

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

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**ORDER R5-2013-0103  
NPDES NO. CA0084760**

**WASTE DISCHARGE REQUIREMENTS FOR THE  
KINDER MORGAN ENERGY PARTNERS, L.P., THROUGH ITS OPERATING  
PARTNERSHIP SFPP, L.P.  
FOX ROAD PETROLEUM RELEASE SITE, GROUNDWATER REMEDIATION SYSTEM  
SOLANO COUNTY**

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

**Table 1. Discharger Information**

<b>Discharger</b>	Kinder Morgan Energy Partners, L.P., Through Its Operating Partnership SFPP, L.P.
<b>Name of Facility</b>	Fox Road Petroleum Release Site Groundwater Remediation System
<b>Facility Address</b>	6645 Fox Road
	Elmira, CA 95620
	Solano County
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified this discharge as a minor discharge.	

The discharge by the Kinder Morgan Energy Partners, L.P., Through Its Operating Partnership SFPP, L.P. from the discharge points identified below is subject to waste discharge requirements as set forth in this Order:

**Table 2. Discharge Location**

<b>Discharge Point</b>	<b>Effluent Description</b>	<b>Discharge Point Latitude</b>	<b>Discharge Point Longitude</b>	<b>Receiving Water</b>
001	Treated Groundwater	38° 23' 45" N	121° 52' 30" W	Gibson Canyon Creek Flood Control Channel

**Table 3. Administrative Information**

This Order was adopted by the Regional Water Quality Control Board on:	<b>26 July 2013</b>
This Order shall become effective on:	<b>14 September 2013</b>
This Order shall expire on:	<b>1 September 2018</b>
The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than:	<b>1 March 2018</b>

I, **PAMELA C. CREEDON**, 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, Central Valley Region, on **26 July 2013**.

ORIGINAL SIGNED BY  
**PAMELA C. CREEDON**, Executive Officer

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## I. FACILITY INFORMATION

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

**Table 4. Facility Information**

<b>Discharger</b>	Kinder Morgan Energy Partners, L.P., Through Its Operating Partnership SFPP, L.P.
<b>Name of Facility</b>	Fox Road Petroleum Release Site Groundwater Remediation System
<b>Facility Address</b>	6645 Fox Road
	Elmira, CA 95620
	Solano County
<b>Facility Contact, Title, and Phone</b>	Robert Truedinger, Senior Remediation Project Manager, (510) 412-8813
<b>Mailing Address</b>	1100 Town and Country Road Orange, CA 92868
<b>Type of Facility</b>	Petroleum Pipeline
<b>Facility Design Flow</b>	150 gallons per minute (gpm) = 216,000 gallons per day (gpd)

## II. FINDINGS

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

**A. Background.** Kinder Morgan Energy Partners, L.P., through its Operating Partnership SFPP, L.P. (formerly known as Santa Fe Pacific Pipeline Partners, L.P., hereinafter Discharger) was discharging pursuant to Order R5-2008-0008 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0084760. The Discharger submitted a Report of Waste Discharge, dated 14 July 2012, and applied for a NPDES permit renewal to discharge up to 216,000 gpd of treated groundwater from the Fox Road Petroleum Release Site Groundwater Remediation System, hereinafter Facility. The application was deemed complete on 26 December 2012.

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. Facility Description.** The Discharger owns and operates a groundwater treatment system to treat groundwater contaminated with petroleum hydrocarbons. The groundwater treatment system consists of four extraction trenches and 13 extraction wells. The groundwater treatment system currently extracts affected groundwater from two extraction trenches (T-2 and T-4) and two groundwater extraction wells (EX-09B and EX-10B) and the treatment system consists of an influent holding tank, bag filters, an air stripper and 7 granular activated carbon (GAC) vessels to remove the petroleum fuel constituents. A venturi was installed between the GAC vessels in

series to increase the concentration of dissolved oxygen. Treated groundwater is discharged from Discharge Point No. 001 (see table on cover page) to Gibson Canyon Creek Flood Control Channel, a water of the United States and a tributary to the Sacramento – San Joaquin Delta via the Sweany Creek Channel, Ulatis Creek, and Cache Slough within the Grassland Watershed. Attachment B provides a map of the area around the Facility. Attachment C provides a flow schematic of the Facility.

- C. Legal Authorities.** This Order is issued pursuant to section 402 of the Clean Water Act (CWA) and implementing regulations adopted by USEPA and chapter 5.5, division 7 of the California Water Code (Water Code; commencing with section 13370). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).
- D. Background and Rationale for Requirements.** The Central Valley Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through E and G through J 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 sections 21100-21177.
- 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 (40 CFR 122.44), require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order must meet minimum federal technology-based requirements based on Best Professional Judgment (BPJ) in accordance with 40 CFR 125.3. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet.
- G. Water Quality-based Effluent Limitations (WQBELs).** Section 301(b) of the CWA and 40 CFR 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

40 CFR 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 40 CFR 122.44(d)(1)(vi).

**H. Water Quality Control Plans.** The Central Valley Water Board adopted a *Water Quality Control Plan, Fourth Edition (Revised October 2011)*, for the Sacramento and San Joaquin River Basins (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. The Basin Plan at page II-2.00 states that the “...beneficial uses of any specifically identified water body generally apply to its tributary streams.” Table II-1 of the Basin Plan identifies the beneficial uses of certain specific water bodies. The Basin Plan does not specifically identify beneficial uses for Gibson Canyon Creek Flood Control Channel, but does identify present and potential uses for the Sacramento – San Joaquin Delta, to which the Gibson Canyon Creek Flood Control Channel, via the Sweany Creek Channel, Ulatis Creek, and Cache Slough, is tributary. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Beneficial uses applicable to Gibson Canyon Creek Flood Control Channel are as follows:

**Table 5. Basin Plan Beneficial Uses**

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Gibson Canyon Creek Flood Control Channel	<p><u>Existing Uses</u>                      Municipal and domestic supply (MUN);                      Agricultural supply, including irrigation and stock watering (AGR);                      Industrial process supply (PROC);                      Industrial service supply (IND);                      Water contact recreation, including canoeing and rafting (REC-1);                      Non-contact water recreation (REC-2);                      Warm freshwater habitat (WARM); cold freshwater habitat (COLD);                      Migration of aquatic organisms, warm and cold (MIGR);                      Spawning, reproduction, and/or early development, warm and cold (SPWN);                      Wildlife habitat (WILD);                      Commercial and sport fishing (COMM); and                      Navigation (NAV).</p> <p><u>Suitable uses from State Water Board Resolution 88-63:</u>                      Municipal and domestic supply (MUN)</p>

**I. National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on 22 December 1992, and later amended it on 4 May 1995 and

9 November 1999. About 40 criteria in the NTR applied in California. On 18 May 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on 13 February 2001. These rules contain water quality criteria for priority pollutants.

**J. State Implementation Policy.** On 2 March 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 28 April 2000 with respect to the priority pollutant criteria promulgated for California by USEPA through the NTR and to the priority pollutant objectives established by the Central Valley Water Board in the Basin Plan. The SIP became effective on 18 May 2000 with respect to the priority pollutant criteria promulgated by USEPA through the CTR. The State Water Board adopted amendments to the SIP on 24 February 2005 that became effective on 13 July 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.

**K. Compliance Schedules and Interim Requirements.** In general, an NPDES permit must include final effluent limitations that are consistent with CWA section 301 and with 40 CFR 122.44(d). There are exceptions to this general rule. The State Water Board's *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (Compliance Schedule Policy) allows compliance schedules for new, revised, or newly interpreted water quality objectives or criteria, or in accordance with a TMDL. All compliance schedules must be as short as possible, and may not exceed ten years from the effective date of the adoption, revision, or new interpretation of the applicable water quality objective or criterion, unless a TMDL allows a longer schedule. A Regional Water Board, however, is not required to include a compliance schedule, but may issue a Time Schedule Order pursuant to Water Code section 13300 or a Cease and Desist Order pursuant to Water Code section 13301 where it finds that the discharger is violating or threatening to violate the permit. The Regional Water Board will consider the merits of each case in determining whether it is appropriate to include a compliance schedule in a permit, and, consistent with the Compliance Schedule Policy, should consider feasibility of achieving compliance, and must impose a schedule that is as short as possible to achieve compliance with the effluent limit based on the objective or criteria.

The Compliance Schedule Policy and the SIP do not allow compliance schedules for priority pollutants beyond 18 May 2010, except for new or more stringent priority pollutant criteria adopted by USEPA after 17 December 2008.

Where a compliance schedule for a final effluent limitation exceeds one year, the Order must include interim numeric limitations for that constituent or parameter, interim milestones and compliance reporting within 14 days after each interim milestone. The permit may also include interim requirements to control the pollutant,

such as pollutant minimization and source control measures. This Order does not include compliance schedules and interim effluent limitations or discharge specifications.

- L. Stringency of Requirements for Individual Pollutants.** This Order contains both technology-based effluent limitations and WQBELs for individual pollutants. The technology-based effluent limitations consist of restrictions on flow, benzene, ethylbenzene, toluene, methyl tert-butyl ether, t-amyl methyl ether, tertiary butyl alcohol, total petroleum hydrocarbons (gasoline and diesel), and xylene. The WQBELs consist of restrictions on acute and chronic whole effluent toxicity, chlorine residual, iron, manganese, nitrate, and pH. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements.

WQBELs have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant WQBELs were derived from the CTR, the CTR is the applicable standard pursuant to 40 CFR 131.38. The scientific procedures for calculating the individual WQBELs for priority pollutants are based on the CTR-SIP, which was approved by USEPA on 18 May 2000. All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to 30 May 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to 30 May 2000, but not approved by USEPA before that date, are nonetheless "*applicable water quality standards for purposes of the [Clean Water] Act*" pursuant to 40 CFR 131.211(1). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the technology-based requirements of the CWA and the applicable water quality standards for purposes of the CWA.

- M. Antidegradation Policy.** 40 CFR 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 Central Valley 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 40 CFR 131.12 and Resolution No. 68-16.
- N. Anti-Backsliding Requirements.** Sections 303(d)(4) and 402(o)(2) of the CWA and federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions. Some effluent

limitations in this Order are less stringent than those in Order R5-2008-0008. As discussed in detail in the Fact Sheet, this relaxation of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

- O. Endangered Species Act.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The discharger is responsible for meeting all requirements of the applicable Endangered Species Act.
- P. Monitoring and Reporting.** 40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the Central Valley Water Board to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. The Monitoring and Reporting Program is provided in Attachment E.

The technical and monitoring reports in this Order are required in accordance with Water Code section 13267, which states the following in subsection (b)(1), *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”*

The Discharger owns and operates the Facility subject to this Order. The monitoring reports required by this Order are necessary to determine compliance with this Order. The need for the monitoring reports is discussed in the Fact Sheet.

- Q. Standard and Special Provisions.** Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D. The discharger must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR 122.42. The Central Valley Water Board has also included in this Order special provisions applicable to the Discharger. Some special provisions require submittal of technical reports. All

technical reports are required in accordance with Water Code section 13267. The rationale for the special provisions and need for technical reports required in this Order is provided in the Fact Sheet.

**R. Provisions and Requirements Implementing State Law.**

[Not Applicable]

**S. Notification of Interested Parties.** The Central Valley Water Board has notified the Discharger 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 notification are provided in the Fact Sheet of this Order.

**T. Consideration of Public Comment.** The Central Valley 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.

THEREFORE, IT IS HEREBY ORDERED, that Order R5-2008-0008 is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the federal CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

### III. DISCHARGE PROHIBITIONS

- A. Discharge of wastewater at a location or in a manner different from that described in the Findings is prohibited.
- B. The by-pass or overflow of wastes to surface waters is prohibited, except as allowed by Federal Standard Provisions I.G. and I.H. (Attachment D).
- C. Neither the discharge nor its treatment shall create a nuisance as defined in section 13050 of the Water Code.

### IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

#### A. Effluent Limitations – Discharge Point No. 001

##### 1. Final Effluent Limitations – Discharge Point No. 001

- a. The Discharger shall maintain compliance with the following effluent limitations at Discharge Point No. 001, with compliance measured at Monitoring Location EFF-001 as described in the Monitoring and Reporting Program:

**Table 6. Effluent Limitations**

Parameter	Units	Effluent Limitations			
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Flow	gpd	--	216,000	--	--
Total Residual Chlorine	mg/L	0.01	0.02	--	--
pH	standard units	--	--	6.5	8.5
Benzene	µg/L	--	0.5	--	--
Electrical Conductivity	µmhos/cm	1,408	--	--	--
Ethylbenzene	µg/L	--	0.5	--	--
Toluene	µg/L	--	0.5	--	--
Methyl Tert-Butyl Ether	µg/L	--	1.0	--	--
Nitrate, Total (as N)	mg/L	10	--	--	--
T-Amyl Methyl Ether	µg/L	--	1.0	--	--
Tertiary Butyl Alcohol	µg/L	--	20	--	--
Total Petroleum Hydrocarbons (Diesel)	µg/L	--	50	--	--
Total Petroleum Hydrocarbons (Gasoline)	µg/L	--	50	--	--
Xylene	µg/L	--	0.5	--	--

- b. Acute Whole Effluent Toxicity.** Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:
  - i. 70%, minimum for any one bioassay; and
  - ii. 90%, median for any three consecutive bioassays.
- c. Chronic Whole Effluent Toxicity.** There shall be no chronic toxicity in the effluent discharge.
- d. Total Recoverable Iron.** For a calendar year, the annual average total recoverable iron concentration in the effluent shall not exceed 300 µg/L.
- e. Total Recoverable Manganese.** For a calendar year, the annual average total recoverable manganese concentration in the effluent shall not exceed 50 µg/L.

**B. Land Discharge Specifications – Not Applicable**

**C. Reclamation Specifications – Not Applicable**

**V. RECEIVING WATER LIMITATIONS**

**A. Surface Water Limitations**

Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. The discharge shall not cause the following in Gibson Canyon Creek Flood Control Channel:

- 1. Bacteria.** The fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, to exceed a geometric mean of 200 MPN/100 mL, nor more than 10 percent of the total number of fecal coliform samples taken during any 30-day period to exceed 400 MPN/100 mL.
- 2. Biostimulatory Substances.** Water to contain biostimulatory substances which promote aquatic growths in concentrations that cause nuisance or adversely affect beneficial uses.
- 3. Chemical Constituents.** Chemical constituents to be present in concentrations that adversely affect beneficial uses.
- 4. Color.** Discoloration that causes nuisance or adversely affects beneficial uses.
- 5. Dissolved Oxygen:**
  - a.** The monthly median of the mean daily dissolved oxygen concentration to fall below 85 percent of saturation in the main water;

- b. The 95 percentile dissolved oxygen concentration to fall below 75 percent of saturation; nor
  - c. The dissolved oxygen concentration to be reduced below 7.0 mg/L at any time.
- 6. Floating Material.** Floating material to be present in amounts that cause nuisance or adversely affect beneficial uses.
- 7. Oil and Grease.** Oils, greases, waxes, or other materials to be present in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
- 8. pH.** The pH to be depressed below 6.5, nor raised above 8.5.
- 9. Pesticides:**
- a. Pesticides to be present, individually or in combination, in concentrations that adversely affect beneficial uses;
  - b. Pesticides to be present in bottom sediments or aquatic life in concentrations that adversely affect beneficial uses;
  - c. Total identifiable persistent chlorinated hydrocarbon pesticides to be present in the water column at concentrations detectable within the accuracy of analytical methods approved by USEPA or the Executive Officer;
  - d. Pesticide concentrations to exceed those allowable by applicable antidegradation policies (see State Water Board Resolution No. 68-16 and 40 CFR 131.12.);
  - e. Pesticide concentrations to exceed the lowest levels technically and economically achievable;
  - f. Pesticides to be present in concentration in excess of the maximum contaminant levels set forth in CCR, Title 22, division 4, chapter 15; nor
  - g. Thiobencarb to be present in excess of 1.0 µg/L.
- 10. Radioactivity:**
- a. Radionuclides to be present in concentrations that are harmful to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.

- b. Radionuclides to be present in excess of the maximum contaminant levels (MCLs) specified in Table 64442 of section 64442 and Table 64443 of section 64443 of Title 22 of the California Code of Regulations.

**12. Salinity.** The total dissolved solids to exceed 500 mg/L.

**13. Suspended Sediments.** The suspended sediment load and suspended sediment discharge rate of surface waters to be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

**14. Settleable Substances.** Substances to be present in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses.

**15. Suspended Material.** Suspended material to be present in concentrations that cause nuisance or adversely affect beneficial uses.

**16. Taste and Odors.** Taste- or odor-producing substances to be present in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses.

**17. Temperature.** The natural temperature to be increased by more than 5°F. Compliance to be determined based on the difference in temperature at RSW-001 and RSW-002.

**18. Toxicity.** Toxic substances to be present, individually or in combination, in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.

**19. Turbidity.**

- a. Shall not exceed 2 Nephelometric Turbidity Units (NTU) where natural turbidity is less than 1 NTU;
- b. Shall not increase more than 1 NTU where natural turbidity is between 1 and 5 NTUs;
- c. Shall not increase more than 20 percent where natural turbidity is between 5 and 50 NTUs;
- d. Shall not increase more than 10 NTU where natural turbidity is between 50 and 100 NTUs; nor
- e. Shall not increase more than 10 percent where natural turbidity is greater than 100 NTUs.

## **B. Groundwater Limitations – Not Applicable**

## **VI. PROVISIONS**

### **A. Standard Provisions**

1. The Discharger shall comply with all Standard Provisions (federal NPDES standard conditions from 40 CFR Part 122) included in Attachment D of this Order.
2. The Discharger shall comply with the following provisions:
  - a. If the Discharger's wastewater treatment plant is publicly owned or subject to regulation by California Public Utilities Commission, it shall be supervised and operated by persons possessing certificates of appropriate grade according to Title 23, CCR, division 3, chapter 26.
  - b. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
    - i. violation of any term or condition contained in this Order;
    - ii. obtaining this Order by misrepresentation or by failing to disclose fully all relevant facts;
    - iii. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
    - iv. a material change in the character, location, or volume of discharge.

The causes for modification include:

- A.** *New regulations.* New regulations have been promulgated under section 405(d) of the CWA, or the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued.
- B.** *Land application plans.* When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.
- C.** *Change in sludge use or disposal practice.* Under 40 CFR 122.62(a)(1), a change in the Discharger's sludge use or disposal practice is a cause for modification of the permit. It is cause for revocation and reissuance if the Discharger requests or agrees.

The Central Valley Water Board may review and revise this Order at any time upon application of any affected person or the Central Valley Water Board's own motion.

- c.** If a toxic effluent standard or prohibition (including any scheduled compliance specified in such effluent standard or prohibition) is established under section 307(a) of the CWA, or amendments thereto, for a toxic pollutant that is present in the discharge authorized herein, and such standard or prohibition is more stringent than any limitation upon such pollutant in this Order, the Central Valley Water Board will revise or modify this Order in accordance with such toxic effluent standard or prohibition.

The Discharger shall comply with effluent standards and prohibitions within the time provided in the regulations that establish those standards or prohibitions, even if this Order has not yet been modified.

- d.** This Order shall be modified, or alternately revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the CWA, if the effluent standard or limitation so issued or approved:
  - i.** Contains different conditions or is otherwise more stringent than any effluent limitation in the Order; or
  - ii.** Controls any pollutant limited in the Order.

The Order, as modified or reissued under this paragraph, shall also contain any other requirements of the CWA then applicable.

- e.** The provisions of this Order are severable. If any provision of this Order is found invalid, the remainder of this Order shall not be affected.
- f.** The Discharger shall take all reasonable steps to minimize any adverse effects to waters of the State or users of those waters resulting from any discharge or sludge use or disposal in violation of this Order. Reasonable steps shall include such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge or sludge use or disposal.
- g.** The Discharger shall ensure compliance with any existing or future pretreatment standard promulgated by USEPA under section 307 of the CWA, or amendment thereto, for any discharge to the municipal system.
- h.** A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel. Key operating personnel shall be familiar with its content.

- i. Safeguard to electric power failure:
  - i. The Discharger shall provide safeguards to assure that, should there be reduction, loss, or failure of electric power, the discharge shall comply with the terms and conditions of this Order.
  - ii. Upon written request by the Central Valley Water Board, the Discharger shall submit a written description of safeguards. Such safeguards may include alternate power sources, standby generators, retention capacity, operating procedures, or other means. A description of the safeguards provided shall include an analysis of the frequency, duration, and impact of power failures experienced over the past 5 years on effluent quality and on the capability of the Discharger to comply with the terms and conditions of the Order. The adequacy of the safeguards is subject to the approval of the Central Valley Water Board.
  - iii. Should the treatment works not include safeguards against reduction, loss, or failure of electric power, or should the Central Valley Water Board not approve the existing safeguards, the Discharger shall, within 90 days of having been advised in writing by the Central Valley Water Board that the existing safeguards are inadequate, provide to the Central Valley Water Board and USEPA a schedule of compliance for providing safeguards such that in the event of reduction, loss, or failure of electric power, the Discharger shall comply with the terms and conditions of this Order. The schedule of compliance shall, upon approval of the Central Valley Water Board, become a condition of this Order.
- j. The Discharger, upon written request of the Central Valley Water Board, shall file with the Board a technical report on its preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. This report may be combined with that required under the Central Valley Water Board Standard Provision contained in section VI.A.2.i of this Order.

The technical report shall:

- i. Identify the possible sources of spills, leaks, untreated waste by-pass, and contaminated drainage. Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered.
- ii. Evaluate the effectiveness of present facilities and procedures and state when they became operational.

- iii. Predict the effectiveness of the proposed facilities and procedures and provide an implementation schedule containing interim and final dates when they will be constructed, implemented, or operational.

The Central Valley Water Board, after review of the technical report, may establish conditions which it deems necessary to control accidental discharges and to minimize the effects of such events. Such conditions shall be incorporated as part of this Order, upon notice to the Discharger.

- k. A publicly owned treatment works whose waste flow has been increasing, or is projected to increase, shall estimate when flows will reach hydraulic and treatment capacities of its treatment and disposal facilities. The projections shall be made in January, based on the last 3 years' average dry weather flows, peak wet weather flows and total annual flows, as appropriate. When any projection shows that capacity of any part of the facilities may be exceeded in 4 years, the Discharger shall notify the Central Valley Water Board by 31 January. A copy of the notification shall be sent to appropriate local elected officials, local permitting agencies and the press. Within 120 days of the notification, the Discharger shall submit a technical report showing how it will prevent flow volumes from exceeding capacity or how it will increase capacity to handle the larger flows. The Central Valley Water Board may extend the time for submitting the report.
- l. The Discharger shall submit technical reports as directed by the Executive Officer. All technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code, sections 6735, 7835, and 7835.1. To demonstrate compliance with Title 16, CCR, sections 415 and 3065, all technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.
- m. The Central Valley Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13385, 13386, and 13387.
- n. For publicly owned treatment works, prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater that results in a permanent decrease of flow in any portion of a watercourse, the Discharger must file a petition with the State Water Board, Division of Water Rights, and receive approval for such a change. (Water Code section 1211).

- o. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, maximum daily effluent limitation, 1-hour average effluent limitation, or receiving water limitation contained in this Order, the Discharger shall notify the Central Valley Water Board by telephone (916) 464-3291 within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within 5 days, unless the Central Valley Water Board waives confirmation. The written notification shall include the information required by the Standard Provision contained in Attachment D section V.E.1. [40 CFR 122.41(l)(6)(i)].
- p. 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.
- q. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Central Valley Water Board.

To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address and telephone number of the persons responsible for contact with the Central Valley Water Board and a statement. The statement shall comply with the signatory and certification requirements in the federal Standard Provisions (Attachment D, section V.B) and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the Water Code. Transfer shall be approved or disapproved in writing by the Executive Officer.

## **B. Monitoring and Reporting Program Requirements**

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

## **C. Special Provisions**

### **1. Reopener Provisions**

- a. Conditions that necessitate a major modification of a permit are described in 40 CFR 122.62, including, but not limited to:



requires the Discharger to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity. If the discharge exhibits toxicity, as described in subsection ii below, the Discharger is required to initiate a TRE in accordance with an approved TRE Workplan, and take actions to mitigate the impact of the discharge and prevent recurrence of toxicity. A TRE is a site-specific study conducted in a stepwise process to identify the source(s) of toxicity and the effective control measures for effluent toxicity. TREs are designed to identify the causative agents and sources of effluent toxicity, evaluate the effectiveness of the toxicity control options, and confirm the reduction in effluent toxicity. This Provision includes procedures for accelerated chronic toxicity monitoring and TRE initiation.

