

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**ORDER No. R9-2014-0041**

**CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS FOR  
LOW THREAT DISCHARGES IN THE SAN DIEGO REGION**

The Discharger, as described in the following table is subject to the waiver of waste discharge requirements as set forth in this Order:

**Table A. Discharger Information**

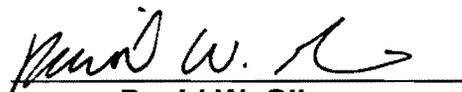
<b>Discharger</b>	Any person responsible for the discharge of low threat discharges which in accordance with the general and specific conditions specified in each of the waivers are unlikely to affect the quality of the waters of the State.
Dischargers regulated under this Order and the applicable waivers contained within, must be subject to application and annual fees assessed relative to their assigned threat and complexity ranking or other discharge specific conditions identified in California Code of Regulations, Title 23, section 2200.7.	

Discharges of wastes by persons from their locations in the San Diego Region are subject to the requirements set forth in this Order. Administrative information regarding this Order is contained in Table B below.

**Table B: Administrative Information**

This Order was adopted by the California Regional Water Quality Control Board, San Diego Region on:	June 26, 2014
This Order shall become effective on the date of adoption.	

I, David W. Gibson, Executive Officer, do hereby certify that this Order with all appendices is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on June 26, 2014.

  
**David W. Gibson**  
Executive Officer

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CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS FOR  
LOW THREAT DISCHARGES IN THE SAN DIEGO REGION

ORDER NO. R9-2014-0041

**PART I GENERAL FINDINGS**

The California Regional Water Quality Control Board, San Diego Region (hereinafter **San Diego Water Board**), finds that:

- A. **LEGAL AUTHORITY TO ISSUE WAIVERS.** Water Code section 13260(a) and (c) require persons proposing to discharge waste,<sup>1</sup> or proposing to make a material change in the character, location, or volume of a discharge to file a report of waste discharge (ROWD) with the appropriate California Regional Water Quality Control Board (Regional Water Board). Water Code section 13264 prohibits persons from initiating any new discharge of waste or making any material changes in any discharge prior to the filing of a ROWD and being issued waste discharge requirements (WDRs) by the appropriate Regional Water Board.

Under authority of Water Code 13263(d), the San Diego Water Board may prescribe WDRs although no ROWD has been filed.

Pursuant to Water Code section 13269(a)(1), the San Diego Water Board may waive the provisions of sections 13260(a) and (c), or 13264(a) for a specific discharge or type of discharge, if it determines the waiver is consistent with the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) and is in the interest of the public. Water Code section 13269(a)(2) stipulates a waiver may not exceed five years in duration, but may be renewed by the San Diego Water Board. Waivers must be conditional and may be terminated at any time by, the State Water Resources Control Board (State Water Board), or the San Diego Water Board.

In accordance with the Basin Plan, Chapter 4, a waiver of WDRs would not be against the public interest if either of the following circumstances apply to the discharges in that category:

1. *The type of discharge does not adversely affect the quality<sup>2</sup> or the beneficial uses<sup>3</sup> of the waters of the State.<sup>4</sup>*
2. *The type of discharge is not readily amenable to regulation through the adoption of individual WDRs but warrants San Diego Water Board oversight to ensure compliance with mandated conditions.*

Water Code section 13269 does not authorize the San Diego Water Board to issue waivers of WDRs for waste discharges subject to federal regulations<sup>5</sup> implementing the federal Clean Water Act and the federal National Pollutant Discharge Elimination System (NPDES) regulations.

- B. **PURPOSE.** The purpose of this Order is to:

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<sup>1</sup> The term "waste" is as defined in Water Code section 13050(d).

<sup>2</sup> The term "quality of the water" is as defined in Water Code section 13050(g).

<sup>3</sup> The term "beneficial uses" is as defined in Water Code section 13050(f).

<sup>4</sup> The term "waters of the State" is as defined in Water Code section 13050(e).

<sup>5</sup> Water Code section 13370 et seq.

