
PCB 1242	0.5
PCB 1248	0.5
PCB 1254	0.5
PCB 1260	0.5
Toxaphene	0.5

Techniques:
GC - Gas Chromatography
GCMS - Gas Chromatography/Mass Spectrometry
HRGCMS - High Resolution Gas Chromatography/Mass Spectrometry (i.e., EPA 1613, 1624, or 1625)
LC - High Pressure Liquid Chromatography
FAA - Flame Atomic Absorption
GFAA - Graphite Furnace Atomic Absorption
HYDRIDE - Gaseous Hydride Atomic Absorption
CVAA - Cold Vapor Atomic Absorption
ICP - Inductively Coupled Plasma
ICPMS - Inductively Coupled Plasma/Mass Spectrometry
SPGFAA - Stabilized Platform Graphite Furnace Atomic Absorption (i.e., EPA 200.9)
DCP - Direct Current Plasma
COLOR - Colorimetric

5 *The normal method-specific factor for these substances is 100, therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance multiplied by 100.*

ATTACHMENT I –TRIGGERS FOR POLLUTANT MONITORING

Table 1. Criteria for Discharges to Freshwater Not Designated MUN

	CONSTITUENT	µg/L		CONSTITUENT	µg/L
1	***Antimony***	***6***	24	***Dibromochloropropane (DBCP)***	***0.2***
2	***Arsenic***	***50***	25	Dichlorobromomethane	46
3	Cadmium	See Table 5 or 6 below	26	***Ethylbenzene***	***300***
4	Chromium III	"	27	***Methyl Isobutyl Ketone***	***120***
5	Chromium VI	11	28	***Methyl Tertiary Butyl Ether (MTBE)***	***13***
6	Copper	See Table 5 or 6 below	*29*	***Naphthalene***	***17***
7	Lead	"	30	Perchlorate	4
8	Mercury	0.051	31	***Tert Butyl Alcohol (TBA)***	***12***
9	Nickel	See Table 5 or 6 below	32	***Tetratchloroethylene (PCE)***	***5***
10	Selenium	5.0	33	***Toluene***	***150***
11	Silver	See Table 5 or 6 below	*34*	***Trichloroethylene (TCE)***	***5***
12	***Thallium***	***2***	35	***Vinyl Chloride***	***0.5***
13	Zinc	See Table 5 or 6 below	36	***1,2,3-Trichloropropane (1,2,3-TCP)***	***0.005***
14	Cyanide	5.2	37	***1,3-Dichloropropylene***	***0.5***
15	***1,1,2-Trichloroethane***	***5***	38	***1,1,2,2-Tetratchloroethane***	***1***
16	***1,1-Dichloroethane***	***5***	39	***1,2-Dichlorobenzene***	***600***
17	1,1-Dichloroethylene	3.2	40	***1,4-Dichlorobenzene***	***5***
18	***1,2-Dichloroethane***	***0.5***	41	***1,2,4 -Trichlorobenzene***	***5***
19	***1,2-Dichloroethylene(cis)***	***6***			
20	***1,2-Dichloroethylene(trans)***	***10***			
21	***1,4-Dioxane***	***3***			
22	***Benzene***	***1***			
23	***Carbon Tetrachloride***	***0.5***			

Notes:

1. For constituents not shown italicized, the values shown in the Table 1 are the most stringent applicable receiving water objectives (freshwater or human health (consumption of water and organisms) as specified for that pollutant in 40 CFR 131.38[6]).
2. For constituents shown bold and italicized, the values shown in the Table are based on the California Department of Public Health maximum contaminant levels (MCLs) or Notification Level. Notification Level based triggers are underlined.
3. For hardness dependent metals, Table 5 shows the calculated metals criteria for Reach 3 and 4 of the Santa Ana River. For other freshwater discharge locations see Table 6. Calculated metal criteria values are based on specific hardness values in 50 mg/L increments.
4. For ocean discharges see Table 3. For bays, estuaries see Table 4.

6 *See Federal Register/ Vol. 65, No. 97 / Thursday, May 18, 2000 / Rules and Regulations.*

Table 2. Criteria for Discharges to Freshwater Designated MUN

	CONSTITUENT	µg/L
1	***Antimony***	***6***
2	***Arsenic***	***50***
3	Cadmium	5 or smaller value in Table 6
4	Chromium IV	11
5	Copper	See Table 6
6	Lead	See Table 6
7	Mercury	0.051
8	Nickel	100 or smaller value in Table 6
9	Selenium	5.0
10	Silver	See Table 6
11	***Thallium***	***2***
12	Zinc	See Table 6
13	Cyanide	5.2
14	***1,1,2-Trichloroethane***	***0.6***
15	***1,1-Dichloroethane***	***5***
16	1,1-Dichloroethylene	0.057
17	1,2-Dichloroethane	0.38
18	***1,2-Dichloroethylene(cis)***	***6***
19	***1,2-Dichloroethylene(trans)***	***10***
20	***1,4-Dioxane***	***3***
21	***Benzene***	***1***
22	Carbon Tetrachloride	0.25
23	***Dibromochloropropane (DBCP)***	***0.2***