- i. **Accelerated Monitoring and TRE Initiation.** When the numeric toxicity monitoring trigger is exceeded during regular chronic toxicity monitoring, the Discharger shall initiate accelerated monitoring as required in the Accelerated Monitoring Specifications. The Discharger shall initiate a TRE to address effluent toxicity if any WET testing results exceed the numeric toxicity monitoring trigger during accelerated monitoring.
- ii. **Numeric Toxicity Monitoring Trigger.** The numeric toxicity monitoring trigger to initiate a TRE is  $> 1 \text{ TU}_c$  (where  $\text{TU}_c = 100/\text{NOEC}$ ). The monitoring trigger is not an effluent limitation; it is the toxicity threshold at which the Discharger is required to begin accelerated monitoring and initiate a TRE when the effluent exhibits toxicity.
- iii. **Accelerated Monitoring Specifications.** If the numeric toxicity monitoring trigger is exceeded during regular chronic toxicity testing, the Discharger shall initiate accelerated monitoring within 14 days of notification by the laboratory of the exceedance. Accelerated monitoring shall consist of four (4) chronic toxicity tests conducted once every 2 weeks using the species that exhibited toxicity. The following protocol shall be used for accelerated monitoring and TRE initiation:
  - (a) If the results of four (4) consecutive accelerated monitoring tests do not exceed the monitoring trigger, the Discharger may cease accelerated monitoring and resume regular chronic toxicity monitoring. However, notwithstanding the accelerated monitoring results, if there is evidence of effluent toxicity, the Executive Officer may require that the Discharger initiate a TRE.
  - (b) If the source(s) of the toxicity is easily identified (e.g., temporary plant upset), the Discharger shall make necessary corrections to the facility and shall continue accelerated monitoring until four (4) consecutive accelerated tests do not exceed the monitoring trigger. Upon confirmation that the effluent toxicity has been removed, the

Discharger may cease accelerated monitoring and resume regular chronic toxicity monitoring.

(c) If the result of any accelerated toxicity test exceeds the monitoring trigger, the Discharger shall cease accelerated monitoring and begin a TRE to investigate the cause(s) of, and identify corrective actions to reduce or eliminate effluent toxicity. Within thirty (30) days of notification by the laboratory of any test result exceeding the monitoring trigger during accelerated monitoring, the Discharger shall submit a TRE Action Plan to the Central Valley Water Board including, at minimum:

- (1) Specific actions the Discharger will take to investigate and identify the cause(s) of toxicity, including a TRE WET monitoring schedule;
- (2) Specific actions the Discharger will take to mitigate the impact of the discharge and prevent the recurrence of toxicity; and
- (3) A schedule for these actions.

### **3. Best Management Practices and Pollution Prevention**

a. **Salinity Evaluation and Minimization Plan.** The Discharger shall prepare a salinity evaluation and minimization plan to identify and address sources of salinity from the Facility. The plan shall be completed and submitted to the Central Valley Water Board **within 9 months of the adoption date of this Order** for the approval by the Executive Officer.

### **4. Construction, Operation and Maintenance Specifications**

- a. The Discharger shall operate the treatment system for maximum removal efficiencies of groundwater contaminants.
- b. The Discharger shall operate the groundwater extraction network to achieve maximum contaminant plume capture.

### **5. Other Special Provisions – Not Applicable**

### **6. Compliance Schedules – Not Applicable**

## **VII. COMPLIANCE DETERMINATION**

### **A. Chronic Whole Effluent Toxicity Effluent Limitation (Section IV.A.1.c)**

Compliance with the accelerated monitoring and TRE provisions of Provision VI.C.2.a shall constitute compliance with the effluent limitation.

## **ATTACHMENT A – DEFINITIONS**

### **Arithmetic Mean ( $\mu$ )**

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:  $\Sigma x$  is the sum of the measured ambient water concentrations, and  $n$  is the number of samples.

### **Average Monthly Effluent Limitation (AMEL)**

The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

### **Average Weekly Effluent Limitation (AWEL)**

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

### **Bioaccumulative**

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)**

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.

### **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 1 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.

### **Detected, but Not Quantified (DNQ)**

DNQ are those sample results less than the RL, but greater than or equal to the laboratory's MDL.

### **Dilution Credit**

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

### **Effluent Concentration Allowance (ECA)**

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).

### **Enclosed Bays**

Enclosed Bays means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

### **Estimated Chemical Concentration**

The estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

### **Estuaries**

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

### **Inland Surface Waters**

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).

### **Maximum Daily Effluent Limitation (MDEL)**

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

### **Median**

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

### **Method Detection Limit (MDL)**

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 40 CFR Part 136, Attachment B, revised as of 3 July 1999.

### **Minimum Level (ML)**

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**

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.

### **Not Detected (ND)**

Sample results which are less than the laboratory's MDL.

### **Ocean Waters**

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

### **Persistent Pollutants**

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

### **Pollutant Minimization Program (PMP)**

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 Central Valley 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**

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.

### **Satellite Collection System**

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

### **Source of Drinking Water**

Any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.

### **Standard Deviation ( $\sigma$ )**

Standard Deviation 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;

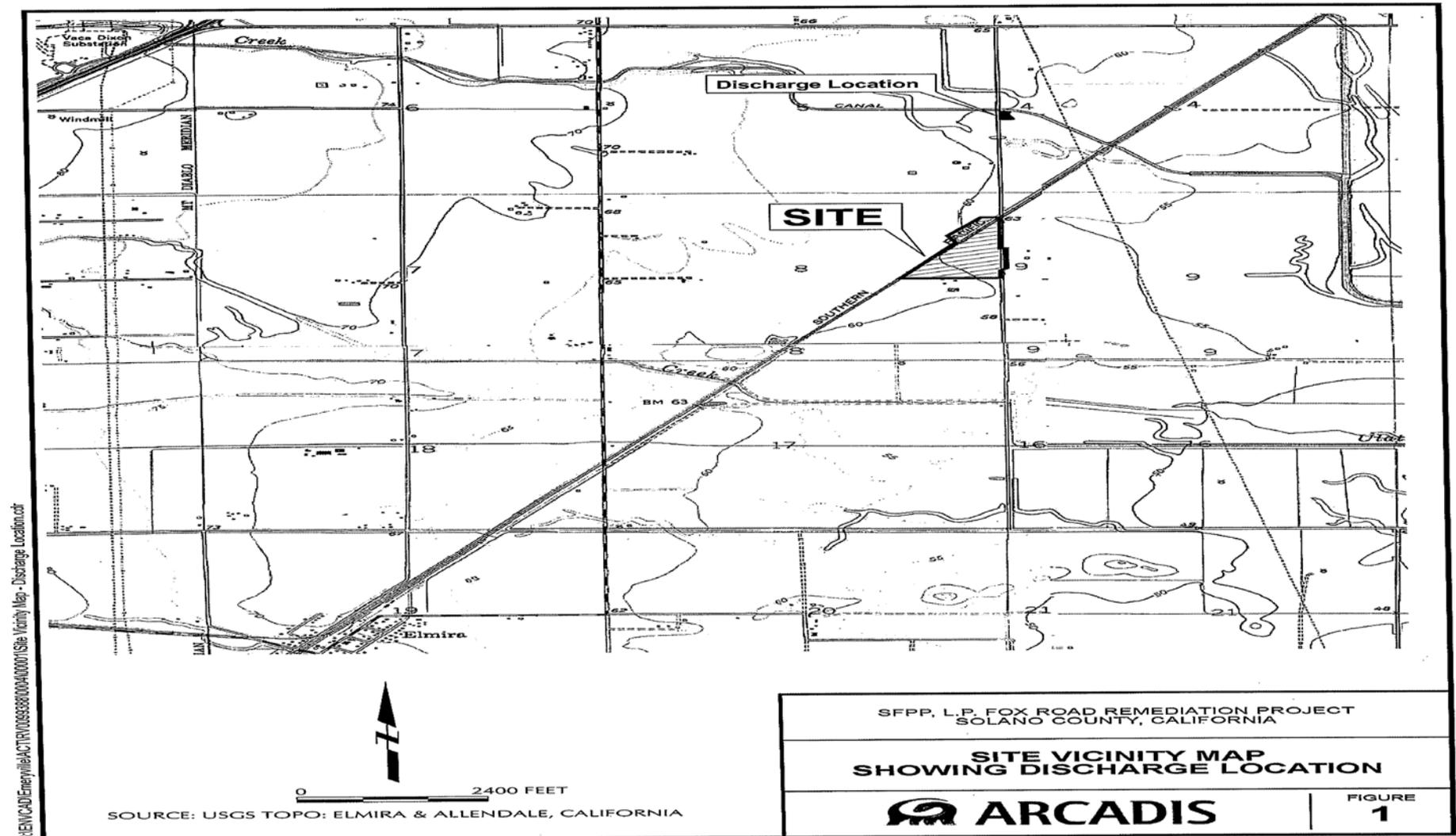
$\mu$  is the arithmetic mean of the observed values; and

n is the number of samples.

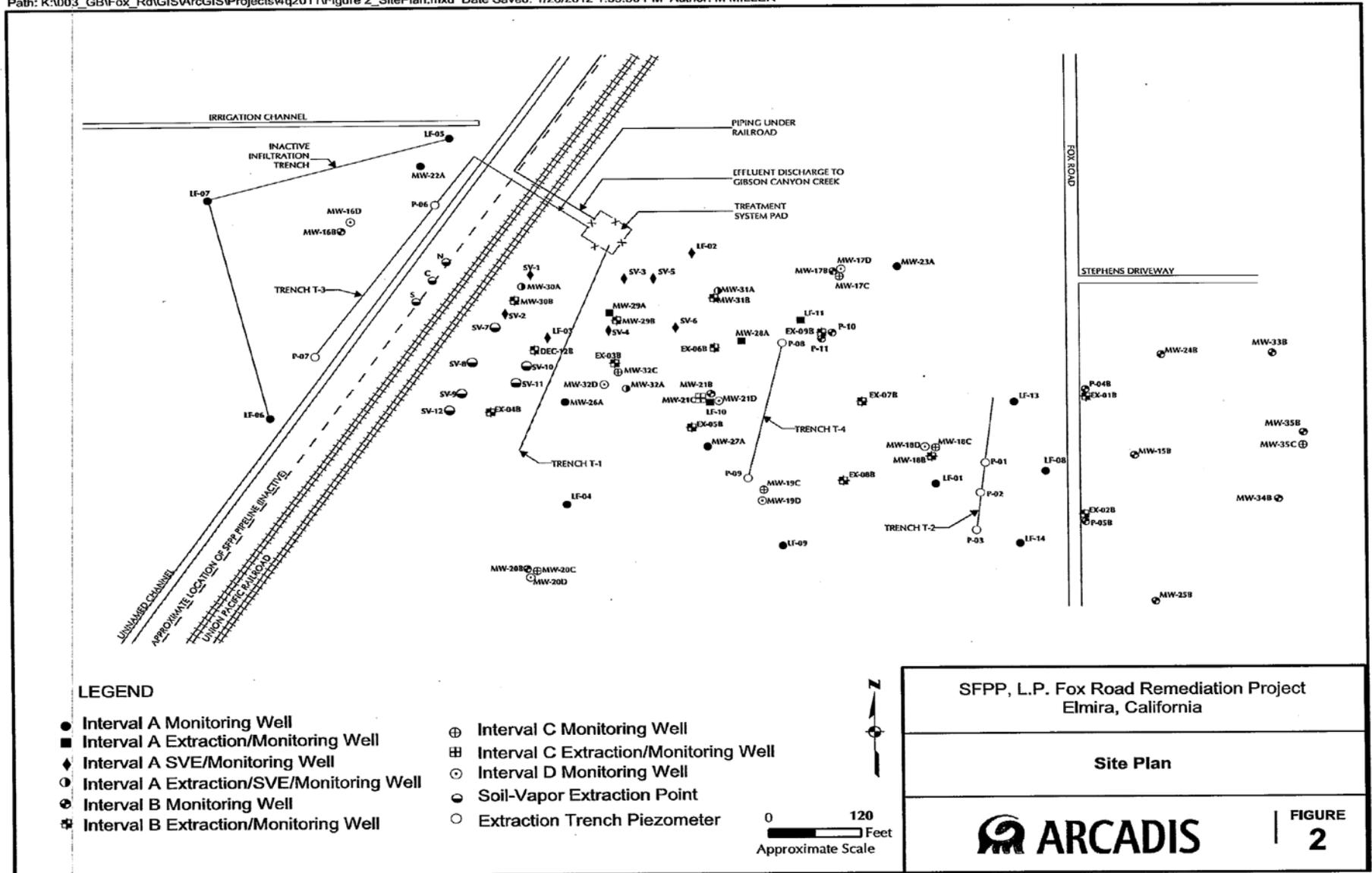
### **Toxicity Reduction Evaluation (TRE)**

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

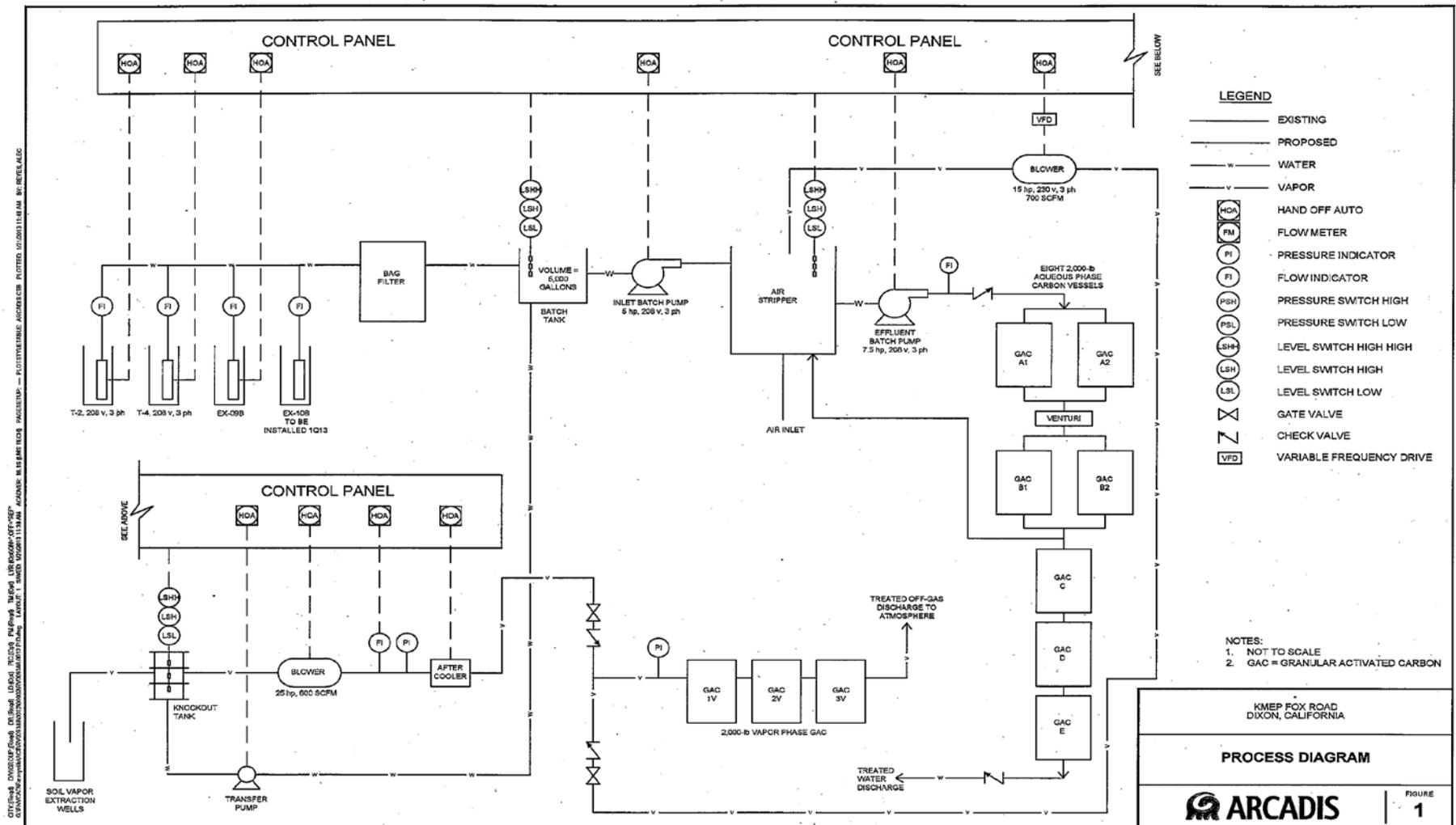
**ATTACHMENT B – MAP**



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**ATTACHMENT C – FLOW SCHEMATIC**



## **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 (Water Code) 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 Board, State Water Board, United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (40 CFR 122.41(i); Water Code section 13383):

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));

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));

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)); and

Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, 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)(i)(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)(i)(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)(i)(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 122.41(m)(3)(ii))

## H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 CFR 122.41(n)(1))

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of 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 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)(ii));
  - c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (40 CFR 122.41(n)(3)(iii)); and
  - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 CFR 122.41(n)(3)(iv))
3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 CFR 122.41(n)(4))

## **II. STANDARD PROVISIONS – PERMIT ACTION**

### **A. General**

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

### **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 Water Code.  
(40 CFR 122.41(l)(3) and 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) and 122.44(i)(1)(iv))

### **IV. STANDARD PROVISIONS – RECORDS**

- D.** 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 5 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))

#### **E. 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))

#### **F. 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, State Water Board, or USEPA within a reasonable time, any information which the Regional Water Board, State Water Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, State Water Board, or USEPA copies of records required to be kept by this Order. (40 CFR 122.41(h); Wat. Code, § 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 122.41(k))
2. All permit applications shall be signed by a general partner or the proprietor, respectively. (40 CFR 122.22(a)(2))
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 122.22(b)(1));
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 CFR 122.22(b)(2)); and
  - c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 CFR 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 and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.  
(40 CFR 122.22(c))
5. Any person signing a document under 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 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 122.22(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 State Water Board for reporting results of monitoring of sludge use or disposal practices.  
(40 CFR 122.41(l)(4)(i))
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR 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 notify the Office of Emergency Services of any noncompliance that may endanger health or the environment within two (2) hours from the time the Discharger becomes aware of the circumstances. The Discharger shall notify the Central Valley Water Board of the noncompliance by telephone or fax within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided to the Central Valley Water Board 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 that are not subject to effluent limitations in this Order. (40 CFR 122.41(l)(1)(ii))

The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in this Order nor to notification requirements under 40 CFR 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 State Water Board 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 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, State Water Board, 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 Water Code, including, but not limited to, sections 13385, 13386, and 13387.

### **VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS**

#### **A. Non-Municipal Facilities**

Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the Regional Water Board as soon as they know or have reason to believe (40 CFR 122.42(a)):

- 1.** That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 CFR 122.42(a)(1)):
  - a.** 100 micrograms per liter ( $\mu\text{g/L}$ ) (40 CFR 122.42(a)(1)(i));
  - b.** 200  $\mu\text{g/L}$  for acrolein and acrylonitrile; 500  $\mu\text{g/L}$  for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter ( $\text{mg/L}$ ) for antimony (40 CFR 122.42(a)(1)(ii));
  - c.** Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR 122.42(a)(1)(iii)); or
  - d.** The level established by the Regional Water Board in accordance with 40 CFR 122.44(f). (40 CFR 122.42(a)(1)(iv))
  
- 2.** That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 CFR 122.42(a)(2)):
  - a.** 500 micrograms per liter ( $\mu\text{g/L}$ ) (40 CFR 122.42(a)(2)(i));
  - b.** 1 milligram per liter ( $\text{mg/L}$ ) for antimony (40 CFR 122.42(a)(2)(ii));
  - c.** Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR 122.42(a)(2)(iii)); or
  - d.** The level established by the Regional Water Board in accordance with section 122.44(f). (40 CFR 122.42(a)(2)(iv))

## ATTACHMENT E – MONITORING AND REPORTING PROGRAM

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## **ATTACHMENT E – MONITORING AND REPORTING PROGRAM**

Title 40 of the Code of Federal Regulations (CFR), section 122.48 (40 CFR 122.48) requires that all NPDES permits specify monitoring and reporting requirements. California Water Code (Water Code) sections 13267 and 13383 also authorize the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) to require technical and monitoring reports. This Monitoring and Reporting Program establishes monitoring and reporting requirements, which implement the federal and California regulations.

### **I. GENERAL MONITORING PROVISIONS**

- A.** Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring locations specified below and, unless otherwise specified, before the monitored flow joins or is diluted by any other waste stream, body of water, or substance. Monitoring locations shall not be changed without notification to and the approval of the Central Valley Water Board.
- B.** Effluent samples shall be taken downstream of the last addition of wastes to the treatment or discharge works where a representative sample may be obtained prior to mixing with the receiving waters. Samples shall be collected at such a point and in such a manner to ensure a representative sample of the discharge.
- C.** Chemical, bacteriological, and bioassay analyses of any material required by this Order shall be conducted by a laboratory certified for such analyses by the Department of Public Health (DPH). Laboratories that perform sample analyses must be identified in all monitoring reports submitted to the Central Valley Water Board. In the event a certified laboratory is not available to the Discharger for any onsite field measurements such as pH, DO, turbidity, temperature, and residual chlorine, such analyses performed by a noncertified laboratory will be accepted provided a Quality Assurance-Quality Control Program is instituted by the laboratory. A manual containing the steps followed in this program for any onsite field measurements such as pH, DO, turbidity, temperature, and residual chlorine must be kept onsite in the treatment facility laboratory and shall be available for inspection by Central Valley Water Board staff. The Discharger must demonstrate sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to adequately perform these field measurements. The Quality Assurance-Quality Control Program must conform to USEPA guidelines or to procedures approved by the Central Valley Water Board.
- D.** Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. All monitoring instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least yearly, to ensure their

continued accuracy. All flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices.

- E. Monitoring results, including noncompliance, shall be reported at intervals and in a manner specified in this Monitoring and Reporting Program.
- F. Laboratories analyzing monitoring samples shall be certified by DPH, in accordance with the provision of CWC section 13176, and must include quality assurance/quality control data with their reports.
- G. The Discharger shall conduct analysis on any sample provided by USEPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to USEPA's DMQA manager.
- H. The Discharger shall file with the Central Valley Water Board technical reports on self-monitoring performed according to the detailed specifications contained in this Monitoring and Reporting Program.
- I. The results of all monitoring required by this Order shall be reported to the Central Valley Water Board, and shall be submitted in such a format as to allow direct comparison with the limitations and requirements of this Order. Unless otherwise specified, discharge flows shall be reported in terms of the monthly average and the daily maximum discharge flows.

## II. MONITORING LOCATIONS

The Discharger shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order:

**Table E-1. Monitoring Station Locations**

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
--	INF-001	Shall be located at the influent piping before the groundwater enters the treatment process
001	EFF-001	Shall be located at the sampling port after the GAC vessels and prior to discharge into Gibson Canyon Creek Flood Control Channel (Latitude 38° 23' 45" N, Longitude 121° 52' 30" W)
--	RSW-001	Shall be located within 50 feet upstream from Discharge Point No. 001
--	RSW-002	Shall be located within 50 feet downstream from Discharge Point No. 001

### III. INFLUENT MONITORING REQUIREMENTS

#### A. Monitoring Location INF-001

1. The Discharger shall monitor influent groundwater at INF-001 as follows:

**Table E-2. Influent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Flow	gpd	Meter	Continuous	1
Benzene	µg/L	Grab	1/Month	1
Ethylbenzene	µg/L	Grab	1/Month	1
Toluene	µg/L	Grab	1/Month	1
Electrical Conductivity @ 25 Deg. C	µmhos/cm	Grab	1/Month	1
Methyl Tert-Butyl Ether	µg/L	Grab	1/Month	1
Sulfate	µg/L	Grab	1/Month	1
T-Amyl Methyl Ether	µg/L	Grab	1/Month	1
Tertiary Butyl Alcohol	µg/L	Grab	1/Month	1
Total Dissolved Solids	mg/L	Grab	1/Month	1
Total Petroleum Hydrocarbons (Diesel)	µg/L	Grab	1/Month	1
Total Petroleum Hydrocarbons (Gasoline)	µg/L	Grab	1/Month	1
Xylene	µg/L	Grab	1/Month	1

<sup>1</sup> Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136; or by methods approved by the Central Valley Water Board or the State Water Board.

<sup>2</sup> Grab samples shall not be collected at the same time each day to get a complete representation of variations in the influent.

<sup>3</sup> 24-hour flow proportional composite.