1. revise and renew several waivers adopted by the San Diego Water Board as an amendment to the Basin Plan in Resolution No. R9-2007-0104, which expired on February 3, 2014;
  2. incorporate a waiver for discharges from aquatic animal production facilities;
  3. issue new waivers for specific types of discharges within the San Diego Region, which pose a low threat to the waters of the State, and are not currently regulated by the San Diego Water Board;
  4. reorganize the waivers by grouping the specific types of discharge into discharge classifications;
  5. provide general waiver conditions applicable to a discharge or discharge operations for all specific types of discharge within a discharge classification; and
  6. provide specific waiver conditions for each specific type of discharge within a discharge classification, if applicable.
- C. **DISCHARGER.** As the term applies in this Order, a “Discharger” is any person or persons that discharge, have the potential to discharge, or propose to discharge waste that could directly or indirectly affect the quality and/or beneficial uses of the waters of the State.
- D. **DISCHARGE LOCATION.** All discharges subject to this Order are located within the boundaries of the San Diego Region.
- E. **WASTE DISCHARGES SUBJECT TO THIS ORDER.** Where specified in this Order, for a specific type of waste discharge or discharge classification (i.e., waiver), the filing of a ROWD is required. For the purposes of this Order, a completed Notice of Intent (NOI) may serve as the Dischargers’ ROWD. Discharges which do not exceed certain qualifying criteria specified in each specific waiver, are not required to file an NOI.<sup>6</sup> As documented in the Technical Report, *Information Sheet for Order No. R9-2014-0041*, waivers for these specific types of discharges are in the public interest.
1. Discharges from on-site graywater disposal systems;
  2. Discharges of recycled water to land from short-term projects;
  3. Discharges of recycle water to land from permanent projects;
  4. Discharges from construction and test pumping of water wells to land;
  5. Discharges of air conditioner condensate and non-contact cooling water to land;
  6. Swimming pool discharges to land;
  7. Discharges from short-term construction dewatering operations to land;
  8. Discharges from utility vaults and underground structures to land;
  9. Miscellaneous “Low threat” discharges to land and/or groundwater;

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<sup>6</sup> For those discharges requiring the submittal of an NOI, enrollment in the waiver begins upon submittal of the NOI, unless otherwise specified in the waiver’s conditions.

10. Discharges of winery process water to lined evaporation ponds at small wineries;
11. Discharges of waste to land at composting facilities;
12. Discharges of storm water runoff from silvicultural operations;
13. Discharges from timber harvesting projects;
14. Discharges from wildfire suppression and fuels management activities;
15. Discharges from small animal feeding operations;
16. Discharges from medium animal feeding operations;
17. Discharges of storm water runoff from animal operations;
18. Discharge/application of manure to soil as an amendment or mulch;
19. Discharges from grazing lands;
20. Discharges of wastewater from facilities producing less than 9,090 harvest weight kilograms per year of cold water aquatic species;
21. Discharges of wastewater from facilities producing less than 45,454 harvest weight kilograms per year of warm water aquatic species;
22. Discharges of drilling muds to land;
23. Discharges of concrete grinding residues to land;
24. Discharges of slurries from sand and gravel mining operations to land;
25. Discharge/application of amendments and/or mulches to soil;
26. Discharges/disposal of inert waste to solid waste disposal facilities only accepting inert wastes;
27. Discharges of soils containing wastes to temporary waste piles;
28. Discharges/Disposal/Reuse of soils characterized as inert from contaminated sites to land;
29. Discharges of waste related to fireworks displays over land;
30. Other periodic aerial discharges of wastes over land;
31. Incidental discharges of oil and oily water within a response area during an oil spill response in marine waters;
32. Discharges of disaster related wastes to temporary waste piles and surface impoundments;
33. Discharges of mass mortality wastes to temporary waste piles and emergency landfills;
34. Discharges of dredge or fill material into non-federal waters of the State;
35. Emergency repair and protection activities in non-federal waters of the State; and
36. Other discharges of emergency/disaster related wastes.

Each of the discharge types listed above may originate from a single Discharger, have similar discharge sources and/or environmental settings, and have similar waiver conditions. Therefore, these types of discharges are grouped together into 12 discharge classifications. Discharges which comply with the waiver conditions in this Order are not expected to pose a threat to the quality of waters of the State.

F. **THREAT TO WATER QUALITY.** Discharges from the proceeding categories can and/or do contain wastes, as defined in Water Code section 13050, that could affect the beneficial uses and quality of the waters of the State. If not properly managed, these discharges can percolate to groundwater or runoff to surface waters, adversely affecting both surface water and groundwater. Such wastes that enter or threaten to enter into waters of the State include, but may not be limited to:

1. earthen wastes (e.g., soil, silt, sand, clay, and rocks);
2. inorganic wastes (e.g., metals, salts, nutrients, etc.);
3. organic wastes (e.g., organic pesticides, hydrocarbons, etc.); and
4. biological wastes (e.g., bacteria and pathogens).