	CONSTITUENT	µg/L
24	Dichlorobromomethane	0.56
25	***Ethylbenzene***	***300***
26	***Methyl Isobutyl Ketone***	***120***
27	***Methyl Tertiary Butyl Ether (MTBE)***	***13***
28	***Naphthalene***	***17***
29	Perchlorate	4
30	***Tert Butyl Alcohol (TBA)***	***12***
31	Tetratchloroethylene (PCE)	0.8
32	***Toluene***	***150***
33	Trichloroethylene (TCE)	2.7
34	***Vinyl Chloride***	***0.5***
35	***1,2,3-Trichloropropane (1,2,3-TCP)***	***0.005***
36	***1,3-Dichloropropylene***	***0.5***
37	***1,1,2,2-Tetratchloroethane***	***0.17***
38	***1,2-Dichlorobenzene***	***600***
39	***1,4-Dichlorobenzene***	***5***
40	***1,2,4 -Trichlorobenzene***	***5***

Table 3. Criteria for Discharges to the Ocean

	CONSTITUENT	µg/L		CONSTITUENT	µg/L
1	Arsenic	32	16	Carbon Tetrachloride	0.9
2	Cadmium	4	17	Chloroform	130
3	Chromium VI	8	18	Chlorodibromomethane	8.6
4	Copper	12	19	Dichlorobromomethane	6.2
5	Lead	8	20	Tetratchloroethylene (PCE)	2.0
6	Mercury	0.16	21	Trichloroethylene (TCE)	27
7	Nickel	20	22	Vinyl Chloride	36
8	Selenium	60	23	1,1,2-Trichloroethane	9.4
9	Silver	2.8	24	1,3-Dichloropropylene	8.9
10	Zinc	80	25	1,4-Dichlorobenzene	18
11	Total Cyanide	4	26	Perchlorate	4
12	1,1,2-Trichloroethane	9.4			
13	1,1-Dichloroethylene	0.9			
14	1,2-Dichloroethane	28			
15	Benzene	5.9			

Table 4. Criteria for Discharges to Bays and Estuaries

	CONSTITUENT	µg/L		CONSTITUENT	µg/L
1	Arsenic	36	15	Carbon Tetrachloride	4.4
2	Cadmium	9.3	16	Chlorodibromomethane	34
3	Chromium VI	50	17	Dichlorobromomethane	46
4	Copper	3.1	18	Tetratchloroethylene (PCE)	8.85
5	Lead	8.1	19	Trichloroethylene (TCE)	81
6	Mercury	0.051	20	Vinyl Chloride	525
7	Nickel	8.2	21	1,1,2-Trichloroethane	42
8	Selenium	71	22	1,3-Dichloropropylene	1700
9	Silver	1.9	23	1,4-Dichlorobenzene	2600
10	Zinc	81	24	Perchlorate	4
11	1,1,2-Trichloroethane	42			
12	1,1-Dichloroethylene	3.2			
13	1,2-Dichloroethane	99			
14	Benzene	71			

Table 5. Total Recoverable Metals Criteria For Discharges to Reach 3 and 4 of the Santa Ana River and tributaries thereto (µg/L)

Hardness mg/L	Cadmium	Chromium (III)	Copper	Lead	Nickel	Silver	Zinc
50	1.4	117	13	8	29	1.2	67
100	2.5	207	24	19	52	4	120
150	3.4	289	34	33	74	8.2	169
200	4.2	365	44	47	94	13	216
250	5.1	438	53	62	113	20	260
300	5.8	509	62	79	132	27	304
350	6.6	577	71	96	151	35	346
400	7.3	644	79	113	169	44	388

Table 6. Total Recoverable Metals Criteria For Discharges to other freshwaters Not Within or tributary to Reach 3 and 4 of the Santa Ana River

Hardness value	Cadmium	Chromium, III	Copper	Lead	Nickel	Silver	Zinc
	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L
50	1.3	117	5.0	0.9	28.9	1.0	65.7
100	2.2	207	9.0	2.2	52.0	3.4	118
150	3.0	289	12.7	3.7	73.3	6.9	167
200	3.7	365	16.2	5.3	93.5	11.4	213
250	4.4	438	19.6	7.0	113	16.7	257
300	5.1	509	22.9	8.9	132	22.8	300
350	5.8	577	26.1	10.8	150	29.8	341
400	6.4	644	29.3	12.8	168	37.4	382