### IV. EFFLUENT MONITORING REQUIREMENTS

#### A. Monitoring Location EFF-001

1. The Discharger shall monitor treated groundwater at EFF-001 as follows. If more than one analytical test method is listed for a given parameter, the Discharger must select from the listed methods and corresponding Minimum Level:

**Table E-3. Effluent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Flow	gpd	Meter	Continuous	1

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
pH	standard units	Grab	1/Month	1
Benzene	µg/L	Grab	1/Month	1
Ethylbenzene	µg/L	Grab	1/Month	1
Toluene	µg/L	Grab	1/Month	1
Dissolved Oxygen	mg/L	Grab	1/Month	1
Electrical Conductivity @ 25 Deg. C	µmhos/cm	Grab	1/Month	1
Methyl Tert-Butyl Ether	µg/L	Grab	1/Month	1
Nitrate Nitrogen, Total (as N)	µg/L	Grab	1/Month	1
T-Amyl Methyl Ether	µg/L	Grab	1/Month	1
Tertiary Butyl Alcohol	µg/L	Grab	1/Month	1
Temperature	°F	Grab	1/Month	1
Total Dissolved Solids	mg/L	Grab	1/Month	1
Total Petroleum Hydrocarbons (Gasoline)	µg/L	Grab	1/Month	1
Total Petroleum Hydrocarbons (Diesel)	µg/L	Grab	1/Month	1
Total Volume of Water Treated	gallons	Calculated	1/Month	1
Total Residual Chlorine	mg/L	Grab	1/Day <sup>2</sup>	
Xylene	µg/L	Grab	1/Month	1
Iron, Total Recoverable	µg/L	Grab	1/Quarter	1
Manganese, Total Recoverable	µg/L	Grab	1/Quarter	1
Priority Pollutants and Other Constituents of Concern	µg/L	Grab	3,4	1

<sup>1</sup> Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136 or by methods approved by the Central Valley Water Board or the State Water Board.

<sup>2</sup> Total residual chlorine monitoring only required when chlorine used at the Facility. The Discharger shall note in the Self-Monitoring Reports whether there has been any chlorine use at the Facility.

<sup>3</sup> Priority pollutants shall be sampled quarterly during the third or fourth year following the date of permit adoption and shall be conducted concurrently with upstream receiving water monitoring for hardness (as CaCO<sub>3</sub>) and pH.

<sup>4</sup> For priority pollutant constituents the reporting level shall be consistent with Sections 2.4.2 and 2.4.3 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (See Attachment H, Table H-1).

2. If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the Discharger shall monitor and record data for all of the constituents listed above, except for priority pollutants, after which the frequencies of analysis given in the schedule shall apply for the duration of each

such intermittent discharge. In no event shall the Discharger be required to monitor and record data more often than twice the frequencies listed in the schedule.

## V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

**A. Acute Toxicity Testing.** The Discharger shall conduct acute toxicity testing to determine whether the effluent is contributing acute toxicity to the receiving water. The Discharger shall meet the following acute toxicity testing requirements:

1. Monitoring Frequency – The Discharger shall perform quarterly acute toxicity testing.
2. Sample Types – The Discharger may use flow-through or static renewal testing. For static renewal testing, the samples shall be grab samples and shall be representative of the volume and quality of the discharge. The effluent samples shall be taken at the effluent monitoring location EFF-001.
3. Test Species – Test species shall be fathead minnows (*Pimephales promelas*).
4. Methods – The acute toxicity testing samples shall be analyzed using EPA-821-R-02-012, Fifth Edition. Temperature, total residual chlorine, and pH shall be recorded at the time of sample collection. No pH adjustment may be made unless approved by the Executive Officer.
5. Test Failure – If an acute toxicity test does not meet all test acceptability criteria, as specified in the test method, the Discharger must re-sample and re-test as soon as possible, not to exceed 7 days following notification of test failure.

**B. Chronic Toxicity Testing.** The Discharger shall conduct three species chronic toxicity testing to determine whether the effluent is contributing chronic toxicity to the receiving water. The Discharger shall meet the following chronic toxicity testing requirements:

1. Monitoring Frequency – The Discharger shall perform quarterly three species chronic toxicity testing.
2. Sample Types – Effluent samples shall be grab samples and shall be representative of the volume and quality of the discharge. The effluent samples shall be taken at the effluent monitoring location EFF-001. A synthetic laboratory control or receiving water control may be used, as discuss in subsection 7, below. If a receiving water control is used, the receiving water control shall be a grab sample obtained from the RSW-001 sampling location, as identified in this Monitoring and Reporting Program.
3. Sample Volumes – Adequate sample volumes shall be collected to provide renewal water to complete the test in the event that the discharge is intermittent.

4. **Test Species** – Chronic toxicity testing measures sublethal (e.g., reduced growth, reproduction) and/or lethal effects to test organisms exposed to an effluent compared to that of the control organisms. The Discharger shall conduct chronic toxicity tests with:
  - The cladoceran, water flea, *Ceriodaphnia dubia* (survival and reproduction test);
  - The fathead minnow, *Pimephales promelas* (larval survival and growth test); and
  - The green alga, *Selenastrum capricornutum* (growth test).
5. **Methods** – The presence of chronic toxicity shall be estimated as specified in *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002.*
6. **Reference Toxicant** – As required by the SIP, all chronic toxicity tests shall be conducted with concurrent testing with a reference toxicant and shall be reported with the chronic toxicity test results.
7. **Dilutions/Control** – The chronic toxicity testing shall be performed using 100% effluent and one control. If toxicity is found in any effluent test, the Discharger must conduct accelerated monitoring in accordance with Section VI.C.2.a of the Limitations and Discharge Requirements using the dilution series identified in Table E-4, below. A receiving water control or laboratory water control may be used as the diluent.

**Table E-4. Chronic Toxicity Testing Dilution Series**

Sample	Dilutions (%)					Control
	100	75	50	25	12.5	
% Effluent	100	75	50	25	12.5	0
% Control Water	0	25	50	75	87.5	100

8. **Test Failure** – The Discharger must re-sample and re-test as soon as possible, but no later than fourteen (14) days after receiving notification of a test failure. A test failure is defined as follows:
  - a. The reference toxicant test or the effluent test does not meet all test acceptability criteria as specified in the *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms,*

*Fourth Edition, EPA/821-R-02-013, October 2002 (Method Manual), and its subsequent amendments or revisions; or*

- b. The percent minimum significant difference (PMSD) measured for the test exceeds the upper PMSD bound variability criterion in Table 6 on page 52 of the Method Manual. (A retest is only required in this case if the test results do not exceed the monitoring trigger specified in the Special Provision at section VI. 2.a.iii. of the Order.)

**C. WET Testing Notification Requirements.** The Discharger shall notify the Central Valley Water Board within 24-hours after the receipt of test results exceeding the monitoring trigger during regular or accelerated monitoring, or an exceedance of the acute toxicity effluent limitation.

**D. WET Testing Reporting Requirements.** All toxicity test reports shall include the contracting laboratory's complete report provided to the Discharger and shall be in accordance with the appropriate "Report Preparation and Test Review" sections of the method manuals. At a minimum, whole effluent toxicity monitoring shall be reported as follows:

1. **Chronic WET Reporting.** Regular chronic toxicity monitoring results shall be reported to the Central Valley Water Board within 30 days following completion of the test, and shall contain, at minimum:
  - a. The results expressed in TUc, measured as 100/NOEC, and also measured as 100/LC50, 100/EC25, 100/IC25, and 100/IC50, as appropriate.
  - b. The statistical methods used to calculate endpoints;
  - c. The statistical output page, which includes the calculation of the percent minimum significant difference (PMSD);
  - d. The dates of sample collection and initiation of each toxicity test; and
  - e. The results compared to the numeric toxicity monitoring trigger.

Additionally, the monthly discharger self-monitoring reports shall contain an updated chronology of chronic toxicity test results expressed in TUc, and organized by test species, type of test (survival, growth or reproduction), and monitoring frequency, i.e., either quarterly, monthly, accelerated, or Toxicity Reduction Evaluation (TRE).

2. **Acute WET Reporting.** Acute toxicity test results shall be submitted with the monthly discharger self-monitoring reports and reported as percent survival.

3. **TRE Reporting.** Reports for TREs shall be submitted in accordance with the schedule contained in the Discharger’s approved TRE Workplan, or as amended by the Discharger’s TRE Action Plan.
4. **Quality Assurance (QA).** The Discharger must provide the following information for QA purposes:
  - a. Results of the applicable reference toxicant data with the statistical output page giving the species, NOEC, LOEC, type of toxicant, dilution water used, concentrations used, PMSD, and dates tested.
  - b. The reference toxicant control charts for each endpoint, which include summaries of reference toxicant tests performed by the contracting laboratory.
  - c. Any information on deviations or problems encountered and how they were dealt with.

**VI. LAND DISCHARGE MONITORING REQUIREMENTS – NOT APPLICABLE**

**VII. RECLAMATION MONITORING REQUIREMENTS – NOT APPLICABLE**

**VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER AND GROUNDWATER**

**A. Monitoring Location RSW-001 and RSW-002**

1. The Discharger shall monitor Gibson Canyon Creek Flood Control Channel at RSW-001 and RSW-002 as follows:

**Table E-5. Receiving Water Monitoring Requirements**

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Flow <sup>1</sup>	gpd	<sup>2</sup>	1/Quarter	<sup>3</sup>
pH	standard units	Grab	1/Quarter	<sup>3</sup>
Dissolved Oxygen	mg/L	Grab	1/Quarter	<sup>3</sup>
Electrical Conductivity @ 25 Deg. C	µmhos/cm	Grab	1/Quarter	<sup>3</sup>
Temperature	°F	Grab	1/Quarter	<sup>3</sup>
Turbidity	NTU	Grab	1/Quarter	<sup>3</sup>
Total Dissolved Solids (TDS)	mg/L	Grab	1/Quarter	<sup>3</sup>
Hardness (as CaCO <sub>3</sub> ) <sup>1</sup>	mg/L	Grab	<sup>4</sup>	<sup>3</sup>
Priority Pollutants and Other Constituents of Concern <sup>1</sup>	µg/L	Grab	See Att. I	<sup>3</sup>

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
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- <sup>1</sup> Monitoring only required at Monitoring Location RSW-001.
- <sup>2</sup> The flow of Gibson Canyon Creek Flood Control Channel may be estimated using simple field measurements. The estimated flow rate is based on the vertical distance from the water surface in the channel to a surveyed measuring point on the bridge that crosses Gibson Canyon Creek Flood Control Channel. The portion of the Channel where this measurement is made has previously been assessed for size and shape.
- <sup>3</sup> For priority pollutant constituents the reporting level shall be consistent with Sections 2.4.2 and 2.4.3 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (See Attachment H, Table H-1).
- <sup>4</sup> Shall be sampled quarterly during the third or fourth year following the date of permit in accordance with Attachment H.

2. In conducting the receiving water sampling, a log shall be kept of the receiving water conditions throughout the reach bounded by Monitoring Locations RSW-001 and RSW-002. Attention shall be given to the presence or absence of:

- a. Floating or suspended matter
- b. Discoloration
- c. Bottom deposits
- d. Aquatic Life
- e. Visible films, sheens, or coatings
- f. Fungi, slimes, or objectionable growths
- g. Potential nuisance conditions

Notes on receiving water conditions shall be summarized in the monitoring report.

**B. Groundwater Monitoring – Not Applicable**

**IX. 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. Upon written request of the Central Valley Water Board, the Discharger shall submit a summary monitoring report. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year(s).
- 3. **Compliance Time Schedules.** For compliance time schedules included in the Order, the Discharger shall submit to the Central Valley Water Board, on or before each compliance due date, the specified document or a written report detailing compliance or noncompliance with the specific date and task. If noncompliance is reported, the Discharger shall state the reasons for noncompliance and include an estimate of the date when the Discharger will be in compliance. The Discharger

shall notify the Central Valley Water Board by letter when it returns to compliance with the compliance time schedule.

4. The Discharger shall report to the Central Valley Water Board any toxic chemical release data it reports to the State Emergency Response Commission within 15 days of reporting the data to the Commission pursuant to section 313 of the "Emergency Planning and Community Right to Know Act" of 1986.

**B. Self Monitoring Reports (SMRs)**

1. The Discharger shall continue to submit eSMRs using the State Water Board's CIWQS Program Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). The Discharger shall maintain sufficient staffing and resources to ensure it submits eSMRs during the effective duration of this Order. This includes provision of training and supervision of individuals (e.g., Discharger personnel or consultant) on how to prepare and submit eSMRs.
2. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

**Table E-6. Monitoring Periods and Reporting Schedule**

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
Continuous	Permit effective date	Continuous	Submit with quarterly SMR
1/Month	Permit effective date	First day of calendar month through last day of calendar month	Submit with quarterly SMR
1/Quarter	Permit effective date	1 January through 31 March 1 April through 30 June 1 July through 30 September 1 October through 31 December	1 May 1 August 1 November 1 February (of following year)
1/Year	Permit effective date	1 January through 31 December	1 February

3. **Reporting Protocols.** The Discharger shall report with each sample result the applicable Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR Part 136.

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 RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
- b. Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The

estimated chemical concentration of the sample shall also be reported.

For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words "Estimated Concentration" (may be shortened to "Est. Conc."). The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (+ a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

- c. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.
  - d. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.
- 4. Multiple Sample Data.** When determining compliance with an AMEL, AWEL, or MDEL for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:
- a. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
  - b. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.
- 5. Reporting Requirements.** In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible.
- a. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations or with other waste discharge requirements (e.g., discharge specifications, receiving water limitations, special provisions, etc.).

- b. Reports must clearly show when discharging to EFF-001 or other permitted discharge locations. Reports must show the date and time that the discharge started and stopped at each location.
  - c. The highest daily maximum for the month and monthly and weekly averages shall be determined and recorded as needed to demonstrate compliance.
- 6. Calculation Requirements.** The following shall be calculated and reported in the SMRs:
- a. **Annual Average Limitations.** For constituents with effluent limitations specified as “annual average” (aluminum, electrical conductivity, iron, and manganese) the Discharger shall report the annual average in the June SMR. The annual average shall be calculated as the average of the samples gathered for the calendar year.
  - b. **Dissolved Oxygen Receiving Water Limitations.** The Discharger shall calculate and report monthly in the self-monitoring report: i) the dissolved oxygen concentration, ii) the percent of saturation in the main water mass, and iii) the 95<sup>th</sup> percentile dissolved oxygen concentration.
  - c. **Turbidity Receiving Water Limitations.** The Discharger shall calculate and report the turbidity increase in the receiving water applicable to the natural turbidity condition specified in Section V.A.17.a-e. of the Limitations and Discharge Requirements.
  - d. **Temperature Receiving Water Limitations.** The Discharger shall calculate and report the temperature increase in the receiving water based on the difference in temperature at RSW-001 and RSW-002.
- 7.** The Discharger shall submit eSMRs in accordance with the following requirements:
- a. When CIWQS does not provide for entry into a tabular format within the system, the Discharger shall electronically submit the data in a tabular format as an attachment. The Discharger is not required to duplicate the submittal of data that is entered in a tabular format within CIWQS.
  - b. The Discharger shall attach a cover letter to the eSMR. The information contained in the cover letter shall clearly identify violations of the WDRs; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.

**C. Discharge Monitoring Reports (DMRs) – Not Applicable**

**D. Other Reports**

- 1. Special Study Reports and Progress Reports.** As specified in the compliance time schedules required in the Special Provisions contained in section VI of the Order, special study and progress reports shall be submitted in accordance with the following reporting requirements. At minimum, the progress reports shall include a discussion of the status of final compliance, whether the Discharger is on schedule to meet the final compliance date, and the remaining tasks to meet the final compliance date.

**Table E-7. Reporting Requirements for Special Provisions Reports**

Special Provision	Reporting Requirements
Salinity Source Control Program Annual Progress Report (Section VI.C.3.a)	<b>1 March</b> , annually

- 2.** The Discharger shall report the results of any acute and chronic toxicity testing, TRE/TIE and Salinity Minimization Plan required by Special Provisions VI.C.2 and VI.C.3 of this Order. The Discharger shall submit reports in compliance with SMR reporting requirements described in subsection X.B. above.
- 3.** Within 60 days of permit adoption, the Discharger shall submit a report outlining reporting levels (RLs), method detection limits, and analytical methods for approval. The Discharger shall comply with the monitoring and reporting requirements for CTR constituents as outlined in section 2.3 and 2.4 of the SIP. The maximum required reporting levels for priority pollutant constituents shall be based on the Minimum Levels (MLs) contained in Appendix 4 of the SIP, determined in accordance with Section 2.4.2 and Section 2.4.3 of the SIP. In accordance with Section 2.4.2 of the SIP, when there is more than one ML value for a given substance, the Central Valley Water Board shall include as RLs, in the permit, all ML values, and their associated analytical methods, listed in Appendix 4 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 Central Valley Water Board shall select as the RL, the lowest ML value, and its associated analytical method, listed in Appendix 4 for inclusion in the permit. Table H-1 (Attachment H) provides required maximum reporting levels in accordance with the SIP.
- 4. Effluent and Receiving Water Characterization Study.** An effluent and receiving water monitoring study is required to ensure adequate information is available for the next permit renewal. During the third or fourth year of this permit term, the Discharger shall conduct quarterly monitoring of the effluent at EFF-001 and of the receiving water at RSW-001 for all priority pollutants and other

constituents of concern as described in Attachment H. The report shall be completed in conformance with the following schedule.

<u>Task</u>	<u>Compliance Date</u>
i. Submit Work Plan and Time Schedule	No later than 18 months from adoption of this Order
ii. Conduct monthly monitoring	During third or fourth year of permit term
iii. <u>Submit Final Report</u>	6 months following completion of final monitoring event

**5. Annual Operations Report.** By 30 January of each year, the Discharger shall submit a written report to the Executive Officer containing the following:

- a. The names, certificate grades, and general responsibilities of all persons employed at the Facility.
- b. The names and telephone numbers of persons to contact regarding the plant for emergency and routine situations.
- c. A statement certifying when the flow meter(s) and other monitoring instruments and devices were last calibrated, including identification of who performed the calibration.
- d. A statement certifying whether the current operation and maintenance manual, and contingency plan, reflect the wastewater treatment plant as currently constructed and operated, and the dates when these documents were last revised and last reviewed for adequacy.
- e. The Discharger may also be requested to submit an annual report to the Central Valley Water Board with both tabular and graphical summaries of the monitoring data obtained during the previous year. Any such request shall be made in writing. The report shall discuss the compliance record. If violations have occurred, the report shall also discuss the corrective actions taken and planned to bring the discharge into full compliance with the waste discharge requirements.

## ATTACHMENT F – FACT SHEET

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## ATTACHMENT F – FACT SHEET

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

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for Dischargers in California. Only those sections or subsections of this Order that are specifically identified as “not applicable” have been determined not to apply to this Discharger. Sections or subsections of this Order not specifically identified as “not applicable” are fully applicable to this Discharger.

### I. PERMIT INFORMATION

The following table summarizes administrative information related to the Facility.

**Table F-1. Facility Information**

<b>WDID</b>	5A48NP00004
<b>Discharger</b>	Kinder Morgan Energy Partners, L.P., Through Its Operating Partnership SFPP, L.P.
<b>Name of Facility</b>	Fox Road Petroleum Release Site Groundwater Remediation System
<b>Facility Address</b>	Fox Road
	Elmira, CA 95620
	Solano County
<b>Facility Contact, Title and Phone</b>	Robert Truedinger, Senior Remediation Project Manager, (510) 412-8813
<b>Authorized Person to Sign and Submit Reports</b>	Robert Truedinger, Senior Remediation Project Manager, (510) 412-8813
<b>Mailing Address</b>	1100 Town and Country Road Orange, CA 92868
<b>Billing Address</b>	Same as mailing address
<b>Type of Facility</b>	Petroleum Pipeline
<b>Major or Minor Facility</b>	Minor
<b>Threat to Water Quality</b>	3
<b>Complexity</b>	B
<b>Pretreatment Program</b>	N
<b>Reclamation Requirements</b>	Not Applicable
<b>Facility Permitted Flow</b>	150 gallons per minute (gpm) or 216,000 gallons per day (gpd)
<b>Facility Design Flow</b>	150 gpm or 216,000 gpd
<b>Watershed</b>	Grassland Watershed
<b>Receiving Water</b>	Gibson Canyon Creek Flood Control Channel
<b>Receiving Water Type</b>	Surface Water

- A. Kinder Morgan Energy Partners, L.P., Through Its Operating Partnership SFPP, L.P. (hereinafter Discharger) is the owner and operator of the Fox Road Petroleum Release Site Groundwater Remediation System (hereinafter Facility), a petroleum

pipeline.

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.** The Facility discharges wastewater to the Gibson Canyon Creek Flood Control Channel, a water of the United States, and was regulated by Order R5-2008-0008 which was adopted on 25 January 2008 and expired on 31 December 2012. The terms and conditions of Order R5-2008-0008 were automatically continued and remained in effect until new Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit were adopted pursuant to this Order.
- C.** The Discharger filed a report of waste discharge and submitted an application for renewal of its WDRs and NPDES permit on 14 July 2012. A site visit was conducted on 21 February 2013, to observe operations and collect additional data to develop permit limitations and conditions.

## **II. FACILITY DESCRIPTION**

The Discharger owns and operates a groundwater treatment system to treat groundwater contaminated with petroleum hydrocarbons. The groundwater treatment system extracts affected groundwater from two extraction trenches (T-2 and T-4) and two groundwater extraction wells (EX-09B and EX-10B). The groundwater treatment system consists of four extraction trenches, 13 extraction wells, an influent holding tank, bag filters, an air stripper and seven granular activated carbon (GAC) vessels to remove the petroleum fuel constituents. Treated groundwater is discharged from Discharge Point No. 001 (see table on cover page) to Gibson Canyon Creek Flood Control Channel, a water of the United States and a tributary to the Sacramento – San Joaquin Delta via the Sweany Creek Channel, Ulatis Creek, and Cache Slough within the Grassland Watershed. Attachment B provides a map of the area around the Facility. Attachment C provides a flow schematic of the Facility.

### **A. Description of Wastewater and Biosolids Treatment or Controls**

The extraction and treatment system is part of the Discharger’s remediation of refined petroleum hydrocarbons from the release in 1993. Extracted groundwater is pumped from the extraction trenches and wells to a treatment system at the site. The groundwater extraction and treatment system is designed to treat the influent liquid for dissolved hydrocarbons and fuel oxygenate constituents including benzene, toluene, ethylbenzene, and xylene (collectively referred to as BTEX) and fuel oxygenates, including methyl tert-butyl ether, t-amyl methyl ether, and tertiary butyl alcohol.

The groundwater extraction treatment system (GWETS) extracts groundwater from downgradient extraction trenches T-2, T-4, extraction wells EX-09B and EX10B.

Extracted groundwater is pumped from the extraction wells and trenches into a batch tank. From the batch tank, water is pumped through filters to remove particulate. Petroleum hydrocarbons and fuel oxygenates are removed from the extracted groundwater using an air stripper followed by seven granular-activated carbon (GAC) vessels. An inline venturi was added between the first two vessels and the remaining five vessels to increase dissolved oxygen in the process water to assist in the removal of iron and manganese. In addition, vapor-phase GAC vessels are used to treat air stripper off gas in addition to extracted soil vapors as part of a soil vapor extraction treatment system (SVETS). The SVETS is operated under a Yolo-Solano Air Quality Management District permit.

Sodium hypochlorite (chlorine) may be manually added to minimize biological fouling by iron-oxidizing bacteria. According to the Discharger, chlorine has not been used at the treatment facility since 2004.

Effluent samples are collected from the sampling port located on the line leaving the GAC vessels, but before the effluent is discharged via an underground water conveyance line that runs approximately 1.5 miles before entering the Gibson Canyon Creek Flood Control Channel. Additionally, the treated groundwater receives aeration at Discharge Point No. 001 into the receiving water through a cascading waterfall.

A sample port is located between the air stripper and the GAC vessels to evaluate performance of the air stripper. Water samples are also collected periodically from a sampling port located between the GAC vessels to evaluate breakthrough in the vessels.

## **B. Discharge Points and Receiving Waters**

1. The Facility is located in Section 8, T6N, R1E, MDB&M, as shown in Attachment B (Figure B-1), a part of this Order.
2. Treated groundwater is discharged at Discharge Point No. 001 to Gibson Canyon Creek Flood Control Channel, a water of the United States and a tributary to the Sacramento – San Joaquin Delta via Sweany Creek Channel, Ulatis Creek, and Cache Slough at a point Latitude 38° 23' 45" N and longitude 121° 52' 30" W.
3. The outfall is not equipped with a diffuser. Treated groundwater is discharged from a pipe and is aerated at Discharge Point No. 001 when it cascades from the discharge pipe and falls over a cascade aerator into the Gibson Canyon Creek Flood Control Channel.