Discharges which comply with the waiver conditions in this Order are not expected to pose a threat to the quality of waters of the State.

G. **ANTIDegradation Policy.** This Order is consistent with the provisions of Resolution No. 68-16 "*Statement of Policy with Respect to Maintaining High Quality Waters in California*" (Antidegradation Policy). Likewise, this Order is consistent with the federal Antidegradation Policy.<sup>7</sup> The San Diego Water Board, in regulating the discharge of waste, must have sufficient ground to adopt findings which demonstrate that any water quality degradation resulting from this Order will:

1. be consistent with the maximum benefit to the people of the State;
2. not unreasonably affect existing and potential beneficial uses of such water; and
3. not result in water quality less than that described in the Basin Plan.

Dischargers, who enroll in these waivers are required to manage their wastes in a manner that protects beneficial uses, and prevent nuisance<sup>8</sup> by implementing management measures (MMs) and best management practices (BMPs).

H. **MONITORING.** Water Code section 13269(a)(2) requires waivers be conditioned upon the performance of individual, group, or watershed-based monitoring unless the San Diego Water Board determines the discharges do not pose a significant threat to water quality. Monitoring requirements in this Order must be designed to support the development and implementation of the waiver program including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. In establishing requirements, the San Diego Water Board may consider the volume, duration, frequency, and constituents of the discharge, the extent and type of existing monitoring activities including, but not limited to, existing watershed-

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<sup>7</sup> Code of Federal Regulations Title 40, section 131.12.

<sup>8</sup> The term "nuisance" is as defined in Water Code section 13050(m).

based compliance and effectiveness monitoring efforts, the size of the project area; and other relevant factors.

The only waiver conditioned upon performance of monitoring is Waiver No. 8. If the waste discharges enrolled in a specific waiver are determined to pose a potential threat to water quality, the San Diego Water Board may require the Dischargers to perform monitoring to verify compliance with the waiver conditions.

The San Diego Water Board adopted *A Framework for Monitoring and Assessment in the San Diego Region*, dated November 2012, to facilitate the transition from discharge-oriented monitoring and assessment to water body-oriented monitoring and assessment in the Region. The monitoring requirements of Waiver No. 8 are consistent with the Framework.

All monitoring and reporting requirements specified in Waiver No. 8 are issued pursuant to Water Code sections 13267 and 13269; and are necessary to evaluate:

1. compliance with the terms and conditions of the Waiver No. 8;
2. effectiveness of any measures or actions taken in accordance with Waiver No. 8 and/or the San Diego Basin Plan; and
3. whether revisions of Waiver No. 8, additional regulatory programs, or enforcement actions are warranted.

Failure to submit a report in accordance with schedules established by the waivers, Monitoring and Reporting Requirements approved by the San Diego Water Board Executive Officer, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer, or failure to comply with the conditions of the waivers, may subject a Discharger to enforcement action pursuant to Water Code section 13268 and/or 13350 and/or the requirements to submit a ROWD.

The burden, including cost, of these reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

In accordance with Water Code sections 13267(b)(1) and 13269(a)(2), the San Diego Water Board has considered the costs of implementing the monitoring requirements specified in Waiver No. 8, and finds they will not result in any additional economic burden for dischargers.

- I. **WATER QUALITY STANDARDS.** The Basin Plan and relevant statewide water quality control plans (collectively Plans) establish water quality standards for the San Diego Region. These water quality standards consist of designated beneficial uses, WQOs, and the antidegradation policy. These Plans also contain implementation plans and policies for interpreting and achieving water quality standards.

Table 2 below identifies the beneficial uses designated in the Basin Plan for groundwater and surface water in the San Diego Region.

