

California Regional Water Quality Control Board  
North Coast Region

ORDER NO. R1-2004-0036  
NPDES PERMIT NO. CA0022713  
I.D. NO. 1B82114OHUM

WASTE DISCHARGE REQUIREMENTS

FOR

CITY OF ARCATA  
MUNICIPAL WASTEWATER TREATMENT FACILITY

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter, the Regional Water Board), finds that:

1. The City of Arcata (hereinafter, the Permittee) submitted a Report of Waste Discharge dated August 1, 2002, and applied for renewal of its Permit to discharge treated and disinfected wastewater under the National Pollutant Discharge Elimination System (NPDES) from its wastewater treatment facility (WWTF) located at 600 South G Street, Arcata, California. These Waste Discharge Requirements regulate the discharge of municipal wastewater from the Permittee's wastewater collection, treatment, and disposal system. The term of this proposed Permit is five years.
2. The Permittee's WWTF facility serves the City of Arcata and the Glendale area, which is administered by the Fieldbrook Community Services District, and discharges treated domestic waste from secondary treatment processes into Humboldt Bay, a water of the United States, at Outfall No. 001, located at latitude 40° 51' 16" North and longitude 124° 05' 54" West. Secondary treated wastewater is also discharged to the Arcata Marsh Wildlife Sanctuary (AMWS) at Outfall No. 002. The 30-acre AMWS provides final polishing for a portion of the wastewater, which flows by gravity through the AMWS and is eventually collected and pumped back to the chlorine contact basin. The WWTF is located within the Southwest 1/4 of the Northeast 1/4 of Section 5, T 5 N, R 1 E, HB&M.
3. Existing waste treatment processes include a primary plant with mechanical bar screens, grit removal, two clarifiers, two anaerobic digesters, sludge drying beds, and a sludge composting operation. Secondary treatment is accomplished using three oxidation ponds (22.4, 17.3, and 3.6 acres each), followed by three 2-acre treatment marshes. At the average dry weather design flow, detention time in secondary treatment is approximately 39 days. Effluent is disinfected with chlorine and dechlorinated with sulfur dioxide prior to discharge through Outfall No. 001 to Humboldt Bay. Outfall No. 002 discharges to the AMWS. A new series of constructed wetlands is expected to be completed by 2005. The new constructed wetlands will receive fully treated effluent from a portion of the flow from Outfall 001. The flow will progress through a series of wetlands under influence of Humboldt Bay tidal flushing. The planned wetlands are intended to restore lost brackish water marsh habitat and will discharge to Humboldt Bay in the Janes Creek

Channel. The Permit will be modified upon completion of the project to reflect the new discharge point.

The chlorine contact basin can be operated in a “combined” or “split treatment” mode. In the split treatment mode, the chlorine contact basin is separated such that secondarily treated effluent flows in series through four passes of the chlorine contact chamber, then via Outfall No. 002 through the AMWS, then through the second four passes of the contact basin before discharge to Humboldt Bay via Outfall No. 001. In the combined treatment mode, the contact basin is operated as a single basin discharging to both outfalls, with return flow from the AMWS entering into the fifth pass of the basin. Anaerobically digested sludge is applied to sludge drying beds. Dried sludge is composted with chipped yard waste and distributed to City-owned lands. The WWTF plant is designed for a dry weather flow of 2.3 million gallons per day (mgd) and a maximum hydraulic capacity through the primary system of 5.0 mgd. Flows in excess of 5.0 mgd bypass the primary system and are routed directly to the oxidation ponds for treatment.