## **C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data**

1. Effluent limitations contained in Order R5-2008-0008 for discharges from Discharge Point No. 001 (Monitoring Location EFF-001) and representative monitoring data from the term of Order R5-2008-0008 are as follows:

**Table F-2. Historic Effluent Limitations and Monitoring Data**

Parameter	Units	Effluent Limitation			Monitoring Data (October 2011 – September 2012) <sup>1</sup>		
		30-Day Median	Average Weekly	Maximum Daily	Highest Average Monthly Discharge	Highest Average Weekly Discharge	Highest Daily Discharge
<i>Conventional Pollutants</i>							
pH	standard units	--	--	6.5 – 8.5	--	--	7.9 – 8.5
<i>Priority Pollutants</i>							
Benzene	µg/L	<0.5	--	0.35	--	--	ND
Ethylbenzene	µg/L	<0.5	--	29	--	--	ND
Toluene	µg/L	<0.5	--	42	--	--	ND
<i>Non-Conventional Pollutants</i>							
Acute Toxicity	% Survival	--	--	2	--	--	
Chlorine, Total Residual	mg/L	0.01	--	0.02	--	--	NA
Dissolved Oxygen	mg/L	--	--	>7.0 <sup>3</sup>	--	--	5.4 – 10.2
Flow	gpd	--	--	216,000	--	--	52,848
Fuel Oxygenates	Methyl Tertiary Butyl Ether (MTBE)	µg/L	<5.0	--	--	--	6.8
	Tertiary Butyl Alcohol (TBA)	µg/L	140	--	--	--	210
	T-Amyl Methyl Ether (TAME)	µg/L	<5.0	--	--	--	ND
Sulfate	mg/L	400	--	500	--	--	--
Total Dissolved Solids (TDS)	mg/L	--	--	1,500	--	--	620
Total Petroleum Hydrocarbons	Gasoline Range	µg/L	<50	--	--	--	ND
	Diesel Range	µg/L	<50	--	--	--	ND
Xylene	µg/L	<1.0	--	17	--	--	0.35
Electrical Conductivity	µmhos/cm	1,408	--	--	--	--	1015
Nitrate Nitrogen, Total as (N)	mg/L	10	--	--	--	--	12

Parameter	Units	Effluent Limitation			Monitoring Data (October 2011 – September 2012) <sup>1</sup>		
		30-Day Median	Average Weekly	Maximum Daily	Highest Average Monthly Discharge	Highest Average Weekly Discharge	Highest Daily Discharge

ND = Not Detected

- <sup>1</sup> The monitoring data used for this analysis spans from October 2011 to September 2012, which refers to the time period after the facility was upgraded.
- <sup>2</sup> Average survival in effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test producing less than 70% survival.
- <sup>3</sup> The Discharger shall not have a dissolved oxygen concentration in the effluent of less than 7.0 mg/L.

### D. Compliance Summary

The Discharger reported the following effluent limitation violations, as summarized below, for the period of October 2011 thru September 2012:

Date	Constituent	Reported Result	Effluent Limitation	Interim TSO Limitation <sup>(3)</sup>
9 April 2012	Methyl tert-butyl ether	6.8 µg/L	1.0 µg/L	N/A
15 August 2012	Dissolved Oxygen	5.36 mg/L	7.0 mg/L <sup>(1)</sup>	N/A
15 December 2011	Nitrate Nitrogen, Total (as N)	11 mg/L	10 mg/L <sup>(2)</sup>	34 mg/L
24 February 2012	Nitrate Nitrogen, Total (as N)	12 mg/L	10 mg/L <sup>(2)</sup>	34 mg/L
7 November 2011	Tertiary Butyl Alcohol	82 µg/L	20 µg/L	No Limit <sup>(4)</sup>
October 2011 thru April 2012	Iron, Total Recoverable	560 µg/L <sup>(5)</sup>	300 µg/L <sup>(6)</sup>	17000 µg/L
October 2011 thru April 2012	Manganese	395 µg/L <sup>(7)</sup>	50 µg/L <sup>(6)</sup>	4600 µg/L

<sup>(1)</sup> Instantaneous minimum effluent limitation.

<sup>(2)</sup> Average monthly effluent limitation.

<sup>(3)</sup> Maximum daily interim limitation.

<sup>(4)</sup> It is infeasible to calculate a performance-based limit.

<sup>(5)</sup> Running average since restart of Facility (3 samples).

<sup>(6)</sup> Annual average effluent limitation.

<sup>(7)</sup> Running average since restart of Facility (6 samples).

### E. Planned Changes – Not Applicable

## III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in this Order are based on the applicable plans, policies, and regulations identified in the Findings in section II of this Order. The applicable plans, policies, and regulations relevant to the discharge include the following:

### A. Legal Authorities

This Order is issued pursuant to regulations in the Clean Water Act (CWA) and the California Water Code (Water Code) as specified in the Finding contained at section II.C of this Order.

## **B. California Environmental Quality Act (CEQA)**

This Order meets the requirements of CEQA as specified in the Finding contained at section II.E of this Order.

## **C. State and Federal Regulations, Policies, and Plans**

- 1. Water Quality Control Plans.** This Order implements the following water quality control plans as specified in the Finding contained at section II.H of this Order.
  - a. *Water Quality Control Plan, Fourth Edition (Revised February 2007), for the Sacramento and San Joaquin River Basins*** (Basin Plan)
- 2. National Toxics Rule (NTR) and California Toxics Rule (CTR).** This Order implements the NTR and CTR as specified in the Finding contained at section II.I of this Order.
- 3. State Implementation Policy (SIP).** This Order implements the SIP as specified in the Finding contained at section II.I of this Order.
- 4. Antidegradation Policy.** As specified in the Finding contained at section II.N of this Order and as discussed in detail in the Fact Sheet (Attachment F, Section IV.D.4.), the discharge is consistent with the antidegradation provisions of 40 CFR section 131.12 and State Water Resources Control Board (State Water Board) Resolution 68-16.
- 5. Anti-Backsliding Requirements.** This Order is consistent with anti-backsliding policies as specified in the Finding contained at section II.M of this Order. Compliance with the anti-backsliding requirements is discussed in the Fact Sheet (Attachment F, Section IV.D.3).
- 6. Storm Water Requirements.** USEPA promulgated federal regulations for storm water on 16 November 1990 in 40 CFR Parts 122, 123, and 124. The NPDES Industrial Storm Water Program does not regulate stormwater discharges from groundwater treatment plants. However, the NPDES Industrial Storm Water Program does regulate discharges of storm water associated with industrial activity. If storm water discharges from this Facility are subject to applicable storm water program requirements, the Discharger is obligated to comply with Federal Regulations.
- 7. Endangered Species Act.** This Order is consistent with the Endangered Species Act as specified in the Finding contained at section II.S of this Order.

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

- 1.** Under section 303(d) of the 1972 CWA, states, territories and authorized tribes are required to develop lists of water quality limited segments. The waters on these lists

do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. On 30 November 2006 USEPA gave final approval to California's 2006 section 303(d) List of Water Quality Limited Segments. The Basin Plan references this list of Water Quality Limited Segments (WQLSs), which are defined as "...those sections of lakes, streams, rivers or other fresh water bodies where water quality does not meet (or is not expected to meet) water quality standards even after the application of appropriate limitations for point sources (40 CFR Part 130, et seq.)." The Basin Plan also states, "Additional treatment beyond minimum federal standards will be imposed on dischargers to [WQLSs]. Dischargers will be assigned or allocated a maximum allowable load of critical pollutants so that water quality objectives can be met in the segment." The Gibson Canyon Creek Flood Control Channel does not include listings of impairments.

#### **E. Other Plans, Policies and Regulations**

### **IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

Effluent limitations and toxic and pretreatment effluent standards established pursuant to sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 304 (Information and Guidelines), and 307 (Toxic and Pretreatment Effluent Standards) of the CWA and amendments thereto are applicable to the discharge.

The CWA mandates the implementation of effluent limitations that are as stringent as necessary to meet water quality standards established pursuant to state or federal law [33 U.S.C., §1311(b)(1)(C); 40 CFR 122.44(d)(1)]. NPDES permits must incorporate discharge limits necessary to ensure that water quality standards are met. This requirement applies to narrative criteria as well as to criteria specifying maximum amounts of particular pollutants. Pursuant to federal regulations, 40 CFR 122.44(d)(1)(i), NPDES permits must contain limits that control all pollutants that "are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality." Federal regulations, 40 CFR 122.44(d)(1)(vi), further provide that "[w]here a state has not established a water quality criterion for a specific chemical pollutant that is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion within an applicable State water quality standard, the permitting authority must establish effluent limits."

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: 40 CFR 122.44(a) requires that permits include applicable technology-based limitations and standards; and 40 CFR 122.44(d) requires that permits include WQBELs to attain and maintain applicable numeric and narrative

water quality criteria to protect the beneficial uses of the receiving water where numeric water quality objectives have not been established. The Basin Plan at page IV-17.00 contains an implementation policy, "*Policy for Application of Water Quality Objectives*" that specifies that the Central Valley Water Board "*will, on a case-by-case basis, adopt numerical limitations in orders which will implement the narrative objectives.*" This Policy complies with 40 CFR 122.44(d)(1). With respect to narrative objectives, the Central Valley Water Board must establish effluent limitations using one or more of three specified sources, including: (1) USEPA's published water quality criteria, (2) a proposed state criterion (i.e., water quality objective) or an explicit state policy interpreting its narrative water quality criteria (i.e., the Central Valley Water Board's "*Policy for Application of Water Quality Objectives*") (40 CFR 122.44(d)(1)(vi)(A), (B) or (C)), or (3) an indicator parameter.

The Basin Plan includes numeric site-specific water quality objectives and narrative objectives for toxicity, chemical constituents, discoloration, radionuclides, and tastes and odors. The narrative toxicity objective states: "*All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.*" (Basin Plan at III-8.00) The Basin Plan states that material and relevant information, including numeric criteria, and recommendations from other agencies and scientific literature will be utilized in evaluating compliance with the narrative toxicity objective. The narrative chemical constituents objective states that waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses. At minimum, "*...water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs)*" in Title 22 of CCR. The Basin Plan further states that, to protect all beneficial uses, the Central Valley Water Board may apply limits more stringent than MCLs. The narrative tastes and odors objective states: "*Water shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses.*"

## A. Discharge Prohibitions

- 1. Prohibition III.A (No discharge or application of waste other than that described in this Order).** This prohibition is based on Water Code section 13260 that requires filing of a report of waste discharge (ROWD) before discharges can occur. The Discharger submitted a ROWD for the discharges described in this Order; therefore, discharges not described in this Order are prohibited.
- 2. Prohibition III.B (No bypasses or overflow of untreated wastewater, except under the conditions at CFR Part 122.41(m)(4)).** As stated in section I.G of Attachment D, Standard Provisions, this Order prohibits bypass from any portion of the treatment facility. Federal regulations, 40 CFR 122.41(m), define "bypass" as the intentional diversion of waste streams from any portion of a treatment facility.

This section of the federal regulations, 40 CFR 122.41(m)(4), prohibits bypass unless it is unavoidable to prevent loss of life, personal injury, or severe property damage. In considering the Regional Water Board's prohibition of bypasses, the State Water Board adopted a precedential decision, Order No. WQO 2002-0015, which cites the federal regulations, 40 CFR 122.41(m), as allowing bypass only for essential maintenance to assure efficient operation.

- 3. Prohibition III.C (No controllable condition shall create a nuisance).** This prohibition is based on Water Code section 13050 that requires water quality objectives established for the prevention of nuisance within a specific area. The Basin Plan prohibits conditions that create a nuisance

## **B. Technology-Based Effluent Limitations**

### **1. Scope and Authority**

Section 301(b) of the CWA and implementing USEPA permit regulations at 40 CFR 122.44 require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order must meet minimum federal technology-based requirements based on Best Professional Judgment (BPJ) in accordance with 40 CFR 125.3.

The CWA requires that technology-based effluent limitations be established based on several levels of controls:

- a.** Best practicable treatment control technology (BPT) represents the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.
- b.** Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.
- c.** Best conventional pollutant control technology (BCT) represents the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering the "cost reasonableness" of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.
- d.** New source performance standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is

to set limitations that represent state-of-the-art treatment technology for new sources.

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

## 2. Applicable Technology-Based Effluent Limitations

- a. **Flow.** A technology-based effluent limitation for flow is established in this Order to monitor the performance of the groundwater treatment system from the standpoint of volumes being treated. The maximum daily flow rate in previous Order R5-2008-0008 was established at 216,000 gpd based on the design flow and will be retained in this Order.
- b. **Tertiary Butyl Alcohol (TBA).** Previous Order R5-2008-0008 included a technology-based limit maximum daily effluent limitation of 20 µg/L. This limit was based on the ability of the groundwater treatment system technology to achieve a reporting level of 20 µg/L. Since there are treatment technologies that are capable of dependably removing tertiary butyl alcohol to concentrations that are below the applicable reporting limit of 20 µg/L, this Order retains the technology-based limit of 20 µg/L for tertiary butyl alcohol, as a maximum daily effluent limitation.

TBA is a break down product of methyl tert-butyl ether. TBA has been increasing in the groundwater and it is likely to continue to increase. Based on the sample results for the effluent, the effluent limitations for tertiary butyl alcohol appear to put the Discharger in immediate non-compliance. Therefore, a compliance time schedule for compliance with the tertiary butyl alcohol effluent limitations is established in TSO R5-2013-0104 in accordance with CWC section 13300.

- c. **Benzene, Ethylbenzene, Methyl Tertiary Butyl Ether, t-Amyl Methyl Ether, Toluene, Total Petroleum Hydrocarbons (Gasoline and Diesel), and Xylenes.** The primary constituents of concern with petroleum products are total petroleum hydrocarbons in the gasoline, diesel, and heavier ranges, and may include jet fuel, motor oil, kerosene, and other fuel oils; benzene; toluene; ethylbenzene; xylene; and methyl tertiary butyl ether. In addition, other oxygenates and additives such as methanol, tertiary butyl alcohol, di-isopropyl ether, ethyl tertiary butyl ether, and tertiary amyl methyl ether may also be found in groundwater from cleanup of petroleum fuel pollution. Existing wastewater treatment technology, primarily utilizing air stripping and/or activated carbon, is capable of

dependably removing these constituents to concentrations that are generally non-detectable by current analytical technology.

The groundwater treatment system utilizes air stripping and activated carbon and is capable of dependably removing the groundwater contaminants to concentrations that are non-detectable by current analytical technology. Previous Order R5-2008-0008 included technology-based limits for ethylbenzene, methyl tertiary butyl ether, t-amyl methyl ether, toluene, total petroleum hydrocarbons (gasoline and diesel), and xylenes based on the ability of the groundwater treatment system technology to achieve applicable reporting limits. The current, commonly achieved reporting levels are summarized in the table below.

Constituent	Reporting Level	Units	Analytical Method
Benzene	0.5	µg/L	EPA Method 8260B or 8021B
Ethylbenzene	0.5	µg/L	EPA Method 8260B or 8021B
Methyl Tertiary Butyl Ether	1.0	µg/L	EPA Method 8260B
t-Amyl Methyl Ether	1.0	µg/L	EPA Method 8260B
Toluene	0.5	µg/L	EPA Method 8260B or 8021B
Total Petroleum Hydrocarbons (Gasoline and Diesel)	50	µg/L	EPA Method 8015M
Xylenes <sup>1</sup> , Total	0.5	µg/L	EPA Method 8260B or 8021B

<sup>1</sup> Applies to the sum of o-xylene, m-xylene, and p-xylene.

The current reporting levels for the above constituents are the same as those used to set technology-based limits in previous Order R5-2008-0008 and are the basis for the technology-based limits for these constituents in this Order.

### Summary of Technology-based Effluent Limitations Discharge Point No. EFF-001

**Table F-3. Summary of Technology-based Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Flow	gpd	--	--	216,000	--	--
Benzene	µg/L	--	--	0.5	--	--
Ethylbenzene	µg/L	--	--	0.5	--	--
Methyl Tertiary Butyl Ether	µg/L	--	--	1.0	--	--
t-Amyl Methyl Ether	µg/L	--	--	1.0	--	--
Toluene	µg/L	--	--	0.5	--	--
Total Petroleum Hydrocarbons (Gasoline and Diesel)	µg/L	--	--	50	--	--
Xylenes <sup>1</sup> , Total	µg/L	--	--	0.5	--	--

<sup>1</sup> Applies to the sum of o-xylene, m-xylene, and p-xylene.

## C. Water Quality-Based Effluent Limitations (WQBELs)

### 1. Scope and Authority

Section 301(b) of the CWA and 40 CFR 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards. This Order contains requirements, expressed as a technology equivalence requirement, more stringent than secondary treatment requirements that are necessary to meet applicable water quality standards.

40 CFR 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 40 CFR 122.44(d)(1)(vi).

The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan, and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria contained in the CTR and NTR.

### 2. Applicable Beneficial Uses Water Quality Criteria and Objectives

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, the Basin Plan implements State Water Board Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply.

The Basin Plan on page II-1.00 states: "*Protection and enhancement of existing and potential beneficial uses are primary goals of water quality planning...*" and with respect to disposal of wastewaters states that "*...disposal of wastewaters is [not] a prohibited use of waters of the State; it is merely a use which cannot be satisfied to the detriment of beneficial uses.*"

The federal CWA section 101(a)(2), states: "*it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and*

*propagation of fish, shellfish, and wildlife, and for recreation in and on the water be achieved by July 1, 1983.”* Federal Regulations, developed to implement the requirements of the CWA, create a rebuttable presumption that all waters be designated as fishable and swimmable. Federal Regulations, 40 CFR sections 131.2 and 131.10, require that all waters of the State regulated to protect the beneficial uses of public water supply, protection and propagation of fish, shell fish and wildlife, recreation in and on the water, agricultural, industrial and other purposes including navigation. Section 131.3(e), 40 CFR, defines existing beneficial uses as those uses actually attained after 28 November 1975, whether or not they are included in the water quality standards. Federal Regulation, 40 CFR section 131.10 requires that uses be obtained by implementing effluent limitations, requires that all downstream uses be protected and states that in no case shall a state adopt waste transport or waste assimilation as a beneficial use for any waters of the United States.

**a. Receiving Water and Beneficial Uses.** The receiving stream is Gibson Canyon Creek Flood Control Channel which flows to Sweany Creek Channel, Ulatis Creek, and then Cache Slough, which are tributary to the Sacramento – San Joaquin Delta. The beneficial uses of Gibson Canyon Creek Flood Control Channel, as described in Section III.C, are as follows:

**Table F-4. Basin Plan Beneficial Uses**

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Gibson Canyon Creek Flood Control Channel	<p><u>Existing uses from Table II-1 of the Basin Plan:</u>                      Municipal and domestic supply (MUN);                      Agricultural supply, including irrigation and stock watering (AGR);                      Industrial process supply (PROC);                      Industrial service supply (IND);                      Water contact recreation (REC-1);                      Non-contact water recreation (REC-2);                      Warm freshwater habitat (WARM);                      Cold freshwater habitat (COLD);                      Migration of aquatic organisms, warm and cold (MIGR);                      Spawning, reproduction, and/or early development, warm (SPWN);                      Wildlife habitat (WILD);                      Commercial and sport fishing (COMM); and                      Navigation (NAV)</p> <p><u>Suitable uses from State Water Board Resolution 88-63:</u>                      Municipal and domestic supply (MUN)</p>

**b. Effluent and Ambient Background Data.** The reasonable potential analysis (RPA), as described in section IV.C.3 of this Fact Sheet, was based on data from October 2011 through September 2012, which is representative of current operating conditions. Receiving water data during the term of the previous Order, which ranged from March 2008 through September 2012, was analyzed

to establish background conditions for Gibson Canyon Creek Flood Control Channel as available.

- c. Assimilative Capacity/Mixing Zone.** The Discharger has not requested mixing zones/dilution for development of water quality-based effluent limits. Therefore, mixing zones/dilution is not allowed in this Order.
- d. Conversion Factors.** The CTR contains aquatic life criteria for arsenic, cadmium, chromium III, chromium VI, copper, lead, nickel, silver, and zinc which are presented in dissolved concentrations. USEPA recommends conversion factors to translate dissolved concentrations to total concentrations. The default USEPA conversion factors contained in Appendix 3 of the SIP were used to convert the applicable dissolved criteria to total recoverable criteria.
- e. Hardness-Dependent CTR Metals Criteria.** The *California Toxics Rule* and the *National Toxics Rule* contain water quality criteria for seven metals that vary as a function of hardness. The lower the hardness the lower the water quality criteria. The metals with hardness-dependent criteria include cadmium, copper, chromium III, lead, nickel, silver, and zinc.

This Order has established the criteria for hardness-dependent metals based on the reasonable worst-case ambient hardness as required by the SIP<sup>1</sup>, the CTR<sup>2</sup> and State Water Board Order No. WQO 2008-0008 (City of Davis). The SIP and the CTR require the use of “receiving water” or “actual ambient” hardness, respectively, to determine effluent limitations for these metals. (SIP, § 1.2; 40 CFR § 131.38(c)(4)) The CTR does not define whether the term “ambient,” as applied in the regulations, necessarily requires the consideration of upstream as opposed to downstream hardness conditions. Therefore, where reliable, representative data are available, the hardness value for calculating criteria can be the downstream receiving water hardness, after mixing with the effluent (Order WQO 2008-0008, p. 11). The Central Valley Water Board thus has considerable discretion in determining ambient hardness (*Id.*, p.10).

As discussed below, scientific literature provides a reliable method for calculating protective hardness-dependent CTR criteria, considering all discharge conditions. This methodology produces hardness-dependent CTR criteria based on the reasonable worst-case downstream ambient hardness that ensure these metals do not cause receiving water toxicity under any downstream receiving water condition. Under this methodology, the Central

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<sup>1</sup> The SIP does not address how to determine the hardness for application to the equations for the protection of aquatic life when using hardness-dependent metals criteria. It simply states, in Section 1.2, that the criteria shall be properly adjusted for hardness using the hardness of the receiving water.

<sup>2</sup> The CTR requires that, for waters with a hardness of 400 mg/L (as CaCO<sub>3</sub>), or less, the actual ambient hardness of the surface water must be used. It further requires that the hardness values used must be consistent with the design discharge conditions for design flows and mixing zones.

Valley Water Board considers all hardness conditions that could occur in the ambient downstream receiving water after the effluent has mixed with the water body<sup>3</sup>. This ensures that effluent limitations are fully protective of aquatic life in all areas of the receiving water affected by the discharge under all flow conditions, at the fully mixed location, and throughout the water body including at the point of discharge into the water body.

- i. **Conducting the Reasonable Potential Analysis (RPA).** The SIP in Section 1.3 states, “The RWQCB shall...determine whether a discharge may: (1) cause, (2) have a reasonable potential to cause, or (3) contribute to an excursion above any applicable priority pollutant criterion or objective.” Section 1.3 provides a step-by-step procedure for conducting the RPA. The procedure requires the comparison of the Maximum Effluent Concentration (MEC) and Maximum Ambient Background Concentration to the applicable criterion that has been properly adjusted for hardness. Unless otherwise noted, for the hardness-dependent CTR metals criteria the following procedures were followed for properly adjusting the criterion for hardness when conducting the RPA.
  - a) The SIP requires water quality-based effluent limitations (WQBELs) if the MEC is equal to or exceeds the applicable criterion, adjusted for hardness. For comparing the MEC to the applicable criterion, the “fully mixed” reasonable worst-case downstream ambient hardness was used to adjust the criterion. In this evaluation the portion of the receiving water affected by the discharge is analyzed. For hardness-dependent criteria, the hardness of the effluent has an impact on the determination of the applicable criterion in areas of the receiving water affected by the discharge. Therefore, for comparing the MEC to the applicable criterion, the reasonable worst-case downstream ambient hardness was used to adjust the criterion. For this situation it is necessary to consider the hardness of the effluent in determining the applicable hardness to adjust the criterion. The procedures for determining the applicable criterion after proper adjustment using the reasonable worst-case downstream ambient hardness is outlined in subsection ii, below.
  - b) The SIP requires WQBELs if the receiving water is impaired upstream (outside the influence) of the discharge, i.e., if the Maximum Ambient Background Concentration of a pollutant exceeds the applicable criterion, adjusted for hardness<sup>4</sup>. For comparing the Maximum Ambient Background Concentration to the applicable criterion, the

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<sup>3</sup> All effluent discharges will change the ambient downstream metals concentration and hardness. It is not possible to change the metals concentration without also changing the hardness.

<sup>4</sup> The pollutant must also be detected in the effluent.

reasonable worst-case upstream ambient hardness was used to adjust the criteria. This is appropriate, because this area is outside the influence of the discharge. Since the discharge does not impact the upstream hardness, the effect of the effluent hardness was not included in this evaluation.