**Table 2: Beneficial Uses for Groundwater and Surface Waters**

<b>Beneficial Uses</b>	<b>Abbreviations</b>
Agricultural Supply	AGR
Aquaculture	AQUA
Preservation of Biological Habitats of Special Significance	BIOL
Cold Freshwater Habitat	COLD
Commercial and Sport Fishing	COMM
Estuarine Habitat	EST
Freshwater Replenishment	FRSH
Ground Water Recharge	GWR
Industrial Process Supply	PROC
Industrial Service Supply	IND
Inland Saline Water Habitat	SAL
Marine Habitat	MAR
Migration of Aquatic Organisms	MIGR
Municipal and Domestic Supply	MUN
Navigation	NAV
Hydropower Generation	POW
Noncontact Recreation	REC2
Preservation of Rare and Endangered Species	RARE
Shellfish Harvesting	SHELL
Spawning, Reproduction, and/or Early Development	SPWN
Warm Freshwater Habitat	WARM
Water Contact Recreation	REC1
Wildlife Habitat	WILD

The requirements of this Order implement the Basin Plan by ensuring discharge types maintained and monitored to prevent releases of wastes or waste constituents to waters of the State in a manner which could impair these beneficial uses.

- J. **ENFORCEMENT ACTIONS.** Any person in violation of any waiver condition, prohibition issued or reissued, or amended by the San Diego Water Board, may be subject to informal and formal enforcement actions, including, but not limited to, administrative civil liability under Water Code sections 13323 and 13350(d) and (e).
- K. **APPEAL.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and the Calif. Code of Regs. title 23, section 2050 et seq. The State Water Board must receive the petitions by 5:00 p.m., within 30 days after the date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the State Water Board’s website.<sup>9</sup>

<sup>9</sup> [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/)

- L. **CALIFORNIA ENVIRONMENTAL QUALITY ACT.**<sup>10</sup> In accordance with California Code of Regulations Title (Calif. Code Regs. title) 14, section 15000 et seq., the San Diego Water Board is the lead agency for this project and has adopted a negative declaration for the project.
- M. **HOMELAND SECURITY ACT.** Any information provided to the San Diego Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted.
- N. **ANNUAL FEES.** Dischargers may be required to pay an annual fee (i.e., waste discharge permit fee) established by the State Water Board in accordance with Water Code sections 13260(d)(1) and 13269(a)(4). Pursuant to Water Code section 13269(a)(4), the annual fee must be assessed in accordance with any fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23, section 2200.7.

At this time, the State Water Board has not established a fee schedule for waivers. When such a fee schedule is established, Dischargers will be required to pay an annual fee if enrolled in the following waivers.

- Discharges of Winery Process Water to Lined Evaporation Ponds at Small Wineries (Waiver No. 4);
  - Discharges of Waste to Land at Composting Facilities(Waiver No. 5);
  - Discharges from Animal Operations (Waiver No. 7);
  - Discharges from Aquatic Animal Production Facilities (Waiver No. 8); and
  - Discharges/Disposal of Solid Wastes to Land (Waiver No. 10).
- O. **PUBLIC PARTICIPATION.** All of the findings contained within this Order, supplemental information and details in the attached Technical Report, and incorporated references were considered in establishing the following conditions, requirements, provisions, and specifications.

All known Dischargers and other interested parties and persons were notified of the intent to adopt this Order, and were provided with an opportunity for a public hearing and an opportunity to submit written comments.

In a public meeting, all comments pertaining to this Order were heard and considered.

- P. **STRATEGIC PLAN.** The issuance of this Order and the requirements herein are consistent with the goal to provide water resources protection, enhancement and restoration while balancing economic and environmental impacts as stated in the Strategic Plan of the State Water Board and the San Diego Water Board.
- Q. **APPLICABILITY.** Order No. R9-2014-0041 supersedes the waivers adopted as a Basin Plan amendment in Resolution No. R9-2007-0104 except for enforcement purposes regarding violations of Resolution No. R9-2007-0104. All Dischargers

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<sup>10</sup> Codified in PRC section 21000 et seq., and promulgated in Calif. Code of Regs. title 14, Chapter 3, Division 6.

previously regulated by waivers in Resolution No. R9-2007-0104 and renewed in this Order are automatically enrolled under Order No. R9-2014-0041.

Order No. R9-2014-0041 does not preempt or supersede the authority of municipalities, flood control agencies, or other State or local agencies to prohibit, restrict, or control specific types of discharges subject their jurisdictions.