4. The WWTF receives wastewater from minor industrial dischargers. A pretreatment program, established in accordance with 40 CFR 403, was adopted by the City Council on May 20, 1992. Implementation of the program began on July 1, 1992.
5. The Permittee is presently governed by WDRs Order No. 98-13, adopted by the Regional Water Board on February 26, 1998.
6. The WWTF is a major discharger as defined by the U.S. Environmental Protection Agency (U.S. EPA).
7. The WWTF and the City Corporation Yard share the same property. Discharges from three on-site storm drains within the combined facility have been eliminated by routing this storm water flow to the headworks of the treatment plant or to a pump station for inclusion in the treatment process. As such, there are no storm water discharges associated with industrial activity (category ix, as defined at 40 CFR 122.26 (b) (14)) originating at the combined facility.
8. The Permittee’s wastewater collection system has historically been susceptible to high infiltration and inflow during periods of wet weather. At these times, flows greater than 5.0 mgd must be routed directly to the oxidation ponds. The Permittee has an ongoing infiltration and inflow reduction program that includes installation of synthetic liners and identification and abandonment of storm water connections to the sanitary sewer system. In 1999, the Permittee also instituted a program for assessing and prioritizing equipment needs within the WWTF, and in 2000, began to upgrade the WWTF’s flow metering capability. Upgrades to the WWTF’s flow metering capability are expected to be completed by December 31, 2004. Further work is needed to reduce infiltration and inflow, both in the collection system lines and the pumping stations. Availability of funds limits the pace of these improvements. In part **F. GENERAL PROVISIONS** 15 below, this Permit requires the Permittee to develop and implement a management, operation, and maintenance program for its wastewater collection system.
9. Expanded Effluent Testing Data submitted by the permittee with its application for renewal of its Permit to discharge included the results of one scan for priority

- pollutants from an effluent sample collected on March 27, 2002. In addition, the permittee performed complete priority pollutant analyses on effluent and background samples collected on August 21, 2002. These data were evaluated, as described in subsequent findings, to determine reasonable potential and the need for effluent limitations for priority pollutants in this Permit.
10. The Water Quality Control Plan for the North Coast Region (Basin Plan) includes beneficial uses, water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions, and statewide plans and policies. The Basin Plan includes a specific Action Plan for the Humboldt Bay Area.
  11. The Basin Plan describes beneficial uses of Humboldt Bay that include:
    - a. industrial service supply
    - b. agricultural supply
    - c. navigation
    - d. water contact recreation
    - e. noncontact water recreation
    - f. commercial and sport fishing
    - g. aquaculture
    - h. estuarine habitat
    - i. marine habitat
    - j. wildlife habitat
    - k. rare, threatened, or endangered species
    - l. migration of aquatic organisms
    - m. spawning, reproduction, and/or early development
    - n. shellfish harvesting
  12. On May 18, 2000, the California Toxics Rule (CTR), which supplements the National Toxics Rule (NTR) at 40 CFR 131.38, became effective and included water quality criteria applicable to the Permittee's discharge. On March 2, 2000, the State Water Board adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (also known as the State Implementation Plan or SIP). The SIP applies to discharges of toxic pollutants into inland surface waters, enclosed bays (defined by the SIP to specifically include Humboldt Bay), and estuaries of California subject to regulation under the State's Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) and the federal Clean Water Act (CWA).
  13. The SIP establishes: (1) implementation provisions for priority pollutant criteria promulgated by the U.S. EPA through the NTR, as amended in May 1995 and through the CTR, and for priority pollutant objectives established by the Regional Water Quality Control Boards in their basin plans, (2) monitoring requirements for 2,3,7,8-TCDD equivalents, and (3) chronic toxicity control provisions.
  14. Applicable water quality objectives and criteria contained in the Basin Plan, the NTR, and the CTR have been compared to available effluent and background data using the Reasonable Potential Analysis (RPA) methodology from the SIP to determine the need for effluent limitations for toxic pollutants and then to establish appropriate limitations, where necessary. The RPA revealed four toxic pollutants in the discharge from Outfall No. 001 to have reasonable potential to cause or contribute to an