- ii. **Calculating Water Quality-Based Effluent Limitations.** The remaining discussion in this section relates to the development of WQBELs when it has been determined that the discharge has reasonable potential to cause or contribute to an exceedance of the CTR hardness-dependent metals criteria in the receiving water.

A 2006 Study<sup>5</sup> developed procedures for calculating the effluent concentration allowance (ECA)<sup>6</sup> for CTR hardness-dependent metals. The 2006 Study demonstrated that it is necessary to evaluate all discharge conditions (e.g. high and low flow conditions) and the hardness and metals concentrations of the effluent and receiving water when determining the appropriate ECA for these hardness-dependent metals. This method is superior to relying on downstream receiving water samples alone because it captures all possible mixed conditions in the receiving water. Both receiving water and effluent hardness vary based on flow and other factors, but the variability of receiving water and effluent hardness is sometimes independent. Using a calculated hardness value ensures that the Central Valley Water Board considers all possible mixed downstream values that may result from these two independent variables. Relying on receiving water sampling alone is less likely to capture all possible mixed downstream conditions.

The equation describing the total recoverable regulatory criterion, as established in the CTR<sup>7</sup>, is as follows:

$$\text{CTR Criterion} = \text{WER} \times (e^{m[\ln(H)]+b}) \quad (\text{Equation 1})$$

Where:

H = hardness (as CaCO<sub>3</sub>)<sup>8</sup>

WER = water-effect ratio

m, b = metal- and criterion-specific constants

<sup>5</sup> Emerick, R.W.; Borroum, Y.; & Pedri, J.E., 2006. California and National Toxics Rule Implementation and Development of Protective Hardness Based Metal Effluent Limitations. WEFTEC, Chicago, Ill.

<sup>6</sup> The ECA is defined in Appendix 1 of the SIP (page Appendix 1-2). The ECA is used to calculate WQBELs in accordance with Section 1.4 of the SIP.

<sup>7</sup> 40 CFR § 131.38(b)(2).

<sup>8</sup> For this discussion, all hardness values are in mg/L as CaCO<sub>3</sub>.

In accordance with the CTR, the default value for the WER is 1. A WER study must be conducted to use a value other than 1. The constants “m” and “b” are specific to both the metal under consideration, and the type of total recoverable criterion (i.e., acute or chronic). The metal-specific values for these constants are provided in the CTR at paragraph (b)(2), Table 1.

The equation for the ECA is defined in Section 1.4, Step 2, of the SIP and is as follows:

$$\text{ECA} = \text{C} \quad (\text{when } \text{C} \leq \text{B})^9 \quad (\text{Equation 2})$$

Where:

C = the priority pollutant criterion/objective, adjusted for hardness (see Equation 1, above)

B = the ambient background concentration

The 2006 Study demonstrated that the relationship between hardness and the calculated criteria is the same for some metals, so the same procedure for calculating the ECA may be used for these metals. The same procedure can be used for chronic cadmium, chromium III, copper, nickel, and zinc. These metals are hereinafter referred to as “Concave Down Metals”. “Concave Down” refers to the shape of the curve represented by the relationship between hardness and the CTR criteria in Equation 1. Another similar procedure can be used for determining the ECA for acute cadmium, lead, and acute silver, which are referred to hereafter as “Concave Up Metals”.

***ECA for Chronic Cadmium, Chromium III, Copper, Nickel, and Zinc*** – For Concave Down Metals (i.e., chronic cadmium, chromium III, copper, nickel, and zinc) the 2006 Study demonstrates that when the effluent is in compliance with the CTR criteria and the upstream receiving water is in compliance with the CTR criteria, any mixture of the effluent and receiving water will always be in compliance with the CTR criteria<sup>10</sup>. The 2006 Study proves that regardless of whether the effluent hardness is lower or greater than the upstream hardness, the reasonable worst-case flow condition is the effluent dominated condition (i.e., no receiving water flow)<sup>11</sup>. Consequently, for Concave Down Metals, the CTR criteria have

<sup>9</sup> The 2006 Study assumes the ambient background metals concentration is equal to the CTR criterion (i.e.  $C \leq B$ )

<sup>10</sup> 2006 Study, p. 5700

<sup>11</sup> There are two typographical errors in the 2006 Study in the discussion of Concave Down Metals when the effluent hardness is less than the receiving water hardness. The effluent and receiving water hardness were transposed in the discussion, but the correct hardness values were used in the calculations. The typographical

been calculated using the downstream ambient hardness under this condition.

The effluent hardness ranged from 310 mg/L to 400 mg/L, based on 4 samples from November 2011 to April 2012. The upstream receiving water hardness varied from 190 mg/L to 230 mg/L, based on 4 samples from November 2011 to April 2012. As demonstrated in the example shown in Table F 4, below, using this hardness to calculate the ECA for all Concave Down Metals will result in WQBELs that are protective under all flow conditions, from the effluent dominated condition to high flow condition. This example for copper assumes the following conservative conditions for the upstream receiving water:

- Upstream receiving water always at the lowest observed upstream receiving water hardness (i.e., 190 mg/L)
- Upstream receiving water copper concentration always at the CTR criteria (i.e., no assimilative capacity).

Using these reasonable worst-case receiving water conditions, a simple mass balance (as shown in Equation 3, below) accounts for all possible mixtures of effluent and receiving water under all flow conditions.

$$C_{MIX} = C_{RW} \times (1-EF) + C_{Eff} \times (EF) \quad \text{(Equation 3)}$$

Where:

$C_{MIX}$  = Mixed concentration (e.g. metals or hardness)  
 $C_{RW}$  = Upstream receiving water concentration  
 $C_{Eff}$  = Effluent concentration  
EF = Effluent Fraction

In this example, for copper, for any receiving water flow condition (high flow to low flow), the fully-mixed downstream ambient copper concentration is in compliance with the CTR criteria.<sup>12</sup>

### Table F-5. Copper ECA Evaluation

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errors were confirmed by the author of the 2006 Study, by email dated 1 April 2011, from Dr. Robert Emerick to Mr. James Marshall, Central Valley Water Board.

<sup>12</sup> This method considers the actual lowest observed upstream hardness and actual lowest observed effluent hardness to determine the reasonable worst-case ambient downstream hardness under all possible receiving water flow conditions. Table F-4 demonstrates that the receiving water is always in compliance with the CTR criteria at the fully-mixed location in the receiving water. It also demonstrates that the receiving water is in compliance with the CTR criteria for all mixtures from the point of discharge to the fully-mixed location. Therefore, a mixing zone is not used for compliance.

<b>Lowest Observed Effluent Hardness</b>		<b>310 mg/L (as CaCO<sub>3</sub>)</b>			
<b>Lowest Observed Upstream Receiving Water Hardness</b>		<b>190 mg/L (as CaCO<sub>3</sub>)</b>			
<b>Highest Assumed Upstream Receiving Water Copper Concentration</b>		<b>16 µg/L<sup>1</sup></b>			
<b>Copper ECA<sub>chronic</sub><sup>2</sup></b>		<b>24.5 µg/L</b>			
		<b>Fully Mixed Downstream Ambient Concentration</b>			
<b>Effluent Fraction<sup>6</sup></b>		<b>Hardness<sup>3</sup> (mg/L)</b>	<b>CTR Criteria<sup>4</sup> (µg/L)</b>	<b>Copper<sup>5</sup> (µg/L)</b>	<b>Complies with CTR Criteria</b>
High Flow  Low Flow	1%	191.2	16.2	16.2	<b>Yes</b>
	5%	196	16.6	16.6	<b>Yes</b>
	15%	208	17.4	17.4	<b>Yes</b>
	25%	220	18.3	18.2	<b>Yes</b>
	50%	250	20.4	20.3	<b>Yes</b>
	75%	280	22.5	22.4	<b>Yes</b>
	100%	310	24.5	24.5	<b>Yes</b>

- <sup>1</sup> Highest assumed upstream receiving water copper concentration calculated using Equation 1 for chronic criterion at a hardness of **190 mg/L**.
- <sup>2</sup> ECA calculated using Equation 1 for chronic criterion at a hardness of **310 mg/L**.
- <sup>3</sup> Fully mixed downstream ambient hardness is the mixture of the receiving water and effluent hardness at the applicable effluent fraction using Equation 3.
- <sup>4</sup> Fully mixed downstream ambient criteria are the chronic criteria calculated using Equation 1 at the mixed hardness.
- <sup>5</sup> Fully mixed downstream ambient copper concentration is the mixture of the receiving water and effluent copper concentrations at the applicable effluent fraction using Equation 3.
- <sup>6</sup> The effluent fraction ranges from 1% at the high receiving water flow condition, to 100% at the lowest receiving water flow condition (i.e., effluent dominated).

***ECA for Acute Cadmium, Lead, and Acute Silver***— For Concave Up Metals (i.e., acute cadmium, lead, and acute silver), the relationship between hardness and the metals criteria is different than for Concave Down Metals. The 2006 Study demonstrates that for Concave Up Metals, the effluent and upstream receiving water can be in compliance with the CTR criteria, but the resulting mixture may contain metals concentrations that exceed the CTR criteria and could cause toxicity. For these metals, the 2006 Study provides a mathematical approach to calculate the ECA that is protective of aquatic life, in all areas of the receiving water affected by the discharge, under all discharge and receiving water flow conditions (see Equation 4, below).

The ECA, as calculated using Equation 4, is based on the reasonable worst-case upstream receiving water hardness, the lowest observed effluent hardness, and assuming no receiving water assimilative capacity for metals (i.e., ambient background metals concentrations are at their respective CTR criterion). Equation 4 is not used in place of the CTR equation (Equation 1). Rather, Equation 4, which is derived using the

CTR equation, is used as a direct approach for calculating the ECA. This replaces an iterative approach for calculating the ECA. The CTR equation has been used to evaluate the receiving water downstream of the discharge at all discharge and flow conditions to ensure the ECA is protective (e.g., see Table F-5).

$$ECA = \frac{m(H_e - H_{rw})(e^{m\{\ln(H_{rw})\}+b})}{H_{rw}} + e^{m\{\ln(H_{rw})\}+b} \quad (\text{Equation 4})$$

m, b = criterion specific constants (from C

H<sub>e</sub> = lowest observed effluent hardness

H<sub>rw</sub> = reasonable worst-case upstream receiving water hardness

An example similar to the Concave Down Metals is shown for lead, a Concave Up Metal, in Table F-5, below. As previously mentioned, the lowest effluent hardness is 310 mg/L, while the upstream receiving water hardness ranged from 190 mg/L to 230 mg/L. In this case, the reasonable worst-case upstream receiving water hardness to use in Equation 4 to calculate the ECA is 190 mg/L.

**Table F-6. Lead ECA Evaluation**

		<b>Lowest Observed Effluent Hardness</b>			<b>310 mg/L</b>
		<b>Reasonable Worst-case Upstream Receiving Water Hardness</b>			<b>190 mg/L</b>
		<b>Reasonable Worst-case Upstream Receiving Water Lead Concentration</b>			<b>7.2 µg/L<sup>1</sup></b>
		<b>Lead ECA<sub>chronic</sub><sup>2</sup></b>			<b>13 µg/L</b>
		<b>Fully Mixed Downstream Ambient Concentration</b>			
<b>Effluent Fraction<sup>6</sup></b>		<b>Hardness<sup>3</sup> (mg/L) (as CaCO<sub>3</sub>)</b>	<b>CTR Criteria<sup>4</sup> (µg/L)</b>	<b>Lead<sup>5</sup> (µg/L)</b>	<b>Complies with CTR Criteria</b>
High Flow Low Flow	1%	191.2	7.3	7.3	<b>Yes</b>
	5%	196.0	7.5	7.5	<b>Yes</b>
	15%	208.0	8.1	8.1	<b>Yes</b>
	25%	220.0	8.7	8.7	<b>Yes</b>
	50%	250.0	10.2	10.1	<b>Yes</b>
	75%	280.0	11.8	11.5	<b>Yes</b>
	100%	310.0	13.4	13.0	<b>Yes</b>

<sup>1</sup> Reasonable worst-case upstream receiving water lead concentration calculated using Equation 1 for chronic criterion at a hardness of **190 mg/L**.

<sup>2</sup> ECA calculated using Equation 4 for chronic criteria.

<sup>3</sup> Fully mixed downstream ambient hardness is the mixture of the receiving water and effluent hardness at the applicable effluent fraction.

<sup>4</sup> Fully mixed downstream ambient criteria are the chronic criteria calculated using Equation 1 at the mixed hardness.

<sup>5</sup> Fully mixed downstream ambient lead concentration is the mixture of the receiving water

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<sup>6</sup> and effluent lead concentrations at the applicable effluent fraction.  
 The effluent fraction ranges from 1% at the high receiving water flow condition, to 100% at the lowest receiving water flow condition (i.e., effluent dominated).

Based on the procedures discussed above, Table F-6 lists all the CTR hardness-dependent metals and the associated ECA used in this Order.

**Table F-7. Summary of ECA Evaluations for CTR Hardness-dependent Metals**

CTR Metals	ECA (µg/L, total recoverable)	
	acute	chronic
Copper	41	25
Chromium III	4400	520
Cadmium	16	6.0
Lead	333	13
Nickel	1222	136
Silver	26	--
Zinc	313	313

### 3. Determining the Need for WQBELs

- a. The Central Valley Water Board conducted the reasonable potential analysis (RPA) in accordance with section 1.3 of the SIP. Although the SIP applies directly to the control of CTR priority pollutants, the State Water Board has held that the Regional Water Boards may use the SIP as guidance for water quality-based toxics control.<sup>13</sup> The SIP states in the introduction “*The goal of this Policy is to establish a standardized approach for permitting discharges of toxic pollutants to non-ocean surface waters in a manner that promotes statewide consistency.*” Therefore, in this Order, unless otherwise specified, the RPA procedures from the SIP were used to evaluate reasonable potential for both CTR and non-CTR constituents based on information submitted as part of the application, in studies, and as directed by monitoring and reporting programs.

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<sup>13</sup> See Order WQO 2001-16 (Napa) and Order WQO 2004-0013 (Yuba City).

- b. RPA Results. Constituents with No Reasonable Potential.** WQBELs are not included in this Order for constituents that do not demonstrate reasonable potential (i.e. constituents were not detected in the effluent or receiving water); however, monitoring for those pollutants is established in this Order as required by the SIP. If the results of effluent monitoring demonstrate reasonable potential, this Order may be reopened and modified by adding an appropriate effluent limitation.

Most constituents with no reasonable potential are not discussed in this Order. However, the following constituents were found to have no reasonable potential after assessment of the data:

**i. Aluminum**

- (a) WQO.** The Code of Federal Regulations promulgated criteria for priority toxic pollutants for California's surface waters as part of section 131.38 Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California (California Toxics Rule or CTR), including metals criteria. Freshwater aquatic life criteria for metals are expressed as a function of total hardness. However, aluminum criteria were not promulgated as part of the CTR. Absent numeric aquatic life criteria for aluminum, WQBEL's in the Central Valley Water Board's NPDES permits are based on the Basin Plan's narrative toxicity objective.

The Basin Plan's *Policy for Application of Water Quality Objectives* requires the Central Valley Water Board to consider, "*on a case-by-case basis, direct evidence of beneficial use impacts, all material and relevant information submitted by the discharger and other interested parties, and relevant numerical criteria and guidelines developed and/or published by other agencies and organizations. In considering such criteria, the Board evaluates whether the specific numerical criteria which are available through these sources and through other information supplied to the Board, are relevant and appropriate to the situation at hand and, therefore, should be used in determining compliance with the narrative objective.*"

Relevant information includes, but is not limited to the following:

- (1) USEPA Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses,
- (2) USEPA National Recommended Ambient Water Quality Criteria (NAWQC), (3) NAWQC-Correction, and (4) site-specific aluminum studies conducted by dischargers within the Central Valley Region. (Basin Plan, p. IV.-17.00; see also, 40 CFR 122.44(d)(vi).)

For aluminum, this Order implements the Basin Plan's narrative toxicity objective and the narrative chemical constituents objective for protection of the aquatic life and domestic and municipal supply beneficial uses. USEPA developed National Recommended Ambient Water Quality

Criteria (NAWQC) for protection of freshwater aquatic life for aluminum (1988). The recommended 4-day average (chronic) and 1-hour average (acute) criteria for aluminum are 87 µg/L and 750 µg/L, respectively, for waters with a pH of 6.5 to 9.0. The NAWQC can be used to implement the Basin Plan's narrative toxicity objective. In addition, the Secondary Maximum Contaminant Level (MCL) - Consumer Acceptance Limit for aluminum is 200 µg/L, which implements the Basin Plan's narrative chemical constituents objective. Order R5-2007-0036-01 included average monthly and maximum daily effluent limitations for aluminum based on the NAWQC acute criterion, and annual average effluent limitations for aluminum based on the secondary MCL.

In April 1999, USEPA released the National Recommended Water Quality Criteria–Correction. There were no corrections to the 1988 aluminum recommended criteria; however, USEPA recognized that they were aware of field data indicating that many high quality waters in the U.S. contain more than 87 µg/L aluminum, when either total recoverable or dissolved is measured (i.e., the higher levels of aluminum did not affect beneficial uses). Therefore, Footnote L to the National Recommended Ambient Water Quality Criteria summary table for aluminum indicated a water effects ratio (WER) might be appropriate for implementation of its recommended chronic criterion for aluminum to protect aquatic organisms. (*National Recommended Water Quality Criteria–Correction (April 1999).*)

Monitoring data demonstrates that the study conditions are not similar to those in the Gibson Canyon Creek Flood Control Channel, which consistently has a higher upstream hardness, ranging from 190 to 230 mg/L and higher pH, ranging from 6 to 8.7 standard units (8.0 median). Based on its judgment considering the site-specific conditions of the receiving water (e.g., hardness and pH), the Central Valley Water Board finds that the NAWQC chronic criterion for aluminum is overly stringent and should not be used to interpret the narrative toxicity objective for this discharge. Therefore, the DPH Secondary MCL for aluminum was used to conduct the reasonable potential analysis for aluminum.

**(b) RPA Results.** Based on 4 effluent samples collected between October 2011 through April 2012, all were below the method detection limit (3 samples < 25 µg/L and one sample < 50 µg/L). The upstream receiving water aluminum concentrations ranged from 210 µg/L to 1,100 µg/L, and the maximum annual average concentration was 755 µg/L, based on 8 samples collected between March 2008 and April 2012.

	Annual Average Aluminum Concentrations	
Secondary MCL	Fox Rd. Effluent	Gibson Canyon Creek Flood Control Channel

Secondary MCL	Annual Average Aluminum Concentrations	
	Fox Rd. Effluent	Gibson Canyon Creek Flood Control Channel
200 µg/L	< 50 µg/L	755 µg/L

For priority pollutants, the SIP dictates the procedures for conducting the RPA. Aluminum is not a priority pollutant. Therefore, the Central Valley Water Board is not restricted to one particular RPA method. Due to the site-specific conditions of the discharge, the Central Valley Water Board has used its judgment in determining the appropriate method for conducting the RPA for this non-priority pollutant constituent.

The most stringent objective is the Secondary MCL, which is derived from human welfare considerations (e.g., taste, odor, laundry staining), not for toxicity. Although the receiving water contains aluminum exceeding the Secondary MCL, the receiving water is not listed on the 303(d) list for aluminum, and aluminum is not a constituent of concern in the development of the Drinking Water Policy. Additionally, the effluent aluminum is consistently less than the concentrations in the receiving water and well below the Secondary MCL. Therefore, the Central Valley Water Board finds the discharge does not have reasonable potential to cause or contribute to an exceedance in the receiving water and the Facility is adequately controlling the discharge of aluminum.

**ii. Benzene**

**(a) WQO.** The Cal/EPA Office of Environmental Health Hazard Assessment (OEHHA) developed a Cancer Potency Factor as a Drinking Water Level for benzene of 0.35 µg/L. The California Department of Public Health has adopted a Primary MCL for benzene of 1 µg/L. Although in these situations the MCL is typically used to implement the Basin Plan’s narrative chemical constituent objective, in previous Order R5-2008-0008, the OEHHA Cancer Potency Factor was used. As discussed in the RPA Results, below, it does not make any difference which value is used.

**(b) RPA Results.** All Gibson Canyon Creek Flood Control Channel benzene monitoring results from 3 samples collected between March 2012 and August 2012 were below the method detection limit; therefore, the maximum background ambient concentration was set to the lowest of the individual reported method detection limits, which was 0.25 µg/L.

All effluent monitoring results from 8 samples collected between October 2011 and September 2012 were below the method detection limit; therefore, the MEC was set to the lowest of the individual reported method detection limits, which was 0.25 µg/L.

Based on this information, the discharge does not have reasonable potential to cause or contribute to an exceedance of the Basin Plan's narrative chemical constituent objective and WQBELs for benzene are not needed. Previous Order R5-2008-0008 based reasonable potential on influent data. However, there is sufficient effluent data to conduct the RPA, so it is not appropriate to use the influent data for the RPA. As discussed in section IV.B.2. of this Fact Sheet, this Order includes technology-based effluent limits for benzene based on the presence of benzene in the influent. Therefore, the WQBELs for benzene have been removed in this Order. Removal of the effluent limitation is consistent federal antibacksliding regulations and complies with state and federal antidegradation requirements.

### iii. Dissolved Oxygen

- (a) **WQO.** The Gibson Canyon Creek Flood Control Channel has been designated as having the beneficial use of cold freshwater aquatic habitat (COLD). For water bodies designated as having COLD as a beneficial use, the Basin Plan includes a water quality objective of maintaining a minimum of 7.0 mg/L of dissolved oxygen in the receiving water.
- (b) **RPA Results.** Based on 16 receiving water samples collected between October 2011 through April 2012 at RSW-001 and RSW-002 (50 feet upstream and downstream of the discharge), the DO concentrations have been consistently above the Basin Plan objective of 7 mg/L, averaging 10 mg/L. On 15 August 2012, dissolved oxygen was detected at a concentration below 7.0 mg/L in both the effluent and the upstream and downstream receiving water. Based on the sampling for DO since the Facility was restarted in 2010, the effluent discharge has not caused or contributed to DO violations in the receiving water. In December 2012, a venturi was installed between the GAC vessels in series to increase the concentration of dissolved oxygen. Additionally, the effluent flow makes up less than 1% of the total flow in the receiving water.

Based on this information, the discharge does not have reasonable potential to cause or contribute to an exceedance of the Basin Plan DO Objective in the receiving water. Therefore, the WQBELs for DO have been removed in this Order. Removal of the effluent limitations is

consistent federal antibacksliding regulations and complies with state and federal antidegradation requirements.

**iv. Ethylbenzene**

**(a) WQO.** USEPA has developed a Drinking Water Secondary Maximum Contaminant Level (taste and odor threshold) for ethylbenzene of 30 µg/L, which has been used to implement the Basin Plan's narrative chemical constituent objective.

**(b) RPA Results.** All Gibson Canyon Creek Flood Control Channel monitoring results from 3 samples collected between March 2012 and August 2012 were below the method detection limit; therefore, the maximum background ambient concentration was set to the lowest of the individual reported method detection limits, which was 0.5 µg/L.

All effluent monitoring results from 8 samples collected between October 2011 and April 2012 were below the method detection limit; therefore, the MEC was set to the lowest of the individual reported method detection limits, which was 0.25 µg/L.

Based on this information, the discharge does not have reasonable potential to cause or contribute to an exceedance of the Basin Plan's narrative chemical constituent objective for ethylbenzene and WQBELs are not needed.

**v. Methyl Tert-Butyl Ether**

**(a) WQO.** The Secondary Maximum Contaminant Level (MCL) Consumer Acceptance Limit for methyl tert-butyl ether is 5 µg/L, and applied as an annual average.

**(b) RPA Results.** Effluent methyl tert-butyl ether (MTBE) ranged from non-detect (<0.5 µg/L) to 6.8 µg/L based on 8 samples collected between October 2011 and September 2012. The maximum annual average concentration was 1.6 µg/L. Gibson Canyon Creek Flood Control Channel was sampled once on 15 August 2012 and was below the method detection limit; therefore, the maximum background ambient concentration was set to the method detection limit, which was 0.5 µg/L.

Based on this information, the discharge does not have reasonable potential to cause or contribute to an exceedance of the Basin Plan's narrative chemical constituent objective for MTBE and WQBELs are not needed.

**vi. Persistent Chlorinated Hydrocarbon Pesticides**

**(a) WQO.** The Basin Plan requires that no individual pesticides shall be present in concentrations that adversely affect beneficial uses; discharges shall not result in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses; persistent chlorinated hydrocarbon pesticides shall not be present in the water column at detectable concentrations; and pesticide concentrations shall not exceed those allowable by applicable antidegradation policies.