**Waiver No. 8 – Discharges from Aquatic Animal Production Facilities**

**A. Specific Findings for Discharges from Aquatic Animal Production Facilities**

1. The conditional waiver for discharges from Aquatic Animal Production Facilities (Aquatic Animal Facility Waiver) is for discharges of wastewaters to waters of the State and/or the United State from aquatic animal production facilities which are at production levels less than the Confined Aquatic Animal Production (CAAP) production thresholds.<sup>50</sup> For the purposes of the Aquatic Animal Facility Waiver, an aquatic animal production facility means a hatchery, fish farm, aquaculture or other facility that contains, grows, or holds aquatic animals in either of two categories: cold water species or warm water species. Discharges from aquatic animal production facilities may include elevated levels of suspended solids, biochemical oxygen demand, metals, and nutrients.
2. The following types of discharges not otherwise regulated or authorized under WDRs may be eligible for the Aquatic Animal Facilities Waiver:
  - a. Wastewater discharges from facilities which produce less than 9,090 harvest weight kilograms (approximately 20,000 pounds) per year of cold water aquatic animal species if the feed is less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding;<sup>51</sup> or
  - b. Wastewater discharges from facilities which produce less than 45,454 harvest weight kilograms (approximately 100,000 pounds) per year of warm water aquatic animal species.<sup>52</sup>
3. In order to be eligible for the Aquatic Animal Production Facilities Waiver, discharges must comply with both the general and specific conditions of this waiver.
4. Discharges from aquatic animal production facilities that comply with the general and specific waiver conditions in the Aquatic Animal Production Facilities Waiver are not expected to pose a threat to the quality of waters of the State and/or the United States.

**IT IS HEREBY ORDERED**, that any Discharger proposing to discharge from an aquatic animal production facility, in order to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements.

**B. General Waiver Conditions for Aquatic Animal Production Facilities**

1. Discharges of wastewater from aquatic animal production facilities must:
  - a. Not cause or threaten to cause a condition of contamination, pollution, or nuisance; and
  - b. Not contain any substance, in concentrations toxic to animal or plant life.

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<sup>50</sup> Title 40 Code of Federal Regulations (CFR) Part 122.24 and Appendix C to Title 40 CFR Part 122.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

2. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.

**C. Specific Waiver Conditions for Aquatic Animal Production Facilities**

1. Discharges eligible for enrollment in the Aquatic Animal Facilities Waiver must submit:
  - a. A complete NOI;<sup>53</sup> and
  - b. The first annual fee if applicable. The amount of the annual fee will be determined by the San Diego Water Board, in accordance with Water Code sections 13269(a)(4) and 13260, and the fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23 section 2200.7.
2. The Discharger must use efficient feed and feeding strategies to limit feed input to the minimum amount reasonably necessary to achieve cold water and/or warm water species aquatic animal production goals and sustain targeted rates of aquatic animal growth.
3. The Discharger must:
  - a. Routinely inspect production systems and wastewater treatment systems to identify and promptly repair damage;
  - b. Regularly conduct maintenance of production systems and wastewater systems to ensure their proper function;
  - c. Ensure proper storage of drugs, pesticides, and feed in a manner designed to prevent spills and discharge to waters of the United States and/or State, and be consistent with the requirements specified in the current MS4 Permit for the San Diego Region;<sup>54</sup>
  - d. Implement procedures for properly containing, cleaning and disposing of any spilled materials;
  - e. Remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to waters of the United States/ and or State;
  - f. Train all relevant personnel in spill prevention and how to respond in the event of a spill to ensure proper clean-up and disposal of spilled material; and
  - g. Train all relevant personnel on proper operation and cleaning of production and wastewater treatment systems, including feeding procedures and proper use of equipment.
4. The Discharger must monitor the influent water to the aquatic animal production facility for the parameters specified in Table No. 1 below.

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<sup>53</sup> A Notice of Intent required to be submitted for enrollment in the Aquatic Animal Facilities Waiver is located in Attachment A of Order No. R9-2014-0041 (*Appendix B of this Technical Report*).

<sup>54</sup> Non-storm water discharges to MS4s are prohibited.

Table No. 1: Influent Monitoring Parameters

Parameter	Units	Sample Type	Minimum Sampling Frequency <sup>1</sup>
Flowrate	MGD	Continuous	Daily
pH	NTU	Grab <sup>2</sup>	Annual
Biochemical Oxygen Demand 5-day @ 20 °C	mg/L	24-hr composite <sup>3</sup>	Annual
Temperature	°C	Grab <sup>2</sup>	Annual
Settleable Solids	ml/L	Grab <sup>2</sup>	Annual
Total Suspended Solids	mg/L	24-hr composite <sup>3</sup>	Annual
Ammonia, un-ionized	mg/L	24-hr composite <sup>3</sup>	Annual
Total Nitrogen (as N)	mg/L	24-hr composite <sup>3</sup>	Annual
Total Phosphorus	mg/L	24-hr composite <sup>3</sup>	Annual
Total Recoverable Copper	µg/L	24-hr composite <sup>3</sup>	Annual
Total Recoverable Zinc	µg/L	24-hr composite <sup>3</sup>	Annual
Turbidity	NTU	24-hr composite <sup>3</sup>	Annual