- excursion above applicable water quality objectives and/or criteria -- copper, zinc, cyanide, and 2,3,7,8-TCDD.
15. The Permittee discharges directly to Humboldt Bay near the shoreline. The volume of water available for mixing at the shoreline varies, depending on tidal conditions. The Permittee has not provided any information to support determination of a mixing zone, and, in developing the previous Permit, no dilution was allowed in calculating effluent limits. The Board, therefore, has continued to assume no dilution in determining the Water Quality Based Effluent Limitations (WQBELs) for this Permit.
  16. The requirements of this Permit are consistent with the Humboldt Bay Action Plan as described in the Basin Plan.
  17. Effluent limitations, and toxic and pretreatment effluent standards established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, 307, and 403 (for ocean discharges) of the CWA and amendments thereto are applicable to the Permittee.
  18. The action to renew an NPDES permit is exempt from Chapter 3 of the California Environmental Quality Act (CEQA - Public Resources Code Section 2100, et seq.) in accordance with Section 13389 of the California Water Code.
  19. The Regional Water Board has notified the Permittee 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.
  20. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
  21. This Permit will serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act, and amendments thereto, and will take effect upon adoption by the Regional Water Board.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 98-13 is rescinded, and the Permittee, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following.

**A. DISCHARGE PROHIBITIONS**

1. The discharge of waste to Humboldt Bay (Arcata Bay) is prohibited unless it is done in conjunction with the Arcata Marsh and Wildlife Sanctuary.
2. The discharge of any waste not specifically regulated by this Permit is prohibited.
3. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code is prohibited.
4. The discharge of sludge or digester supernatant is prohibited, except as authorized under section **D. SOLIDS DISPOSAL AND HANDLING REQUIREMENTS**.

5. The discharge of untreated or partially treated waste (receiving a lower level of treatment than described in Finding No. 3) from anywhere within the collection, treatment, or disposal facility is prohibited.

**B. EFFLUENT LIMITATIONS**

1. Representative samples of the discharge from Outfall No. 001 must not contain constituents in excess of the following limits:

	<u>Units</u>	<u>Monthly Average<sup>a</sup></u>	<u>Weekly Average<sup>b</sup></u>	<u>Daily Maximum</u>
BOD <sub>5</sub>	mg/L	30	45	60
	lbs/day <sup>c</sup>	575	863	1151
Suspended Solids	mg/L	30	45	60
	lbs/day <sup>c</sup>	575	863	1151
Settleable Solids	ml/l	0.1		0.2
Fecal Coliform	MPN/100ml	14 <sup>d</sup>		43 <sup>e</sup>
pH	Standard Units.	Not less than 6.0 nor greater than 9.0		
Copper	µg/L	2.8		5.7
Zinc	µg/L	47		95
Cyanide	µg/L	0.5		1.0
2,3,7,8-TCDD TEQ	pg/L	.014		.028

<sup>a</sup> The arithmetic mean of the values for effluent samples collected in a calendar month.

<sup>b</sup> The arithmetic mean of the values for effluent samples collected in a calendar week (Sunday through Saturday).

<sup>c</sup> Mass-based effluent limitations are based on the WWTF dry weather design flow of 2.3 mgd. During wet-weather periods when the flow into the WWTF exceeds the dry weather design flow, the mass emission limitation shall be calculated using the concentration-based effluent limitations and the actual flow rates (not to exceed the 30-day average wet weather design flow of 5.0 mgd)

The mass discharge (lbs/day) is obtained from the following formula for any calendar day, week, or month:

$$\frac{8.34}{N} \sum_i^N Q_i C_i$$

in which N is the number of samples analyzed in any calendar day, week, or month. Q<sub>i</sub> and C<sub>i</sub> are the flow rate (mgd) and the constituent concentration (mg/l), respectively, which are associated with each of the N grab samples that may be taken in any calendar day, week or month. If a composite sample is taken, C<sub>i</sub> is the concentration measured in the composite sample; and Q<sub>i</sub> is the average flow rate occurring during the period over which samples are composited.