**(b) RPA Results.** Persistent chlorinated hydrocarbon pesticides were not present in the effluent or receiving water in detectable levels. Based on this information, the discharge does not have reasonable potential to cause or contribute to an exceedance of the persistent chlorinated hydrocarbon pesticides objective and WQBELs are not needed. Furthermore, the quarterly effluent monitoring requirements for persistent chlorinated hydrocarbon pesticides have been removed in this Order.

**vii. Petroleum Hydrocarbons, Total (Diesel/Gasoline)**

**(a) WQO.** The USEPA Suggested-No-Adverse-Response-Level (SNARL) for diesel oil is 100 µg/L, which has been used to implement the Basin Plan's narrative chemical constituent objective.

**(b) RPA Results.** All effluent monitoring results from 6 samples for diesel and 6 samples for gasoline collected between October 2011 and April 2012 were below the method detection limit; therefore, the MEC was set to the lowest of the individual reported method detection limits, 0.25 µg/L for diesel and 0.50 µg/L for gasoline. Diesel and gasoline receiving water data is not available as sampling was not required under the previous Order.

Based on this information, the discharge does not have reasonable potential to cause or contribute to an exceedance of the Basin Plan's narrative chemical constituent objective for total petroleum hydrocarbons and WQBELs are not needed.

**viii. Salinity**

**(a) WQO.** The Basin Plan contains a narrative chemical constituent objective, a narrative toxicity objective, and, for certain specified water bodies, numeric water quality objectives for electrical conductivity, total dissolved solids, sulfate, and chloride. There are no Basin Plan site-

specific objectives for salinity for the receiving water. Therefore, this Order applies the Basin Plan’s narrative objectives.

For protection of the MUN beneficial use, this Order implements the narrative chemical constituent objective using the state MCLs, which are incorporated in the Basin Plan. There are no USEPA numeric water quality criteria for the protection of agriculture, industrial, and livestock usage. Numeric values for the protection of these uses are typically done based on site-specific conditions and evaluations to determine the appropriate constituent threshold necessary to interpret the Basin Plan’s narrative chemical constituent objective.

The Central Valley Water Board is currently implementing the CV-SALTS initiative to develop a Basin Plan Amendment that will establish a salt and nitrate Management Plan for the Central Valley. Through this effort the Basin Plan will be amended to define how the narrative water quality objective is to be interpreted for the protection of agricultural use. All studies conducted through this Order to establish an agricultural limit to implement the narrative objective will be reviewed by and consistent with the efforts currently underway by CV-SALTS.

The USEPA Ambient Water Quality Criteria for Chloride recommends acute and chronic criteria for the protection of aquatic life beneficial use. There are no USEPA water quality criteria for the protection of aquatic life for electrical conductivity, total dissolved solids, and sulfate.

**Table F-8. Salinity Water Quality Criteria/Objectives**

Parameter	Agricultural WQ Goal <sup>1</sup>	Secondary MCL <sup>2</sup>	USEPA NAWQC	Effluent	
				Average	Maximum
EC (µmhos/cm)	Varies <sup>3</sup>	900, 1600, 2200	N/A	698	1015
TDS (mg/L)	Varies	500, 1000, 1500	N/A	528	624
Sulfate (mg/L)	Varies	250, 500, 600	N/A	35	43
Chloride (mg/L)	Varies	250, 500, 600	860 1-hr 230 4-day	41	61

Parameter	Agricultural WQ Goal <sup>1</sup>	Secondary MCL <sup>2</sup>	USEPA NAWQC	Effluent	
				Average	Maximum

- <sup>1</sup> Narrative chemical constituent objective of the Basin Plan. Procedures for establishing the applicable numeric limitation to implement the narrative objective can be found in the Policy for Application of Water Quality, Chapter IV, Section 8 of the Basin Plan., However, the Basin Plan does not require improvement over naturally occurring background concentrations. In cases where the natural background concentration of a particular constituent exceeds an applicable water quality objective, the natural background concentration will be considered to comply with the objective.
- <sup>2</sup> The secondary MCLs are stated as a recommended level, upper level, and a short-term maximum level.
- <sup>3</sup> The EC level in irrigation water that harms crop production depends on the crop type, soil type, irrigation methods, rainfall, and other factors. An EC level of 700 µmhos/cm is generally considered to present no risk of salinity impacts to crops. However, many crops are grown successfully with higher salinities.

**(1) Chloride.** The Secondary MCL for chloride is 250 mg/L, as a recommended level, 500 mg/L as an upper level, and 600 mg/L as a short-term maximum. USEPA Ambient Water Quality Criteria for Chloride recommends acute (1-hour) and chronic (4-day) criteria for the protection of freshwater aquatic life of 860 mg/L and 230 mg/L, respectively.

The Central Valley Water Board is currently implementing the CV-SALTS initiative to develop a Basin Plan Amendment that will establish a salt and nitrate Management Plan for the Central Valley. Through this effort the Basin Plan will be amended to define how the narrative water quality objective is to be interpreted for the protection of agricultural use. All studies conducted through this Order to establish an agricultural limit to implement the narrative objective will be reviewed by and consistent with the efforts currently underway by CV-SALTS.

**(2) Electrical Conductivity.** The Secondary MCL for EC is 900 µmhos/cm as a recommended level, 1600 µmhos/cm as an upper level, and 2200 µmhos/cm as a short-term maximum.

The Central Valley Water Board is currently implementing the CV-SALTS initiative to develop a Basin Plan Amendment that will establish a salt and nitrate Management Plan for the Central Valley. Through this effort the Basin Plan will be amended to define how the narrative water quality objective is to be interpreted for the protection of agricultural use. All studies conducted through this Order to establish an agricultural limit to implement the narrative objective will be reviewed by and consistent with the efforts currently underway by CV-SALTS.

**(3) Sulfate.** The secondary MCL for sulfate is 250 mg/L as a recommended level, 500 mg/L as an upper level, and 600 mg/L as a short-term maximum.

**(4) Total Dissolved Solids.** The Secondary MCL for TDS is 500 mg/L as a recommended level, 1000 mg/L as an upper level, and 1500 mg/L as a short-term maximum.

The Central Valley Water Board is currently implementing the CV-SALTS initiative to develop a Basin Plan Amendment that will establish a salt and nitrate Management Plan for the Central Valley. Through this effort the Basin Plan will be amended to define how the narrative water quality objective is to be interpreted for the protection of agricultural use. All studies conducted through this Order to establish an agricultural limit to implement the narrative objective will be reviewed by and consistent with the efforts currently underway by CV-SALTS.

**(b) RPA Results.** For priority pollutants, the SIP dictates the procedures for conducting the RPA. EC is not a priority pollutant. Therefore, the Regional Water Board is not restricted to one particular RPA method. Due to the site-specific conditions of the discharge, the Regional Water Board has used best professional judgment in determining the appropriate method for conducting the RPA for EC. For conducting the RPA, the USEPA recommends using a mass-balance approach to determine the expected critical downstream receiving water concentration using a steady-state approach<sup>14</sup>. This downstream receiving water concentration is then compared to the applicable water quality objectives to determine if the discharge has reasonable potential to cause or contribute to an in-stream excursion. This approach allows assimilative capacity and dilution to be factored into the RPA. This USEPA recommended approach has been used for EC. The critical downstream receiving water concentration is calculated using equation 2 below:

$$C_r = \frac{Q_s C_s + Q_d C_d}{Q_s + Q_d} \quad \text{(Equation 2)}$$

Where,

$Q_s$  = Critical stream flow (1Q10) for acute criteria, (7Q10) for chronic criteria, and harmonic mean flow for human health criteria.

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<sup>14</sup> USEPA NPDES Permit Writers' Course (EPA 833-B-97-001 rev. October 2009)

$Q_d$  = Critical effluent flow from discharge flow data (maximum permitted discharge)

$C_s$  = Critical upstream pollutant concentration

$C_d$  = Critical effluent pollutant concentration

$C_r$  = Critical downstream receiving water pollutant concentration

The critical stream flow ( $Q_s$ ) is 3 cubic feet per second (cfs) for the harmonic mean flow, which was calculated based on flow data for the Gibson Canyon Creek Flood Control Channel for the period of October 2011 – January 2013. For completely-mixed discharges the USEPA recommends using the 1Q10 and 7Q10 critical stream flows for acute and chronic aquatic life criteria, respectively. For long term human health criteria, the USEPA recommends using the harmonic mean flow.

The critical effluent flow,  $Q_d$ , is 0.34 cfs, which is the maximum permitted flow allowed in this Order.

The critical effluent pollutant concentration,  $C_d$ , was determined using statistics recommended in the TSD for statistically calculating the projected maximum effluent concentration (i.e., Table 3-1 of the TSD using the 99% probability basis and 99% confidence level).

**(1) Chloride.** Chloride concentrations in the effluent ranged from 35 mg/L to 61 mg/L, with an average of 41 mg/L, for 8 samples collected by the Discharger from 25 October 2011 through 19 September 2012. The maximum background concentration of chloride in Gibson Canyon Creek Flood Control Channel upstream of the discharge was 11 mg/L. Using the procedures described above, the critical downstream chloride concentration is calculated as follows:

$$Q_s = 3 \text{ cfs}$$

$$Q_d = 0.34 \text{ cfs}$$

$$C_d = 220 \text{ mg/L}$$

$$C_s = 11 \text{ mg/L}$$

$$C_r = \frac{(3 \text{ cfs} \times 11 \text{ mg/L} + 0.34 \text{ cfs} \times 220 \text{ mg/L})}{(3 \text{ cfs} + 0.34 \text{ cfs})}$$

$$= 32 \text{ mg/L}$$

The Critical downstream receiving water pollutant concentration,  $C_r$ , for chloride is 32 mg/L, which does not exceed the applicable water quality objective. Therefore, the discharge does not have reasonable potential for chloride and WQBELs are not needed.

**(2) Electrical Conductivity (EC).** EC concentrations were collected from the Gibson Canyon Creek Flood Control Channel between 2008 and 2012. The critical upstream pollutant concentration ( $C_s$ ) was calculated as an EC of 708  $\mu\text{mhos/cm}$ .

Using the procedures described above, the critical downstream EC concentration is calculated as follows:

$$Q_s = 3 \text{ cfs}$$

$$Q_d = 0.34 \text{ cfs}$$

$$C_d = 1300 \mu\text{mhos/cm}$$

$$C_s = 708 \mu\text{mhos/cm}$$

$$C_r = \frac{(3 \text{ cfs} \times 708 \mu\text{mhos/cm} + 0.34 \text{ cfs} \times 1300 \mu\text{mhos/cm})}{(3 \text{ cfs} + 0.34 \text{ cfs})}$$

$$= 768 \mu\text{mhos/cm}$$

The Critical downstream receiving water pollutant concentration,  $C_r$ , for EC is 768  $\mu\text{mhos/cm}$ , which does not exceed the applicable water quality objectives. Therefore, the discharge does not have reasonable potential for EC. Order R5-2008-0008 contained a performance-based average maximum effluent limitation for EC of 1,408  $\mu\text{mhos/cm}$ . Due to salinity issues in the Delta, the AMEL of 1,408  $\mu\text{mhos/cm}$  will be retained in this Order.

**(3) Total Dissolved Solids (TDS).** The average TDS effluent concentration was 528 mg/L and ranged from 383 mg/L to 624 mg/L out of 18 samples collected by the Discharger from 24 March 2008 through 17 December 2008. The maximum background concentration of TDS in the Gibson Canyon Creek Flood Control Channel upstream of the discharge was 390 mg/L.

Using the procedures described above, the critical downstream TDS concentration is calculated as follows:

$$Q_s = 3 \text{ cfs}$$

$$Q_d = 0.34 \text{ cfs}$$

$$C_d = 800 \text{ mg/L}$$

$$C_s = 443 \text{ mg/L}$$

$$C_r = \frac{(3 \text{ cfs} \times 443 \text{ mg/L} + 0.34 \text{ cfs} \times 800 \text{ mg/L})}{(3 \text{ cfs} + 0.34 \text{ cfs})}$$

$$= 479 \text{ mg/L}$$

The Critical downstream receiving water pollutant concentration,  $C_r$ , for TDS is 479 mg/L, which does not exceed the applicable water quality objective. Therefore, the discharge does not have reasonable potential for TDS and WQBELs are not needed.

**ix. Toluene**

**(a) WQO.** USEPA has developed a Drinking Water Secondary Maximum Contaminant Level (taste and odor threshold) for toluene of 40 µg/L.

**(b) RPA Results.** All Gibson Canyon Creek Flood Control Channel toluene monitoring results from 3 samples collected between March 2012 and August 2012 were below the method detection limit; therefore, the maximum background ambient concentration was set to the lowest of the individual reported method detection limits, which was 0.25 µg/L.

All toluene effluent monitoring results from 8 samples collected between October 2011 and September 2012 were below the method detection limit; therefore, the MEC was set to the lowest of the individual reported method detection limits, which was 0.25 µg/L.

Based on this information, the discharge does not have reasonable potential to cause or contribute to an exceedance of the Basin Plan's narrative chemical constituent objective for toluene and WQBELs are not needed.

**x. Xylene**

**(a) WQO.** USEPA has developed a Drinking Water Secondary Maximum Contaminant Level (taste and odor threshold) for xylene at 20 µg/L.

**(b) RPA Results.** The Gibson Canyon Creek Flood Control Channel monitoring results from 1 sample collected on 15 August 2012 was below the method detection limit; therefore, the maximum background ambient concentration was set to the method detection limits, which was 0.25 µg/L.

Out of 8 effluent xylene samples collected between October 2011 and September 2012, 7 were below the method detection limit of 0.25 µg/L and 1 was an estimated value (J-flagged) of 0.35 µg/L (MDL 0.25 µg/L and RL 0.50 µg/L).

Based on this information, the discharge does not have reasonable potential to cause or contribute to an exceedance of the Basin Plan's

narrative chemical constituent objective for xylene and WQBELs are not needed.

- c. Constituents with Reasonable Potential.** The Central Valley Water Board finds that the discharge has a reasonable potential to cause or contribute to an in-stream excursion above a water quality standard for chlorine residual, iron, manganese, methyl tert-butyl ether, nitrate, pH, and toxicity. WQBELs for these constituents are included in this Order. A summary of the RPA is provided in Attachment G, and a detailed discussion of the RPA for each constituent is provided below.

**i. Chlorine Residual**

**(a) WQO.** USEPA developed NAWQC for protection of freshwater aquatic life for chlorine residual. The recommended 4-day average (chronic) and 1-hour average (acute) criteria for chlorine residual are 0.011 µg/L and 0.019 µg/L, respectively. These criteria are protective of the Basin Plan's narrative toxicity objective.

**(b) RPA Results.** Federal regulations at 40 C.F.R. §122.44(d)(1)(i) requires that, "*Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) 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 State water quality standard, including State narrative criteria for water quality.*" For priority pollutants, the SIP dictates the procedures for conducting the RPA. Chlorine is not a priority pollutant. Therefore, the Central Valley Water Board is not restricted to one particular RPA method. Due to the site-specific conditions of the discharge, the Central Valley Water Board has used its judgment in determining the appropriate method for conducting the RPA for this non-priority pollutant constituent.

USEPA's September 2010 NPDES Permit Writer's Manual, page 6-30, states, "*State implementation procedures might allow, or even require, a permit writer to determine reasonable potential through a qualitative assessment process without using available facility-specific effluent monitoring data or when such data are not available...A permitting authority might also determine that WQBELs are required for specific pollutants for all facilities that exhibit certain operational or discharge characteristics (e.g., WQBELs for pathogens in all permits for POTWs discharging to contact recreational waters).*" USEPA's TSD also recommends that factors other than effluent data should be considered in the RPA, "*When determining whether or not a discharge causes, has the reasonable potential to cause, or contributes to an excursion of*

*a numeric or narrative water quality criterion for individual toxicants or for toxicity, the regulatory authority can use a variety of factors and information where facility-specific effluent monitoring data are unavailable. These factors also should be considered with available effluent monitoring data.” (TSD, p. 50)*

The Discharger may use sodium hypochlorite (chlorine) to minimize biological fouling by iron-oxidizing bacteria. Chlorine is extremely toxic to aquatic organisms. The Discharger has not added sodium hypochlorite during the term of previous Order R5-2008-0008, however, chlorine may be used as needed. This potential use of chlorine provides the basis for the discharge to have a reasonable potential to cause or contribute to an in-stream excursion above the NAWQC for chlorine.

**(c) WQBELs.** The effluent limits for chlorine residual from previous Order R5-2008-0008 have been retained in this Order, which includes an AMEL of 0.01 mg/L and MDEL of 0.02 mg/L.

**(d) Plant Performance and Attainability.** Based on facility performance the Central Valley Water Board finds the Discharger can comply immediately with these limits.

#### iv. Iron, Total Recoverable

**(a) WQO.** The Basin Plan water quality objectives for chemical constituents requires that water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs) specified in Title 22 of the CCR. The Secondary MCL for iron is 300 µg/L (annual average), expressed as total recoverable metal.

**(b) RPA Results.** Effluent iron ranged from 240 to 740 µg/L based on 4 samples collected between October 2011 and August 2012. The annual average effluent concentration was 488 µg/L since the restart in October 2011. Receiving water iron samples were not collected because they were not required in the monitoring and reporting program in the previous Order. However, one upstream receiving water sample was collected on 13 January 2003 with an iron concentration of 1,300 µg/L.

Based on the available data, the discharge has reasonable potential to cause or contribute to an exceedance of the Secondary MCL.

(c) **WQBELs.** Based on the Secondary MCL for iron, an annual average effluent limitation of 300 µg/L for total recoverable iron is included in this Order.

(d) **Plant Performance and Attainability.** Based on the sample results for the effluent, the limitations appear to put the Discharger in immediate non-compliance. A compliance time schedule for compliance with the iron effluent limitations was established in TSO R5-2008-0009-01 on 2 May 2011, which expired 31 December 2012. Therefore, a compliance time schedule for compliance with the iron effluent limitations is established in TSO R5-2013-0104 in accordance with CWC section 13300 that requires preparation and implementation of a pollution prevention plan in compliance with CWC section 13263.3.

#### v. Manganese

(a) **WQO.** The Basin Plan water quality objectives for chemical constituents requires that water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs) specified in Title 22 of the CCR. The Secondary MCL for manganese is 50 µg/L (annual average), expressed as total recoverable metal.

(b) **RPA Results.** Effluent manganese ranged from 18 µg/L to 850 µg/L based on 7 samples collected between October 2011 and August 2012. The maximum annual average effluent concentration was 220 µg/L since the restart in October 2011. Receiving water manganese samples were not collected because they were not required in the monitoring and reporting program in the previous Order. However, one upstream receiving water sample was collected on 13 January 2003 with a manganese concentration of 43 µg/L.

Based on the available data, the discharge has reasonable potential to cause or contribute to an exceedance of the Secondary MCL.

(c) **WQBELs.** Based on the Secondary MCL for manganese, an annual average effluent limitation of 50 µg/L for total recoverable iron is included in this Order.

(d) **Plant Performance and Attainability.** Based on the sample results for the effluent, the limitations appear to put the Discharger in immediate non-compliance. A compliance time schedule for compliance with the manganese effluent limitations was established in TSO R5-2008-0009-01 on 25 January 2008, as amended on 2 May 2011, which expired 31 December 2012. Therefore, a

compliance time schedule for compliance with the manganese effluent limitations is established in TSO R5-2013-0104 in accordance with CWC section 13300 that requires preparation and implementation of a pollution prevention plan in compliance with CWC section 13263.3.

**vi. Nitrate Nitrogen, Total (as N)**

**(a) WQO.** DPH has adopted Primary MCLs for the protection of human health for nitrite and nitrate that are equal to 1 mg/L and 10 mg/L (measured as nitrogen), respectively. DPH has also adopted a primary MCL of 10 mg/L for the sum of nitrate and nitrite, measured as nitrogen.

**(b) RPA Results.** Effluent nitrate ranged from < 0.25 mg/L to 12 mg/L based on 8 samples collected between October 2011 and September 2012.

Based on the available data, the discharge has reasonable potential to cause or contribute to an exceedance of the Primary MCL.

**(c) WQBELs.** This Order contains an AMEL for nitrate nitrogen (total as N) of mg/L, based on the primary MCL. This effluent limitation is included in this Order to protect the beneficial use of municipal and domestic supply.

**(d) Plant Performance and Attainability.** Based on the sample results for the effluent, the limitations appear to put the Discharger in immediate non-compliance. A compliance time schedule for compliance with nitrate effluent limitations was established in TSO R5-2008-0009 on 25 January 2008, as amended on 2 May 2011, which expired 31 December 2012. Therefore, a compliance time schedule for compliance with the nitrate effluent limitation is established in TSO R5-2013-0104 in accordance with CWC section 13300 that requires preparation and implementation of a pollution prevention plan in compliance with CWC section 13263.3.

**vii. pH**

**(a) WQO.** The Basin Plan includes a water quality objective for surface waters (except for Goose Lake) that the *"...pH shall not be depressed below 6.5 nor raised above 8.5."*

**(b) RPA Results.** Federal regulations at 40 C.F.R. §122.44(d)(1)(i) requires that, *"Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) 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 State water quality standard, including State narrative criteria for water quality.”* For priority pollutants, the SIP dictates the procedures for conducting the RPA. pH is not a priority pollutant. Therefore, the Central Valley Water Board is not restricted to one particular RPA method. Due to the site-specific conditions of the discharge, the Central Valley Water Board has used its judgment in determining the appropriate method for conducting the RPA for this non-priority pollutant constituent.

USEPA’s September 2010 NPDES Permit Writer’s Manual, page 6-30, states, *“State implementation procedures might allow, or even require, a permit writer to determine reasonable potential through a qualitative assessment process without using available facility-specific effluent monitoring data or when such data are not available...A permitting authority might also determine that WQBELs are required for specific pollutants for all facilities that exhibit certain operational or discharge characteristics (e.g., WQBELs for pathogens in all permits for POTWs discharging to contact recreational waters).”* USEPA’s TSD also recommends that factors other than effluent data should be considered in the RPA, *“When determining whether or not a discharge causes, has the reasonable potential to cause, or contributes to an excursion of a numeric or narrative water quality criterion for individual toxicants or for toxicity, the regulatory authority can use a variety of factors and information where facility-specific effluent monitoring data are unavailable. These factors also should be considered with available effluent monitoring data.”* (TSD, p. 50)

The effluent pH samples ranged from 7.9 to 8.5 based on 8 samples collected from October 2011 through August 2012, while the upstream receiving water concentration ranged from 7.9 to 8.3 during the same period. The groundwater treatment Facility treats groundwater contaminated with petroleum hydrocarbons. Although the Discharger has proper pH controls in place, the discharge of treated groundwater has a reasonable potential to cause or contribute to an excursion above the Basin Plan’s numeric objectives for pH in the receiving water. Therefore, WQBELs for pH are required in this Order.

- (c) WQBELs.** Effluent limitations for pH of 6.5 as an instantaneous minimum and 8.5 as an instantaneous maximum are included in this Order based on protection of the Basin Plan objectives for pH.
- (d) Plant Performance and Attainability.** Based on available effluent pH data, it appears the Discharger is able to comply with these limitations.

The Central Valley Water Board concludes, therefore, that immediate compliance with these effluent limitations is feasible.

- viii. **Toxicity.** See Section IV.C.5. of the Fact Sheet regarding whole effluent toxicity.

#### 4. WQBEL Calculations

- a. This Order includes WQBELs for total chlorine residual, iron, manganese, nitrate, pH, electrical conductivity and toxicity. The general methodology for calculating WQBELs based on the different criteria/objectives is described in subsections IV.C.4.b through e, below. See Attachment H for the WQBEL calculations.
- b. **Effluent Concentration Allowance.** For each water quality criterion/objective, the ECA is calculated using the following steady-state mass balance equation from Section 1.4 of the SIP:

$$\begin{array}{ll} ECA = C + D(C - B) & \text{where } C > B, \text{ and} \\ ECA = C & \text{where } C \leq B \end{array}$$

where:

ECA	= effluent concentration allowance
D	= dilution credit
C	= the priority pollutant criterion/objective
B	= the ambient background concentration.

According to the SIP, the ambient background concentration (B) in the equation above shall be the observed maximum with the exception that an ECA calculated from a priority pollutant criterion/objective that is intended to protect human health from carcinogenic effects shall use the arithmetic mean concentration of the ambient background samples. For ECAs based on MCLs, which implement the Basin Plan's chemical constituents objective and are applied as annual averages, an arithmetic mean is also used for B due to the long-term basis of the criteria.