1. All monitoring results are to be submitted with the annual report.
  2. A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.
  3. A composite sample is defined as a combination of at least eight sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a Facility over a 24-hour period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.
5. The Discharger must monitoring the effluent, at a location where a representative undiluted and unaltered sampled of the discharge from the facility can be collected prior to commingling with any other waste stream or body of water. Effluent monitoring must be conducted concurrently with the applications of antifoulants (when applicable). Effluent monitoring samples must be analyzed for the parameters specified in Table 2, section C.5 of this waiver.

Table No.2 Effluent Monitoring Parameters

Parameter	Units	Sample Type	Minimum Sampling Frequency <sup>1</sup>
Flowrate	MGD	Continuous	Daily
pH	NTU	Grab <sup>2</sup>	Annual
Biochemical Oxygen Demand 5-day @ 20 °C	mg/L	24-hr composite <sup>3</sup>	Annual
Temperature	°C	Grab <sup>2</sup>	Annual

1. All monitoring results are to be submitted with the annual report.
2. A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.
3. A composite sample is defined as a combination of at least eight sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a Facility over a 24-hour period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.

Table No.2 Effluent Monitoring Parameters (*continued*)

Parameter	Units	Sample Type	Minimum Sampling Frequency <sup>1</sup>
Settleable Solids	ml/L	Grab <sup>2</sup>	Annual
Total Suspended Solids	mg/L	24-hr composite <sup>3</sup>	Annual
Ammonia, un-ionized	mg/L	24-hr composite <sup>3</sup>	Annual
Total Nitrogen (as N)	mg/L	24-hr composite <sup>3</sup>	Annual
Total Phosphorus	mg/L	24-hr composite <sup>3</sup>	Annual
Total Recoverable Copper	µg/L	24-hr composite <sup>3</sup>	Annual
Total Recoverable Zinc	µg/L	24-hr composite <sup>3</sup>	Annual
Turbidity	NTU	24-hr composite <sup>3</sup>	Annual

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6. The Discharger must conduct monitoring in accordance with USEPA test procedures approved in 40 CFR 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act as amended, unless other test procedures are specified in the Order or separately by the San Diego Water Board.
  7. The Discharge must report with 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 must 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.
    - c. 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 ( $\pm$  a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

- d. Sample results less than the laboratory's MDL shall be reported as "Not Detected." or ND.
  - e. 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.
8. The Discharger must prepare and submit an annual report containing the following information:
  - a. The total pounds of food feed used during the calendar month of maximum feeding;
  - b. The species of cold and warm water fish or aquatic animals held at the Facility. For each species the total annual pounds of aquatic animal weight produced by the Facility must be reported as well as the maximum weight present during each calendar month;
  - c. Failures or significant mortalities at the Facility caused by contagious diseases that could be discharged and infect aquatic life in the receiving water;
  - d. Chemical names of all drugs, disinfectants, and other chemicals used at the Facility during the reporting period that could be discharged into the receiving water. This information must include the amounts and dates of application of drugs, disinfectants, and other chemicals. For drugs, disinfectants, and other chemicals used on a routine basis, the frequency of application may be reported instead of each date of application; and
  - e. The annual report must include a tabulation, evaluation, and interpretation of the monitoring data and information, including interpretations and conclusions as to whether the facility operations, production levels and wastewater discharges are in compliance with the waiver conditions described in section 14 a and b above.
9. The San Diego Water Board may add additional monitoring requirements or increase monitoring frequency as deemed necessary to ensure protection of water quality and beneficial uses in the receiving water.
10. The San Diego Water Board may require a Discharger to apply for and obtain separate WDRs or NPDES permit if it determines the discharge is a significant source of pollutants to waters of the State and/or United States.
11. The Discharger must submit the annual report to the San Diego Water Board no later than 5:00 PM on February 1st of each year (or next subsequent immediate business day, if falling on a weekend or state-observed holiday).
12. Any person signing a document under this section must 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.”