<sup>d</sup> Median

<sup>e</sup> Not more than 10 percent of samples collected in a 30 day period shall exceed 43 MPN/100 ml (fecal)

2. Representative samples of the discharge from Outfall 002 (to the AMWS) shall not contain constituents in excess of the following limits:

	<u>Units</u>	<u>Monthly Average<sup>a</sup></u>	<u>Weekly Average<sup>b</sup></u>	<u>Daily Maximum</u>
BOD <sub>5</sub>	mg/L	30	45	60
Suspended Solids	mg/L	30	45	60
Settleable Solids	ml/l	0.1		0.2
Total Coliform	MPN/100ml	23 <sup>d</sup>		230
pH	Standard Units	Not less than 6.0 nor greater than 9.0		

3. The arithmetic mean of the BOD<sub>5</sub> and suspended solids values by weight for effluent samples collected from Outfall No. 001 in many calendar month shall not exceed 15 percent of the arithmetic mean of the BOD<sub>5</sub> and Suspended Solids values, by weight, for influent samples collected at approximately the same times during the same 30-day period (85 percent removal).
4. The mean daily dry weather flow of influent wastewater to the WWTF shall not exceed 2.3 mgd averaged over a period of one calendar month.
5. The survival of test fish in 96-hour [static or continuous flow] bioassays in undiluted effluent samples from Outfall No. 001 shall equal or exceed 90 percent survival 67 percent of the time, and 70 percent survival 100 percent of the time.

**C. RECEIVING WATER LIMITATIONS**

1. The discharge shall not cause the dissolved oxygen concentration of the receiving waters to be depressed below 7.0 mg/L at any time. If the receiving waters are determined to have normal, ambient dissolved oxygen concentrations of less than 7.0 mg/L, the discharge shall not depress the dissolved oxygen concentrations below those existing levels.
2. The discharge shall not cause the pH of receiving waters to be depressed below natural background levels nor raised by more than 0.2 standard units from normal background levels nor raised above a maximum pH of 8.5.
3. The discharge shall not cause the turbidity of receiving waters to be increased more than 20 percent above naturally occurring background levels.
4. The discharge shall not cause receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
5. The discharge shall not cause receiving waters to contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or that cause nuisance or adversely affect beneficial uses.

6. The discharge shall not cause coloration in receiving waters that cause nuisance or adversely affects beneficial uses.
7. The discharge shall not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.
8. The discharge shall not contain concentrations of biostimulants that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses of the receiving waters.
9. The discharge shall not cause receiving waters to contain toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective shall be determined according to **F. GENERAL PROVISIONS**. 26 and 27 below.
10. The discharge shall not cause a measurable temperature change in the receiving waters.
11. The discharge shall not cause an individual pesticide or a combination of pesticides to be present in concentrations that adversely affect beneficial uses. There shall be no bioaccumulation of pesticide concentrations found in bottom sediments or aquatic life.
12. The discharge shall not cause receiving waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water that cause nuisance or that otherwise adversely affect beneficial uses.
13. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board, as required by the Federal Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Clean Water Act, or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with the more stringent standards.
14. The discharge shall not cause chronic toxicity in the receiving waters. Compliance with this limitation shall be determined in accordance with **F. GENERAL PROVISIONS** 27 and the Monitoring and Reporting Program No. R1-2004-0036

#### **D. SOLIDS DISPOSAL AND HANDLING REQUIREMENTS**

1. All collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a municipal solid waste landfill, reused by land application, disposed of in a sludge-only landfill, or incinerated in accordance with 40 CFR 257, 258, 501, and 503, the State Water Board promulgated provisions of Title 27, Division 2, of the California Code of Regulations, and with the Water Quality Control Plan for Ocean Waters of California (California Ocean Plan). If the Permittee desires to dispose of solids or sludge by a different method, a request for permit modification shall be submitted to the U.S. EPA and the Regional Water Board 180 days prior to planned implementation of the alternative disposal method.