- c. **Basin Plan Objectives and MCLs.** For WQBELs based on site-specific numeric Basin Plan objectives or MCLs, the effluent limitations are applied directly as the ECA as either an MDEL, AMEL, or average annual effluent limitations, depending on the averaging period of the objective.
- d. **Aquatic Toxicity Criteria.** WQBELs based on acute and chronic aquatic toxicity criteria are calculated in accordance with Section 1.4 of the SIP. The ECAs are converted to equivalent long-term averages (i.e.  $LTA_{acute}$  and

$LTA_{chronic}$ ) using statistical multipliers and the lowest LTA is used to calculate the AMEL and MDEL using additional statistical multipliers.

- e. **Human Health Criteria.** WQBELs based on human health criteria, are also calculated in accordance with Section 1.4 of the SIP. The ECAs are set equal to the AMEL and a statistical multiplier was used to calculate the MDEL.

$$AMEL = mult_{AMEL} \left[ \min \left( \overbrace{M_A ECA_{acute}, M_C ECA_{chronic}}^{LTA_{acute}} \right) \right]$$

$$MDEL = mult_{MDEL} \left[ \min \left( \underbrace{M_A ECA_{acute}, M_C ECA_{chronic}}_{LTA_{chronic}} \right) \right]$$

$$MDEL_{HH} = \left( \frac{mult_{MDEL}}{mult_{AMEL}} \right) AMEL_{HH}$$

where:

$mult_{AMEL}$  = statistical multiplier converting minimum LTA to AMEL

$mult_{MDEL}$  = statistical multiplier converting minimum LTA to MDEL

$M_A$  = statistical multiplier converting acute ECA to  $LTA_{acute}$

$M_C$  = statistical multiplier converting chronic ECA to  $LTA_{chronic}$

### Summary of Water Quality-Based Effluent Limitations Discharge Point No. EFF-001

**Table F-9. Summary of Water Quality-Based Effluent Limitations**

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Chlorine, Total Residual	mg/L	0.01	0.02	--	--	--
Electrical Conductivity	µmhos/cm	1,408	--	--	--	--
Nitrate, Total (as N)	mg/L	10	--	--	--	--
pH	standard units	--	--	6.5	8.5	--
Iron, Total Recoverable	µg/L	300 <sup>1</sup>	--	--	--	--
Manganese, Total Recoverable	µg/L	50 <sup>1</sup>	--	--	--	--
Acute Toxicity	% Survival <sup>2</sup>	--	--	--	--	--
Chronic Toxicity	TUc	Narrative <sup>3</sup>	--	--	--	--

<sup>1</sup> Applied as annual average effluent limitation.

<sup>2</sup> Not less than 90% median for three consecutive bioassays and 70% for any single bioassay.

<sup>3</sup> There shall be no chronic toxicity in the effluent discharge.

## 5. Whole Effluent Toxicity (WET)

For compliance with the Basin Plan's narrative toxicity objective, this Order requires the Discharger to conduct whole effluent toxicity testing for acute and chronic toxicity, as specified in the Monitoring and Reporting Program (Attachment E section V.). This Order also contains effluent limitations for acute toxicity and requires the Discharger to implement best management practices to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity.

**a. Acute Aquatic Toxicity.** The Basin Plan contains a narrative toxicity objective that states, "All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life." (Basin Plan at page III-8.00) The Basin Plan also states that, "...effluent limits based upon acute biotoxicity tests of effluents will be prescribed where appropriate...".

For priority pollutants, the SIP dictates the procedures for conducting the RPA. Acute toxicity is not a priority pollutant. Therefore, the Central Valley Water Board is not restricted to one particular RPA method. Acute whole effluent toxicity is not a priority pollutant. Therefore, due to the site-specific conditions of the discharge, the Central Valley Water Board has used professional judgment in determining the appropriate method for conducting the RPA. USEPA's September 2010 NPDES Permit Writer's Manual, page 6-30, states, "*State implementation procedures might allow, or even require, a permit writer to determine reasonable potential through a qualitative assessment process without using available facility-specific effluent monitoring data or when such data are not available...A permitting authority might also determine that WQBELs are required for specific pollutants for all facilities that exhibit certain operational or discharge characteristics (e.g., WQBELs for pathogens in all permits for POTWs discharging to contact recreational waters).*" Acute toxicity effluent limits are required to ensure compliance with the Basin Plan's narrative toxicity objective.

USEPA Region 9 provided guidance for the development of acute toxicity effluent limitations in the absence of numeric water quality objectives for toxicity in its document titled "Guidance for NPDES Permit Issuance", dated February 1994. In section B.2. "Toxicity Requirements" (pgs. 14-15) it states that, "In the absence of specific numeric water quality objectives for acute and chronic toxicity, the narrative criterion 'no toxics in toxic amounts' applies. Achievement of the narrative criterion, as applied herein, means that ambient waters shall not demonstrate for acute toxicity: 1) less than 90% survival, 50% of the time, based on the monthly median, or 2) less than 70% survival, 10% of

the time, based on any monthly median. For chronic toxicity, ambient waters shall not demonstrate a test result of greater than 1 TUc." Accordingly, effluent limitations for acute toxicity have been included in this Order as follows:

**Acute Toxicity.** Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:

Minimum for any one bioassay----- 70%  
 Median for any three consecutive bioassays----- 90%

- b. Chronic Aquatic Toxicity.** The Basin Plan contains a narrative toxicity objective that states, "All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life." (Basin Plan at page III-8.00) Based on chronic WET testing performed by the Discharger from November 2011 through December 2012, the discharge has reasonable potential to cause or contribute to an in-stream excursion above of the Basin Plan's narrative toxicity objective. As shown in Table F-9 below.

**Table F-10. Whole Effluent Chronic Toxicity Testing Results**

Date	Fathead Minnow <i>Pimephales promelas</i>		Water Flea <i>Ceriodaphnia dubia</i>		Green Algae <i>Selenastrum capricornutum</i>
	Survival (TUc)	Growth (TUc)	Survival (TUc)	Reproduction (TUc)	Growth (TUc)
11/08/2011	1	1	1	1	1
03/13/2012	1	1	1	2	1
04/10/2012	1	1	1	1	1
08/15/2012	1	1	1	1	1
09/19/2012	--	--	1	1.33	--
10/31/2012	2	1.33	2	4	1.33
11/14/2012	1	4	1	1	1
11/14/2012	1	1	1	8	2
12/05/2012	1	1	1	1.33	1

No dilution has been granted for the chronic condition. Therefore, chronic toxicity testing results exceeding 1 chronic toxicity unit (TUc) demonstrates the discharge has a reasonable potential to cause or contribute to an exceedance of the Basin Plan's narrative toxicity objective. The Discharger is currently investigating the source of toxicity in the effluent. A Toxicity Reduction Evaluation (TRE) has been initiated, in accordance with an approved TRE Workplan. Additionally, a Toxicity Identification Evaluation (TIE) is underway as part of the TRE, which is a set of procedures to identify the specific chemical(s) responsible for toxicity.

The Monitoring and Reporting Program of this Order requires quarterly chronic WET monitoring for demonstration of compliance with the narrative toxicity

objective. In addition to WET monitoring, the Special Provision in section VI.C.2.a of the Order requires the Discharger to submit to the Central Valley Water Board an Initial Investigative TRE Workplan for approval by the Executive Officer, to ensure the Discharger has a plan to immediately move forward with the initial tiers of a TRE, in the event effluent toxicity is encountered in the future. The provision also includes a numeric toxicity monitoring trigger, requirements for accelerated monitoring, and requirements for TRE initiation if toxicity is demonstrated.

Numeric chronic WET effluent limitations have not been included in this Order. The SIP contains implementation gaps regarding the appropriate form and implementation of chronic toxicity limits. This has resulted in the petitioning of a NPDES permit in the Los Angeles Region<sup>15</sup> that contained numeric chronic toxicity effluent limitations. To address the petition, the State Water Board adopted WQO 2003-012 directing its staff to revise the toxicity control provisions in the SIP. The State Water Board states the following in WQO 2003-012, *"In reviewing this petition and receiving comments from numerous interested persons on the propriety of including numeric effluent limitations for chronic toxicity in NPDES permits for publicly-owned treatment works that discharge to inland waters, we have determined that this issue should be considered in a regulatory setting, in order to allow for full public discussion and deliberation. We intend to modify the SIP to specifically address the issue. We anticipate that review will occur within the next year. We therefore decline to make a determination here regarding the propriety of the final numeric effluent limitations for chronic toxicity contained in these permits."* The process to revise the SIP is currently underway. Proposed changes include clarifying the appropriate form of effluent toxicity limits in NPDES permits and general expansion and standardization of toxicity control implementation related to the NPDES permitting process. Since the toxicity control provisions in the SIP are under revision it is infeasible to develop numeric effluent limitations for chronic toxicity. Therefore, this Order requires that the Discharger meet best management practices for compliance with the Basin Plan's narrative toxicity objective, as allowed under 40 CFR 122.44(k).

To ensure compliance with the Basin Plan's narrative toxicity objective, the Discharger is required to conduct chronic WET testing, as specified in the Monitoring and Reporting Program (Attachment E section V.). Furthermore, the Special Provision contained at VI.C.2.a. of this Order requires the Discharger to investigate the causes of, and identify and implement corrective actions to

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<sup>15</sup> In the Matter of the Review of Own Motion of Waste Discharge Requirements Order Nos. R4-2002-0121 [NPDES No. CA0054011] and R4-2002-0123 [NPDES NO. CA0055119] and Time Schedule Order Nos. R4-2002-0122 and R4-2002-0124 for Los Coyotes and Long Beach Wastewater Reclamation Plants Issued by the California Regional Water Quality Control Board, Los Angeles Region SWRCB/OCC FILES A-1496 AND 1496(a)

reduce or eliminate effluent toxicity. If the discharge demonstrates toxicity exceeding the numeric toxicity monitoring trigger, the Discharger is required to initiate a Toxicity Reduction Evaluation (TRE) in accordance with an approved TRE workplan. The numeric toxicity monitoring trigger is not an effluent limitation; it is the toxicity threshold at which the Discharger is required to perform accelerated chronic toxicity monitoring, as well as, the threshold to initiate a TRE if effluent toxicity has been demonstrated.

## **D. Final Effluent Limitations**

### **1. Mass-based Effluent Limitations**

40 CFR 122.45(f)(1) requires effluent limitations be expressed in terms of mass, with some exceptions, and 40 CFR 122.45(f)(2) allows pollutants that are limited in terms of mass to additionally be limited in terms of other units of measurement. This Order includes effluent limitations expressed in terms of mass and concentration. In addition, pursuant to the exceptions to mass limitations provided in 40 CFR 122.45(f)(1), some effluent limitations are not expressed in terms of mass, such as pH and temperature, and when the applicable standards are expressed in terms of concentration (e.g., CTR criteria and MCLs) and mass limitations are not necessary to protect the beneficial uses of the receiving water.

Based on flow monitoring data submitted by the Discharger from October 2011 through April 2012 the long-term average flow is 18,072 gpd. Except in the case of POTWs, 40 CFR 122.45(b)(2)(i) specifies that the calculation of any permit limitations, standards, or prohibitions which are based on production (or other measure of operation) be based not upon the designed production capacity but rather upon a reasonable measure of actual production for the facility. In order to expedite the groundwater remediation process, this Order encourages the Discharger to treat to the maximum extent possible. The production of treated groundwater is expected to increase; therefore, mass-based effluent limitations in this Order are calculated based on the maximum allowable discharge flow of 216,000 gpd.

### **2. Averaging Periods for Effluent Limitations**

40 CFR 122.45 (d) requires maximum daily and average monthly discharge limitations for all dischargers other than publicly owned treatment works unless impracticable. The rationale for using alternative averaging periods for pH, iron and manganese is discussed in section IV.C.3 of this Fact Sheet.

Water quality objectives in the Basin Plan for pH are applied directly as instantaneous effluent limitations. For effluent limitations based on Primary and Secondary MCLs, except nitrate, this Order includes annual average effluent limitations for iron and manganese. The Primary and Secondary MCLs are drinking water standards contained in Title 22 of the California Code of

Regulations. Title 22 requires compliance with these standards on an annual average basis (except for nitrate), when sampling at least quarterly. Since it is necessary to determine compliance on an annual average basis, it is impracticable to calculate average weekly and average monthly effluent limitations.

### 3. Satisfaction of Anti-Backsliding Requirements

The Clean Water Act specifies that a revised permit may not include effluent limitations that are less stringent than the previous permit unless a less stringent limitation is justified based on exceptions to the anti-backsliding provisions contained in Clean Water Act sections 402(o) or 303(d)(4), or, where applicable, 40 CFR 122.44(l).

The effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order, with the exception of effluent limitations for benzene and dissolved oxygen. The effluent limitations for these pollutants are less stringent than that in Order R5-2008-0008. This relaxation of effluent limitations is consistent with the anti-backsliding requirements of the CWA and federal regulations.

- a. CWA section 402(o)(1) and 303(d)(4).** CWA section 402(o)(1) specifies that, in the case of effluent limitations established on the basis of CWA section 301(b)(1)(C) (i.e., WQBELs), a permit may not be renewed, reissued, or modified to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit except in compliance with CWA section 303(d)(4). The effluent limitations for benzene and dissolved oxygen established in Order R5-2008-0008 are WQBELs and may be relaxed if the requirements of CWA section 303(d)(4) are satisfied.

CWA section 303(d)(4) has two parts: paragraph (A) which applies to nonattainment waters and paragraph (B) which applies to attainment waters.

- i. For waters where standards are not attained, CWA section 304(d)(4)(A) specifies that any effluent limit based on a TMDL or other WLA may be revised only if the cumulative effect of all such revised effluent limits based on such TMDLs or WLAs will assure the attainment of such water quality standards. The Gibson Canyon Creek Flood Control Channel does not include 303(d) listings of impairments, as described in section III.D.1 of this Fact Sheet.
- ii. For attainment waters, CWA section 303(d)(4)(B) specifies that a limitation based on a water quality standard may be relaxed where the action is consistent with the antidegradation policy. The 303(d) listings for the Gibson Canyon Creek Flood Control Channel, as described in section III.D.1 of this Fact Sheet, do not include benzene or dissolved oxygen.

Thus the receiving water is an attainment water for these constituents. The removal or relaxation of WQBELs for benzene and dissolved oxygen is consistent with CWA sections 402(o)(1) and 303(d)(4) and, as described in section IV.D.4 of this Fact Sheet, the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution No. 68-16. Therefore, the modifications to these effluent limitations do not violate anti-backsliding requirements. Additionally, this Order includes a technology-based effluent limitation for benzene and retains receiving water limitations for dissolved oxygen, which will assure the Facility will not contribute to exceedances of applicable water quality standards for aforementioned pollutants.

- b. CWA section 402(o)(2).** CWA section 402(o)(2) provides several exceptions to the anti-backsliding regulations. CWA 402(o)(2)(B)(i) allows a renewed, reissued, or modified permit to contain a less stringent effluent limitation for a pollutant if information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance.

As described further in section IV.C.3.b of this Fact Sheet, updated information that was not available at the time Order R5-2008-0008 was issued indicates that benzene does not exhibit reasonable potential to cause or contribute to an exceedance of water quality objectives in the receiving water. The updated information that supports the relaxation of effluent limitations for these constituents includes the following:

- i. **Benzene.** The previous permit includes a WQBEL of 0.35 µg/L for benzene based on the Cal/EPA Office of Environmental Health Hazard Assessment (OEHHA) Cancer Potency Factor as a Drinking Water Level for benzene of 0.35 µg/L. This limit was included in the previous permit because it was assumed that treated effluent from a petroleum release site triggers reasonable potential to exceed water quality standards for benzene. Based on new effluent data for benzene, the discharge does not demonstrate reasonable potential, therefore, the WQBEL effluent limits have been removed in this Order. Additionally, this Order contains a technology-based effluent limitation for benzene.
- ii. **Dissolved Oxygen.** Effluent and receiving water monitoring data for dissolved oxygen indicates that the discharge does not exhibit reasonable potential to cause or contribute to an in-stream excursion below the Basin Plan objective. Additionally, this Order contains receiving water limitations for dissolved oxygen.

#### **4. Satisfaction of Antidegradation Policy**

This Order does not allow for an increase in flow or mass of pollutants to the receiving water. Therefore, a complete antidegradation analysis is not necessary. The Order requires compliance with applicable federal technology-based standards and with WQBELs where the discharge could have the reasonable potential to cause or contribute to an exceedance of water quality standards. The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution No. 68-16. State Water Board Resolution No. 68-16 requires implementation of best practicable treatment and control (BPTC) to ensure that the highest water quality is maintained consistent with the maximum benefit to the people of the State. Although the primary focus of the Central Valley Regional Water Board's Cleanup Program is restoration of groundwater quality, the program deals with all environments, including surface water, groundwater, soil, sediment, the vadose zone and air. This groundwater remediation system is a benefit to the environment and any degradation allowed by this Order is necessary and benefits the citizens of the state. The impact on existing water quality will be insignificant.

#### **5. Stringency of Requirements for Individual Pollutants**

This Order contains both technology-based effluent limitations and WQBELs for individual pollutants. The technology-based effluent limitations consist of restrictions on benzene, ethylbenzene, toluene, methyl tertiary butyl ether, tertiary butyl alcohol, t-amyl methyl ether, total petroleum hydrocarbons and xylene. The WQBELs consist of restrictions on total chlorine residual, iron, manganese, nitrate, pH, electrical conductivity and toxicity. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements.

WQBELs have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant WQBELs were derived from the CTR, the CTR is the applicable standard pursuant to 40 CFR 131.38. The scientific procedures for calculating the individual WQBELs for priority pollutants are based on the CTR-SIP, which was approved by USEPA on 18 May 2000. All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to 30 May 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to 30 May 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to 40 CFR 131.21(c)(1). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

**Summary of Final Effluent Limitations  
 Discharge Point No. EFF-001**

**Table F-11. Summary of Final Effluent Limitations**

Parameter	Units	Effluent Limitations					Basis <sup>1</sup>
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum	
Flow	gpd	--	--	216,000	--	--	PF
Total Residual Chlorine	mg/L	0.01	--	0.02	--	--	NAWQC
pH	standard units	--	--	--	6.5	8.5	BP, PB
Benzene	µg/L	--	--	0.5	--	--	ML
Electrical Conductivity	µmhos/cm	1,408	--	--	--	--	PB
Ethylbenzene	µg/L	--	--	0.5	--	--	ML
Iron, Total Recoverable	mg/L						SEC MCL
Manganese	mg/L						SEC MCL
Toluene	µg/L	--	--	0.5	--	--	ML
Methyl Tert-Butyl Ether	µg/L	--	--	1.0	--	--	ML
Nitrate, Total (as N)	mg/L	10	--	--	--	--	MCL
T-Amyl Methyl Ether	µg/L	--	--	1.0	--	--	ML
Tertiary Butyl Alcohol	µg/L	--	--	20	--	--	ML
Total Petroleum Hydrocarbons (Diesel)	µg/L	--	--	50	--	--	ML
Total Petroleum Hydrocarbons (Gasoline)	µg/L	--	--	50	--	--	ML
Xylene	µg/L	--	--	0.5	--	--	ML
Acute Toxicity	% Survival	--	--	<sup>2</sup>	--	--	BP
Chronic Toxicity	TUc	--	--	<sup>3</sup>	--	--	BP

Parameter	Units	Effluent Limitations					Basis <sup>1</sup>
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum	

- <sup>1</sup> PB – Based on the performance of the facility.  
 PF – Based on the permitted flow of the Facility.  
 ML – Based on the technical capability of the groundwater treatment system to dependably remove the groundwater contaminants to concentrations that are non-detectable by current analytical technology.  
 CFR – Based on secondary treatment standards contained in 40 CFR Part 133.  
 BP – Based on water quality objectives contained in the Basin Plan.  
 CTR – Based on water quality criteria contained in the California Toxics Rule and applied as specified in the SIP.  
 NAWQC – Based on USEPA’s National Ambient Water Quality Criteria for the protection of freshwater aquatic life.  
 SEC MCL – Based on the Secondary Maximum Contaminant Level.  
 MCL – Based on the Primary Maximum Contaminant Level.
- <sup>2</sup> Survival of aquatic organisms in 96-hour bioassays of undiluted waste shall be no less than:  
 Minimum for any one bioassay: 70%  
 Median for any three consecutive bioassays: 90%
- <sup>3</sup> There shall be no chronic toxicity in the effluent discharge.

**E. Interim Effluent Limitations – Not Applicable**

**F. Land Discharge Specifications – Not Applicable**

**G. Reclamation Specifications – Not Applicable**

**V. RATIONALE FOR RECEIVING WATER LIMITATIONS**

Basin Plan water quality objectives to protect the beneficial uses of surface water and groundwater include numeric objectives and narrative objectives, including objectives for chemical constituents, toxicity, and tastes and odors. The toxicity objective requires that surface water and groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in humans, plants, animals, or aquatic life. The chemical constituent objective requires that surface water and groundwater shall not contain chemical constituents in concentrations that adversely affect any beneficial use or that exceed the maximum contaminant levels (MCLs) in Title 22, CCR. The tastes and odors objective states that surface water and groundwater shall not contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses. The Basin Plan requires the application of the most stringent objective necessary to ensure that surface water and groundwater do not contain chemical constituents, toxic substances, radionuclides, or taste and odor producing substances in concentrations that adversely affect domestic drinking water supply, agricultural supply, or any other beneficial use.

**A. Surface Water**

1. CWA section 303(a-c), requires states to adopt water quality standards, including criteria where they are necessary to protect beneficial uses. The Central Valley

Water Board adopted water quality criteria as water quality objectives in the Basin Plan. The Basin Plan states that “[t]he numerical and narrative water quality objectives define the least stringent standards that the Regional Water Board will apply to regional waters in order to protect the beneficial uses.” The Basin Plan includes numeric and narrative water quality objectives for various beneficial uses and water bodies. This Order contains receiving surface water limitations based on the Basin Plan numerical and narrative water quality objectives for bacteria, biostimulatory substances, color, chemical constituents, dissolved oxygen, floating material, oil and grease, pH, pesticides, radioactivity, suspended sediment, settleable substances, suspended material, tastes and odors, temperature, toxicity and turbidity.

### **B. Groundwater – Not Applicable**

## **VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS**

40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program (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 Monitoring and Reporting Program for the Facility.

### **A. Influent Monitoring**

1. Influent monitoring is required to collect data on the characteristics of the contaminated groundwater and assess treatment plant performance. The monitoring frequency (monthly) and sample type (grab) from Order R5-2008-0008 for flow, benzene, ethylbenzene, toluene, methyl tertiary butyl ether, sulfate, tertiary amyl methyl ether, tertiary butyl alcohol, total petroleum hydrocarbons, and xylene are retained in this Order.
2. Monitoring requirements are reduced from monthly to quarterly for chloride, electrical conductivity and total dissolved solids due to little variability.

### **B. Effluent Monitoring**

1. Pursuant to the requirements of 40 CFR 122.44(i)(2) effluent monitoring is required for all constituents with effluent limitations. Effluent monitoring is necessary to assess compliance with effluent limitations, assess the effectiveness of the treatment process, and to assess the impacts of the discharge on the receiving stream and groundwater.
2. Effluent monitoring frequencies and sample types for flow, dissolved oxygen, total residual chlorine, pH, iron, manganese, benzene, ethylbenzene, toluene, methyl

tert-butyl ether, t-amyl methyl ether, tertiary butyl alcohol, total petroleum hydrocarbons (diesel and gasoline), and xylene have been retained from Order R5-2008-0008 to determine compliance with effluent limitations for these parameters.

3. Monitoring data collected over the previous permit term for electrical conductivity did not demonstrate reasonable potential to exceed water quality objectives/criteria. Thus, specific monitoring requirements for these parameters have not been retained from Order R5-2008-0008.
4. California Water Code section 13176, subdivision (a), states: "The analysis of any material required by [Water Code sections 13000-16104] shall be performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code." The Department of Public Health certifies laboratories through its Environmental Laboratory Accreditation Program (ELAP).

Section 13176 cannot be interpreted in a manner that would violate federal holding time requirements that apply to NPDES permits pursuant to the Clean Water Act. (Wat. Code §§ 13370, subd. (c), 13372, 13377.) Section 13176 is inapplicable to NPDES permits to the extent it is inconsistent with Clean Water Act requirements. (Wat. Code § 13372, subd. (a).) The holding time requirements are 15 minutes for chlorine residual, dissolved oxygen, and pH and immediate analysis is required for temperature (40 C.F.R. § 136.3(e), Table II). Due to the location of the Facility, it is both legally and factually impossible for the Discharger to comply with section 13176 for constituents with short holding times.

### **C. Whole Effluent Toxicity Testing Requirements**

1. **Acute Toxicity.** Quarterly 96-hour bioassay testing is required to demonstrate compliance with the effluent limitation for acute toxicity.
2. **Chronic Toxicity.** Quarterly chronic whole effluent toxicity testing is required in order to demonstrate compliance with the Basin Plan's narrative toxicity objective.

### **D. Receiving Water Monitoring**

#### **1. Surface Water**

- a. Receiving water monitoring is necessary to assess compliance with receiving water limitations and to assess the impacts of the discharge on the receiving stream.

## 2. Groundwater – Not Applicable

### E. Other Monitoring Requirements

#### 1. Effluent and Receiving Water Characterization Study.

An effluent and receiving water monitoring study is required to ensure adequate information is available for the next permit renewal. During the third or fourth year of this permit term, the Discharger is required to conduct quarterly monitoring of the effluent at EFF-001 and of the receiving water at RSW-001 for all priority pollutants and other constituents of concern as described in Attachment H.

## VII. RATIONALE FOR PROVISIONS

### A. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D. The discharger must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR 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 the Order. 40 CFR 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with 40 CFR 123.25, this Order omits federal conditions that address enforcement authority specified in 40 CFR 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

- a. **Whole Effluent Toxicity.** This Order requires the Discharger to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity through a Toxicity Reduction Evaluation (TRE). This Order may be reopened to include a numeric chronic toxicity limitation, a new acute toxicity limitation, and/or a limitation for a specific toxicant identified in the TRE. Additionally, if a numeric chronic toxicity water quality objective is adopted by the State Water Board, this Order may be reopened to include a numeric chronic toxicity limitation based on that objective.

- b. Water Effects Ratio (WER) and Metal Translators.** A default WER of 1.0 has been used in this Order for calculating CTR criteria for applicable priority pollutant inorganic constituents. In addition, default dissolved-to-total metal translators have been used to convert water quality objectives from dissolved to total recoverable when developing effluent limitations for non-priority pollutant metals. If the Discharger performs studies to determine site-specific WERs and/or site-specific dissolved-to-total metal translators, this Order may be reopened to modify the effluent limitations for the applicable inorganic constituents.

## 2. Special Studies and Additional Monitoring Requirements

- a. Chronic Whole Effluent Toxicity Requirements.** The Basin Plan contains a narrative toxicity objective that states, "All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life." (Basin Plan at page III-8.00). Based on whole effluent chronic toxicity testing performed by the Discharger from November 2011 through December 2012, the discharge has reasonable potential to cause or contribute to an in-stream excursion above of the Basin Plan's narrative toxicity objective.

This provision requires the Discharger to develop a TRE Workplan in accordance with USEPA guidance. In addition, the provision provides a numeric toxicity monitoring trigger and requirements for accelerated monitoring, as well as, requirements for TRE initiation if toxicity has been demonstrated.

**Monitoring Trigger.** A numeric toxicity monitoring trigger of  $> 1$  TUc (where TUc = 100/NOEC) is applied in the provision, because this Order does not allow any dilution for the chronic condition. Therefore, a TRE is triggered when the effluent exhibits toxicity at 100% effluent.

**Accelerated Monitoring.** The provision requires accelerated WET testing when a regular WET test result exceeds the monitoring trigger. The purpose of accelerated monitoring is to determine, in an expedient manner, whether there is toxicity before requiring the implementation of a TRE. Due to possible seasonality of the toxicity, the accelerated monitoring should be performed in a timely manner, preferably taking no more than 2 to 3 months to complete.

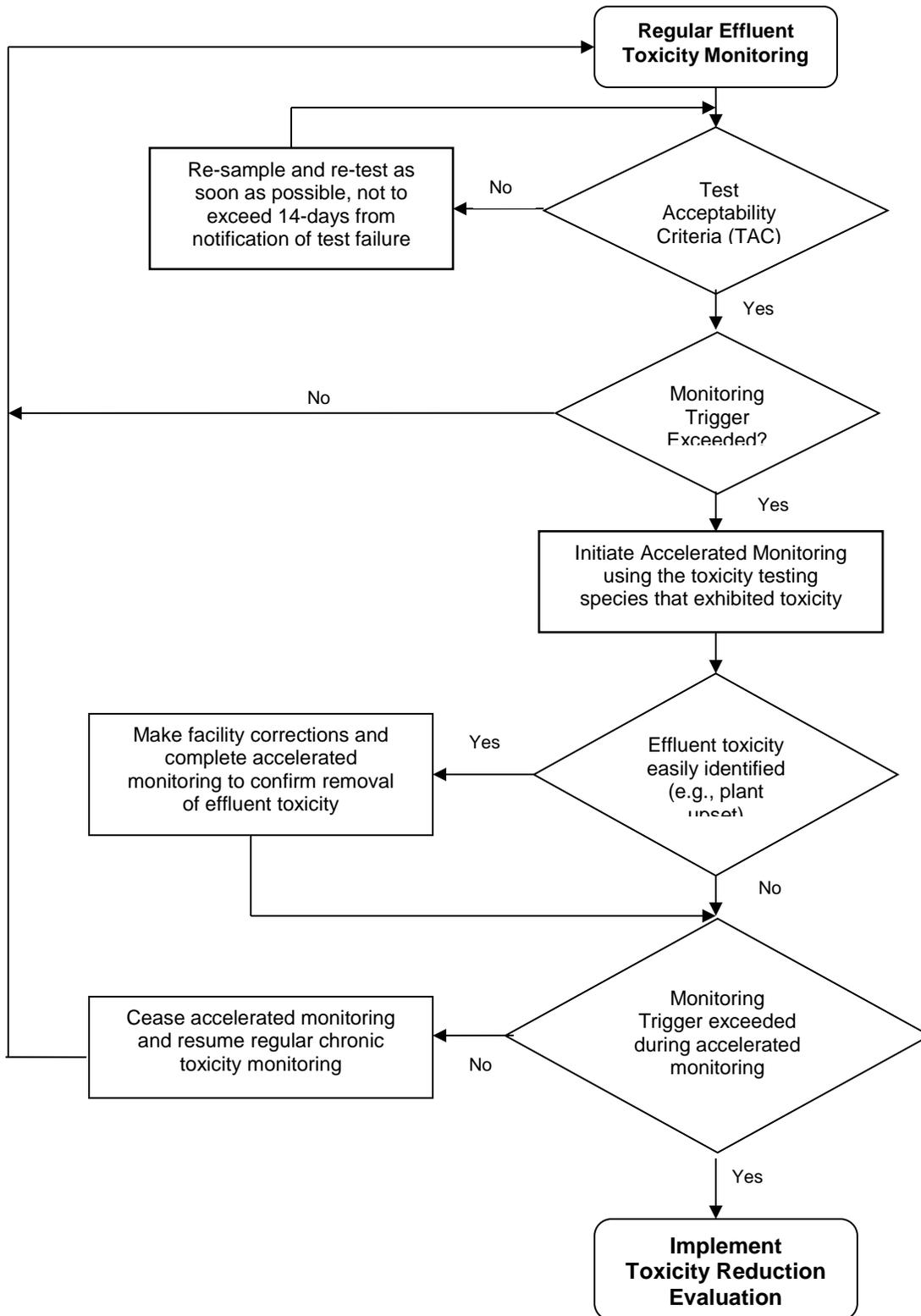
The provision requires accelerated monitoring consisting of four chronic toxicity tests in a six-week period (i.e., one test every two weeks) using the species that exhibited toxicity. Guidance regarding accelerated monitoring and TRE initiation is provided in the *Technical Support Document for Water Quality-based Toxics Control*, EPA/505/2-90-001, March 1991 (TSD). The TSD at page 118 states, "EPA recommends if toxicity is repeatedly or periodically present at levels above effluent limits more than 20 percent of the time, a TRE should be required." Therefore, four accelerated monitoring tests are required

in this provision. If no toxicity is demonstrated in the four accelerated tests, then it demonstrates that toxicity is not present at levels above the monitoring trigger more than 20 percent of the time (only 1 of 5 tests are toxic, including the initial test). However, notwithstanding the accelerated monitoring results, if there is adequate evidence of effluent toxicity (i.e. toxicity present exceeding the monitoring trigger more than 20 percent of the time), the Executive Officer may require that the Discharger initiate a TRE.

See the WET Accelerated Monitoring Flow Chart (Figure F-1), below, for further clarification of the accelerated monitoring requirements and for the decision points for determining the need for TRE initiation.

**TRE Guidance.** The Discharger submitted a TRE Workplan in accordance with USEPA guidance, which was determined to be sufficient and was approved by the Executive Officer.

**Figure F-1  
 WET Accelerated Monitoring Flow Chart**



### **3. Best Management Practices and Pollution Prevention**

- a. Salinity Evaluation and Minimization Plan.** An Evaluation and Minimization Plan for salinity is required in this Order to ensure adequate measures are developed and implemented by the Discharger to reduce the discharge of salinity to Gibson Canyon Creek Flood Control Channel.

### **4. Construction, Operation, and Maintenance Specifications**

The specifications included in this Order are retained from R5-2008-0008.

- a.** The Discharger shall operate the treatment system for maximum removal efficiencies of groundwater contaminants.
- b.** The Discharger shall operate the groundwater extraction network to achieve maximum contaminant plume capture.

### **5. Other Special Provisions – Not Applicable**

### **6. Compliance Schedules – Not Applicable**

## **VIII. PUBLIC PARTICIPATION**

The Central Valley Water Board is considering the issuance of WDRs that will serve as an NPDES permit for the Facility. As a step in the WDR adoption process, the Central Valley Water Board staff has developed tentative WDRs. The Central Valley Water Board encourages public participation in the WDR adoption process.

### **A. Notification of Interested Parties**

The Central Valley 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 a Notice of Public Hearing at the Facility, via an email sent to interested parties, and through posting on the Central Valley Water Board's internet website.

### **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 Central Valley Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Central Valley Water Board, written comments must be received at the Central Valley Water Board offices by 5:00 p.m. on **10 June 2013**.

### **C. Public Hearing**

The Central Valley 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: 26 July 2013  
Time: 9:00 a.m.  
Location: Regional Water Quality Control Board, Central Valley Region  
11020 Sun Center Dr., Suite #200  
Rancho Cordova, CA 95670

Interested persons are invited to attend. At the public hearing, the Central Valley 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 is [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley) 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 Board to review the decision of the Central Valley Water Board regarding the final WDRs. The petition must be received by the State Water Board within 30 days of the Central Valley Water Board's action, and must be submitted 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, related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Central Valley Water Board by calling (916) 464-3291.

### **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 Central Valley 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 Kari Holmes at (916) 464-4843.

**ATTACHMENT G – SUMMARY OF REASONABLE POTENTIAL ANALYSIS FOR CONSTITUENTS OF CONCERN**

Constituent	Units	MEC	B	C	CMC	CCC	Water & Org	Org. Only	Basin Plan	MCL	Reasonable Potential
Aluminum	µg/L	< 25	1100	200	750	87	N/A	N/A	N/A	200	NO
Benzene	µg/L	< 0.25	< 0.25	1	N/A	N/A	1.2	71	N/A	1	NO
Dissolved Oxygen	mg/L								7 <sup>(1)</sup>		NO
Iron, Total Recoverable	mg/L	740	1300	300 <sup>(2)</sup>	N/A	1000	N/A	N/A	N/A	300	YES
Electrical Conductivity	µmhos/cm	1015	734	900	N/A	N/A	N/A	N/A	N/A	900	NO
Ethylbenzene	µg/L	< 0.25	< 0.5	30	N/A	N/A	3100	29000	N/A	300	NO
Manganese	mg/L	850	43	50 <sup>(2)</sup>	N/A	N/A	N/A	100	N/A	200	YES
Methyl Tert-Butyl Ether	µg/L	6.8	< 0.5	5 <sup>(2)</sup>	151000	51000	N/A	N/A	N/A	5	NO
Nitrate	mg/L	12	No Data	10	N/A	N/A	10	N/A	N/A	10	YES
Petroleum Hydrocarbons, Total (Diesel/Gasoline)	µg/L	< 0.25 <sup>(3)</sup> < 0.50 <sup>(4)</sup>	No Data	100 <sup>(5)</sup>	N/A	N/A	N/A	N/A	100	N/A	NO
Toluene	µg/L	< 0.25	< 0.25	40	N/A	N/A	6800	200000	N/A	150	NO
Xylene	µg/L	0.35J	< 0.25	20	N/A	N/A	N/A	N/A	N/A	1750	NO

General Note: All inorganic concentrations are given as a total recoverable.

MEC = Maximum Effluent Concentration

B = Maximum Receiving Water Concentration or lowest detection level, if non-detect

C = Criterion used for Reasonable Potential Analysis

CMC = Criterion Maximum Concentration (CTR or NTR)

CCC = Criterion Continuous Concentration (CTR or NTR)

Water & Org = Human Health Criterion for Consumption of Water & Organisms (CTR or NTR)

Org. Only = Human Health Criterion for Consumption of Organisms Only (CTR or NTR)

Basin Plan = Numeric Site-specific Basin Plan Water Quality Objective

MCL = Drinking Water Standards Maximum Contaminant Level

NA = Not Available

ND = Non-detect

Footnotes:

- (1) Dissolved oxygen concentrations shall not be reduced below 7 mg/L in the receiving water.
- (2) Secondary MCL applied as an annual average.
- (3) Diesel
- (4) Gasoline
- (5) USEPA Suggested-No-Adverse-Response-Level (SNARL) used to implement the Basin Plan's narrative chemical constituent objective.

## ATTACHMENT H – EFFLUENT AND RECEIVING WATER CHARACTERIZATION STUDY

- I. Background.** Sections 2.4.1 through 2.4.4 of the SIP provide minimum standards for analyses and reporting. (Copies of the SIP may be obtained from the State Water Resources Control Board, or downloaded from <http://www.waterboards.ca.gov/iswp/index.html>). To implement the SIP, effluent and receiving water data are needed for all priority pollutants. Effluent and receiving water pH and hardness are required to evaluate the toxicity of certain priority pollutants (such as heavy metals) where the toxicity of the constituents varies with pH and/or hardness. In addition to specific requirements of the SIP, the Central Valley Water Board is requiring the following monitoring:
- A. Drinking water constituents.** Constituents for which drinking water Maximum Contaminant Levels (MCLs) have been prescribed in the California Code of Regulation are included in the *Water Quality Control Plan, Fourth Edition, for the Sacramento and San Joaquin River Basins* (Basin Plan). The Basin Plan defines virtually all surface waters within the Central Valley Region as having existing or potential beneficial uses for municipal and domestic supply. The Basin Plan further requires that, at a minimum, water designated for use as domestic or municipal supply shall not contain concentrations of chemical constituents in excess of the MCLs contained in the California Code of Regulations.
  - B. Effluent and receiving water temperature.** This is both a concern for application of certain temperature-sensitive constituents, such as fluoride, and for compliance with the Basin Plan's thermal discharge requirements.
  - C. Effluent and receiving water hardness and pH.** These are necessary because several of the CTR constituents are hardness and pH dependent.
  - D. Dioxin and furan sampling.** Section 3 of the SIP has specific requirements for the collection of samples for analysis of dioxin and furan congeners. Dischargers classified as minor must collect and analyze one wet season and one dry season sample. The Discharger has exceeded the SIP specified monitoring requirements and conducted sampling for dioxin and furan during 2002 (Quarters 2, 3 and 4) and 2003 (Quarter 1). Subsequently, all four effluent samples collected were non-detectable concentrations, therefore, the Discharger has satisfied Section 3 of the SIP and no additional monitoring for dioxin and furans is required in this Order.
- II. Monitoring Requirements.**
- A. Quarterly Monitoring.** Quarterly priority pollutant samples shall be collected from the effluent and upstream receiving water (EFF-001 and RSW-001) and analyzed for the constituents listed in Table H-1. Quarterly monitoring shall be conducted for 1 year (4

consecutive samples, evenly distributed throughout the year) and the results of such monitoring be submitted to the Central Valley Water Board, during the fourth year of the permit term. Each individual monitoring event shall provide representative sample results for the effluent and upstream receiving water.

- B. Concurrent Sampling.** Effluent and receiving water sampling shall be performed at approximately the same time, on the same date.
- C. Sample type.** All effluent samples shall be taken as 24-hour flow proportioned composite samples. All receiving water samples shall be taken as grab samples.
- D. Additional Monitoring/Reporting Requirements.** The Discharger shall conduct the monitoring and reporting in accordance with the General Monitoring Provisions and Reporting Requirements in Attachment E.

**Table H-1. Priority Pollutants and Other Constituents of Concern**

CTR #	Constituent	CAS Number	Maximum Reporting Level <sup>1</sup> µg/L or noted
28	1,1-Dichloroethane	75343	1
30	1,1-Dichloroethene	75354	0.5
41	1,1,1-Trichloroethane	71556	2
42	1,1,2-Trichloroethane	79005	0.5
37	1,1,2,2-Tetrachloroethane	79345	0.5
75	1,2-Dichlorobenzene	95501	2
29	1,2-Dichloroethane	107062	0.5
	cis-1,2-Dichloroethene	156592	
31	1,2-Dichloropropane	78875	0.5
101	1,2,4-Trichlorobenzene	120821	1
76	1,3-Dichlorobenzene	541731	2
32	1,3-Dichloropropene	542756	0.5
77	1,4-Dichlorobenzene	106467	2
17	Acrolein	107028	2
18	Acrylonitrile	107131	2
19	Benzene	71432	0.5
20	Bromoform	75252	2
34	Bromomethane	74839	2

<sup>1</sup> The reporting levels required in these tables for priority pollutant constituents are established based on Section 2.4.2 and Appendix 4 of the SIP.

CTR #	Constituent	CAS Number	Maximum Reporting Level <sup>1</sup> µg/L or noted
21	Carbon tetrachloride	56235	0.5
22	Chlorobenzene (mono chlorobenzene)	108907	2
24	Chloroethane	75003	2
25	2- Chloroethyl vinyl ether	110758	1
26	Chloroform	67663	2
35	Chloromethane	74873	2
23	Dibromochloromethane	124481	0.5
27	Dichlorobromomethane	75274	0.5
36	Dichloromethane	75092	2
33	Ethylbenzene	100414	2
88	Hexachlorobenzene	118741	1
89	Hexachlorobutadiene	87683	1
91	Hexachloroethane	67721	1
94	Naphthalene	91203	10
38	Tetrachloroethene	127184	0.5
39	Toluene	108883	2
40	trans-1,2-Dichloroethylene	156605	1
43	Trichloroethene	79016	2
44	Vinyl chloride	75014	0.5
	Methyl-tert-butyl ether (MTBE)	1634044	
	Trichlorofluoromethane	75694	
	1,1,2-Trichloro-1,2,2-Trifluoroethane	76131	
	Styrene	100425	
	Xylenes	1330207	
60	1,2-Benzanthracene	56553	5
85	1,2-Diphenylhydrazine	122667	1
45	2-Chlorophenol	95578	5
46	2,4-Dichlorophenol	120832	5
47	2,4-Dimethylphenol	105679	2
49	2,4-Dinitrophenol	51285	5
82	2,4-Dinitrotoluene	121142	5
55	2,4,6-Trichlorophenol	88062	10
83	2,6-Dinitrotoluene	606202	5
50	2-Nitrophenol	25154557	10

CTR #	Constituent	CAS Number	Maximum Reporting Level <sup>1</sup> µg/L or noted
71	2-Chloronaphthalene	91587	10
78	3,3'-Dichlorobenzidine	91941	5
62	3,4-Benzofluoranthene	205992	10
52	4-Chloro-3-methylphenol	59507	5
48	4,6-Dinitro-2-methylphenol	534521	10
51	4-Nitrophenol	100027	10
69	4-Bromophenyl phenyl ether	101553	10
72	4-Chlorophenyl phenyl ether	7005723	5
56	Acenaphthene	83329	1
57	Acenaphthylene	208968	10
58	Anthracene	120127	10
59	Benzdine	92875	5
61	Benzo(a)pyrene (3,4-Benzopyrene)	50328	2
63	Benzo(g,h,i)perylene	191242	5
64	Benzo(k)fluoranthene	207089	2
65	Bis(2-chloroethoxy) methane	111911	5
66	Bis(2-chloroethyl) ether	111444	1
67	Bis(2-chloroisopropyl) ether	39638329	10
68	Bis(2-ethylhexyl) phthalate	117817	5
70	Butyl benzyl phthalate	85687	10
73	Chrysene	218019	5
81	Di-n-butylphthalate	84742	10
84	Di-n-octylphthalate	117840	10
74	Dibenzo(a,h)-anthracene	53703	0.1
79	Diethyl phthalate	84662	10
80	Dimethyl phthalate	131113	10
86	Fluoranthene	206440	10
87	Fluorene	86737	10
90	Hexachlorocyclopentadiene	77474	5
92	Indeno(1,2,3-c,d)pyrene	193395	0.05
93	Isophorone	78591	1
98	N-Nitrosodiphenylamine	86306	1
96	N-Nitrosodimethylamine	62759	5
97	N-Nitrosodi-n-propylamine	621647	5
95	Nitrobenzene	98953	10

CTR #	Constituent	CAS Number	Maximum Reporting Level <sup>1</sup> µg/L or noted
53	Pentachlorophenol	87865	1
99	Phenanthrene	85018	5
54	Phenol	108952	1
100	Pyrene	129000	10
	Aluminum	7429905	50
1	Antimony	7440360	5
2	Arsenic	7440382	10
15	Asbestos	1332214	
	Barium	7440393	
3	Beryllium	7440417	2
4	Cadmium	7440439	0.5
5a	Chromium (III)	7440473	2
5b	Chromium (VI)	18540299	10
6	Copper	7440508	5
14	Cyanide	57125	5
	Fluoride	7782414	
	Iron	7439896	
7	Lead	7439921	0.5
8	Mercury	7439976	0.5
	Manganese	7439965	
	Molybdenum	7439987	
9	Nickel	7440020	5
10	Selenium	7782492	5
11	Silver	7440224	2.5
12	Thallium	7440280	1
	Tributyltin	688733	
13	Zinc	7440666	20
110	4,4'-DDD	72548	0.05
109	4,4'-DDE	72559	0.05
108	4,4'-DDT	50293	0.01
112	alpha-Endosulfan	959988	0.02
103	alpha-Hexachlorocyclohexane (BHC)	319846	0.01
	Alachlor	15972608	
102	Aldrin	309002	0.005
113	beta-Endosulfan	33213659	0.01

CTR #	Constituent	CAS Number	Maximum Reporting Level <sup>1</sup> µg/L or noted
104	beta-Hexachlorocyclohexane	319857	0.005
107	Chlordane	57749	0.1
106	delta-Hexachlorocyclohexane	319868	0.005
111	Dieldrin	60571	0.01
114	Endosulfan sulfate	1031078	0.05
115	Endrin	72208	0.01
116	Endrin Aldehyde	7421934	0.01
117	Heptachlor	76448	0.01
118	Heptachlor Epoxide	1024573	0.01
105	Lindane (gamma-Hexachlorocyclohexane)	58899	0.02
119	PCB-1016	12674112	0.5
120	PCB-1221	11104282	0.5
121	PCB-1232	11141165	0.5
122	PCB-1242	53469219	0.5
123	PCB-1248	12672296	0.5
124	PCB-1254	11097691	0.5
125	PCB-1260	11096825	0.5
126	Toxaphene	8001352	0.5
	Atrazine	1912249	
	Bentazon	25057890	
	Carbofuran	1563662	
	2,4-D	94757	
	Dalapon	75990	
	1,2-Dibromo-3-chloropropane (DBCP)	96128	
	Di(2-ethylhexyl)adipate	103231	
	Dinoseb	88857	
	Diquat	85007	
	Endothal	145733	
	Ethylene Dibromide	106934	
	Glyphosate	1071836	
	Methoxychlor	72435	
	Molinate (Ordram)	2212671	
	Oxamyl	23135220	
	Picloram	1918021	

<b>CTR #</b>	<b>Constituent</b>	<b>CAS Number</b>	<b>Maximum Reporting Level<sup>1</sup> µg/L or noted</b>
	Simazine (Princep)	122349	
	Thiobencarb	28249776	
	2,4,5-TP (Silvex)	93765	
	Diazinon	333415	
	Chlorpyrifos	2921882	
	Ammonia (as N)	7664417	
	Chloride	16887006	
	Flow		
	Hardness (as CaCO <sub>3</sub> )		
	Foaming Agents (MBAS)		
	Mercury, Methyl	22967926	
	Nitrate (as N)	14797558	2,000
	Nitrite (as N)	14797650	400
	pH		0.1
	Phosphorus, Total (as P)	7723140	
	Specific conductance (EC)		
	Sulfate		500
	Sulfide (as S)		
	Sulfite (as SO <sub>3</sub> )		
	Temperature		
	Total Dissolved Solids (TDS)		