2. All requirements of 40 CFR 503 are enforceable by U.S. EPA, whether or not they are stated in an NPDES or other permit issued to the Permittee. The Regional Water Board shall be copied on relevant correspondence with the U.S. EPA regarding sludge management practices.
3. Sludge that is disposed of in a municipal solid waste landfill or used as landfill daily cover shall meet the applicable requirements of 40 CFR 258. In the annual Solids Handling Report, the Permittee shall include the amount of sludge disposed of and the landfill(s) to which it was sent.
4. Sludge that is applied to land as soil amendment shall meet pollutant ceiling concentrations and pollutant concentrations, pathogen reduction and vector attraction reduction requirements, and annual and cumulative discharge limitations of 40 CFR 503.
5. Sludge that is disposed of through surface disposal, including but not limited to trench systems, area-fill systems, active waste piles, and active impoundments or lagoons shall meet the applicable requirements of 40 CFR 503. Sludge stored beyond two years may be regulated as a waste pile or surface impoundment under Title 27, Division 2 of the California Code of Regulations.
6. The Permittee is responsible for ensuring compliance with applicable solids disposal regulations, whether the Permittee uses or disposes of the sludge itself or contracts with another party for further treatment, use, or disposal. The Permittee is responsible for informing subsequent preparers, appliers, and disposers of the requirements that they must meet under 40 CFR Parts 257, 258, and 503.
7. The Permittee shall take all reasonable steps to prevent and minimize any sludge use or disposal in violation of this Permit that has a likelihood of adversely affecting human health or the environment.
8. Solids and sludge treatment, storage, and disposal or reuse shall not create a nuisance, such as objectionable odors or flies, and shall not result in groundwater contamination.
9. Solids and sludge treatment and storage sites shall have facilities to divert surface water runoff from adjacent areas, to protect the boundaries of the site from erosion, and to prevent drainage from the treatment and storage site. Adequate protection is defined as protection from a 100-year storm and protection from the highest possible tidal stage that may occur.
10. The Permittee shall submit an annual Solids Handling Report to the Regional Water Board by February 28 of each year for the period covering the previous calendar year, with the following:
  - a. The amount of screenings, sludges, and other solids removed from liquid wastes that year, reported in dry metric tons, and the amount accumulated from previous years.



- b. For all sludge used as soil amendment, the results of all pollutant and pathogen monitoring, reported on a 100 percent dry weight basis for comparison with 40 CFR Part 503 limitations. Any sample results reported on a wet weight basis shall report the percent solids of that sample. Descriptions of methods used to achieve pathogen reduction and vector attraction reduction, including supporting time and temperature data, and certifications required in 40 CFR 503.17 and 503.27.
- c. For all sludge used or disposed at the Permittee's facilities, the site and management practice information and certification required in 40 CFR 503.17 and 503.27.
- d. For all sludge temporarily stored, the information required in 40 CFR 503.20 to demonstrate temporary storage.
- e. Names and addresses of entities receiving sludge for further treatment, use or disposal, and volumes of sludge sent to each.
- f. Solids Handling Reports shall be submitted to:

California Regional Water Quality Control Board  
North Coast Region  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403  
Fax - (707) 523-0135

and to:

United States Environmental Protection Agency  
Region 9 Biosolids Coordinator  
75 Hawthorne Street  
San Francisco, CA 94105-3901

#### **E. PRETREATMENT OF INDUSTRIAL WASTE**

1. The Permittee shall implement and enforce its Publicly Owned Treatment Works (POTW) Pretreatment Program in a manner consistent with 40 CFR Part 403 contained in the CWA. The Permittee's POTW Pretreatment Program is hereby made an enforceable condition of this Permit.
2. The Permittee shall enforce the requirements promulgated under Sections 307(b), 307(c), 307(d) and 402(d) of the CWA. The Permittee shall cause industrial users subject to Federal Categorical Standards to achieve compliance no later than the date specified in those requirements or, in the case of a new industrial user, upon commencement of the discharge.
3. The Permittee shall perform the pretreatment functions as required in 40 CFR Part 403, including but not limited to:
  - a. Implement the necessary legal authorities as provided in 40 CFR 403.8(f)(1);
  - b. Enforce the pretreatment requirements under 40 CFR 403.5 and 403.6;

- c. Implement the programmatic functions as provided in 40 CFR 403.8(f)(2); and
  - d. Provide the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR 403.8(f)(3).
4. The Permittee shall submit annually a report to the Regional Water Board and the State Water Board describing the Permittee's pretreatment activities over the previous twelve months. In the event that the Permittee is not in compliance with any conditions or requirements of this Permit, then the Permittee shall also include the reasons for noncompliance and state how and when the discharge shall comply with such conditions and requirements. This Annual Report is due on February 28th of each year and shall contain, but not be limited, to the following information:
- a. POTW Influent, Effluent, and Sludge Sampling Results

Sampling results shall include a summary of analytical results from representative samples of the POTW's influent and effluent for those pollutants U.S. EPA has identified under Section 307(a) of the CWA, which are known or suspected to be discharged by industrial users. The Permittee is not required to sample for asbestos until U.S. EPA promulgates an applicable analytical technique under 40 CFR Part 136. Volatile and semi-volatile constituents shall be analyzed in grab samples collected at appropriate times and intervals, and the remaining constituents shall be analyzed in 24-hour composite samples collected at one hour intervals.

Sludge shall be sampled during the same 24-hour period and analyzed for the same pollutants as the influent and effluent samples. The sludge analyzed shall be a composite sample of a minimum of 12 discrete samples at equal time intervals over the 24-hour period. This sampling method is applicable to sludge that is dewatered on site and immediately hauled off-site for disposal. If the sludge is dried in drying beds prior to its final disposal, the sludge composite sample must be from twelve discrete samples collected from twelve representative locations of the drying beds. Wastewater and sludge sampling and analysis shall be performed in accordance with the frequency stated in this Order and the corresponding Monitoring and Reporting Program.

The Permittee shall also provide any influent, effluent, or sludge monitoring data for nonpriority pollutants, which the Permittee believes may be causing or contributing to interference, pass-through, or adversely impacting sludge quality. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto.

- b. Upset, Interference, or Pass-through

Include a discussion of upset, interference, or pass-through incidents, if any, at the POTW, which the Permittee knows or suspects were caused by industrial users of the POTW system. The discussion shall include the reasons why the incidents occurred, the corrective actions taken, and if known, the name and address of the industrial user(s) responsible. The discussion shall also include a review of the applicable local or federal discharge limitations to determine whether any additional limitations, or changes to existing requirements, may be necessary to

prevent pass-through, interference, or noncompliance with sludge disposal requirements.

c. Baseline Monitoring Reports

List the cumulative number of industrial users that the Permittee has notified regarding Baseline Monitoring Reports and the cumulative number of industrial user responses.

d. List of Industrial Users

An updated list of the Permittee's industrial users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list must be included. The Permittee shall provide a brief explanation for each deletion. The list shall identify the industrial users subject to Federal Categorical Standards by specifying which category(s) of standards are applicable. The list shall indicate which specific pollutants from each industry are subject to local limitations that are more stringent than the Federal Categorical Standards. The Permittee shall also list the noncategorical industrial users that are subject only to local discharge limitations. The Permittee shall characterize the compliance status of each industrial user by employing all applicable descriptions from the following:

- i. In compliance with Baseline Monitoring Report requirements;
- ii. Consistently achieving compliance;
- iii. Inconsistently achieving compliance;
- iv. Significantly violated applicable pretreatment required by 40 CFR 403.8(f)(2)(vii);
- v. On a compliance schedule to achieve compliance (include the date final compliance is required);
- vi. Not achieving compliance and not on a compliance schedule; and
- vii. The Permittee does not know the industrial user's compliance status.

e. Industrial User Inspections and Sampling by Permittee

A summary of the inspection and sampling activities conducted by the Permittee during the past year to gather information and data regarding industrial users shall be included. The summary shall consist of:

- i. The names and addresses of the industrial users subject to surveillance by the Permittee and an explanation of whether they were inspected, sampled, or both, and the frequency of these activities at each user; and
- ii. The conclusion or results from the inspection or sampling of each industrial user.

f. Compliance and Enforcement Activities

A summary of the compliance and enforcement activities during the past year shall include the names and addresses of the industrial users affected by the following actions:

- i. Warning letters or notices of violation regarding the industrial users apparent noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the apparent violation concerned the Federal Categorical Standards or local discharge limitations;
  - ii. Administrative Orders regarding the industrial users noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the violation concerned the Federal Categorical Standards or local discharge limitations;
  - iii. Civil actions regarding the industrial user's noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the violation concerned the Federal Categorical Standards or local discharge limitations;
  - iv. Criminal actions regarding the industrial users' noncompliance with Federal Categorical Standards or local discharge limitations;
  - v. For each industrial user, identify whether the violation concerned the Federal Categorical Standards or local discharge limitations;
  - vi. Assessment of monetary penalties. For each industrial user, identify the amount of penalties;
  - vii. Restriction of flow to the POTW; or
  - viii. Disconnection from discharge to the POTW.
- g. Changes in the Pretreatment Program
- Include a description of any significant changes in operating the pretreatment program which differ from the information in the Permittee's approved POTW Pretreatment Program, including but not limited to, changes concerning: the program's administrative structure, local industrial discharge limitations, monitoring program or monitoring frequencies, legal authority or enforcement policy, funding mechanisms, resource requirements, or staff levels.
- h. Summary of the Annual Pretreatment Budget
- Attach a summary of the annual pretreatment budget, including the cost of pretreatment program functions and equipment purchases.
- i. Public Participation Activities
- Attach a copy of the public notice as required in 40 CFR 403.8(f)(2)(vii). If no notice was published, explain why.

j. Additional Information

Include a description of any changes in sludge disposal methods and a discussion of any concerns not described elsewhere in the report.

**Quarterly Reporting Requirements**

5. The Permittee shall submit Quarterly Compliance Status Reports. The reports shall cover the periods January 1 – March 31, April 1 – June 30, July 1 – September 30, and October 1 – December 31. Each report shall be submitted by the end of the month following the quarter, except that the report for October 1 – December 31 may be included in the Annual Report. This quarterly reporting requirement shall commence for the first full quarter following issuance of this Permit. The reports shall identify:
- a. All standard industrial users which violated any standards or reporting requirements during that quarter;
  - b. What the violations were (distinguish between categorical and local limits);
  - c. What enforcement actions were taken; and
  - d. The status of active enforcement actions from previous periods, including closeouts (facilities under previous enforcement actions which attained compliance during the quarter).

Signed copies of the reports shall be submitted to the Regional Water Board and the State Water Board at the following addresses:

California Regional Water Quality Control Board  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403  
Fax: (707) 523-0135

and to:

Pretreatment Program Manager  
Regulatory Section  
Division of Water Quality  
State Water Resources Control Board  
P.O. Box 944213  
Sacramento, CA 94244-2130

**F. GENERAL PROVISIONS**

1. Duty to Comply

The Permittee shall comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the CWA and the Porter-Cologne Water Quality Control Act 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)]

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the requirement. [40 CFR 122.41(a)(1)]

2. Duty to Reapply

This Order expires on June 22, 2009. If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall apply for and obtain a new Permit. The application, including a Report of Waste Discharge in accordance with Title 23 of the California Code of Regulations, shall be received by the Board no later than December 22, 2008. [40 CFR 122.41(b)] The Regional Administrator of the U.S. EPA may grant permission to submit an application at a later date prior to the expiration date of the Permit; and the Regional Administrator of the U.S. EPA may grant permission to submit the information required by paragraphs (g)(7), (9), and (10) of 40 CFR 122.21 after the expiration date of the Permit. [40 CFR 122.21(d)(2)]

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee, 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 Permit. [40 CFR 122.41(c)]

4. Duty to Mitigate

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

5. Proper Operation and Maintenance

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

6. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Permit;

- b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by Permit modification or termination.
- e. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant that is present in the discharge, and that standard or prohibition is more stringent than any limitation on the pollutant in this Permit, this Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition, and the Permittee so notified. [40 CFR 122.44(b)]
- f. The filing of a request by the Permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Permit condition. [40 CFR 122.41(f)]

7. Property Rights

This Permit does not convey property rights of any kind, or any exclusive privileges; nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. [40 CFR 122.41(g)]

8. Duty to Provide Information

The Permittee shall furnish the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any information that the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. Upon request, the Permittee shall also furnish to the Regional Water Board copies of records required by this Permit. [40 CFR 122.41(h)]

The Permittee shall conduct analysis on any sample provided by U.S. EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to U.S. EPA's DMQA manager.

9. Inspection and Entry

The Permittee shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or their authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted or where records are required to be kept under the conditions of this Permit;

- b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this Permit;
  - c. Inspect, at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
  - d. Sample or monitor, at reasonable times, for the purposes of assuring compliance with this permit, or as otherwise authorized by the CWA, any substances or parameters at any locations. [40 CFR 122.41(i)]
10. Monitoring and Records
- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
  - b. The Permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The Permittee 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 Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board, State Water Board, or U.S. EPA at any time. All monitoring instruments and devices used by the Permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, but at least annually to ensure their continued accuracy.
  - c. Records of monitoring information shall include:
    - i. The date, exact place, and time of sampling or measurements;
    - ii. The individual(s) who performed the sampling or measurements;
    - iii. The date(s) analyses were performed;
    - iv. The individual(s) who performed the analyses;
    - v. The analytical techniques or methods used;
    - vi. The results of such analyses;
    - vii. The method detection limit (MDL); and
    - viii. The Minimum Level (ML), practical quantitation level (PQL) or the limit of quantitation (LOQ), when applicable.
  - d. Unless otherwise noted, all sampling and sample preservation shall be in accordance with the most recently approved method that appears in "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All analyses shall be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Permit or approved by the Executive Officer of the Regional Water Board. Unless otherwise specified, all results of analyses for metals shall be reported as total recoverable metals. Toxicity bioassays shall be performed in accordance with the provisions of this Permit.



## 11. Signatory Requirements

- a. All Permit applications submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by either a principal executive officer or ranking elected official. [40 CFR 122.22(a)]
- b. Reports required by this Permit, other information requested by the Regional Water Board, State Water Board, or U.S. EPA, and permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:
  - i. The authorization is made in writing by a person described in paragraph (a) of this provision;
  - ii. 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; and
  - iii. The written authorization is submitted to the Regional Water Board prior to, or together with, any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]
- c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

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

## 12. Reporting Requirements

- a. Planned changes. The Permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when:
  - i. 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); or
  - 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 Permit, nor to the notification requirements under **F. GENERAL PROVISIONS** 12(f), below.

- b. Anticipated noncompliance. The Permittee shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or its activity that may result in noncompliance with Permit requirements.
- c. Transfers. This Permit is not transferable except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the CWA. [40 CFR 122.41(1)(3)]
- d. Monitoring reports. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program. The Permittee shall submit an Annual Report to the Regional Water Board so that it is received no later than February 28, following the annual reporting period. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the Permittee shall discuss the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with the Permit. If the Permittee monitors any pollutant more frequently than required by this Permit, using test procedures approved under 40 CFR Part 136 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 Discharger Monitoring Report (DMR).
- e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted so that they are received by the Regional Water Board via fax, e-mail, or postal service no later than 14 days following each schedule date.
- f. Noncompliance reporting. The Permittee shall report any noncompliance at the time monitoring reports are submitted. 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 recurrence of the noncompliance.

In addition, the following events shall be reported orally as soon as possible, but no later than 24 hours from the time the Permittee becomes aware of the circumstances, and the written report shall be submitted such that an original signed written report is received by the Regional Water Board no later than 14 days after the event:

- i. Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in this Permit;
- ii. Any upset that exceeds any effluent limitation in this Permit;

- iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Water Board in this Permit; and
- iv. Any noncompliance that may endanger health or the environment.

The Executive Officer may waive the written report required by this Permit provision pertaining to noncompliance reporting.

- g. Other information. When the Permittee 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, the Permittee shall promptly submit such facts or information. [40 CFR 122.41(1)]

### 13. Bypass

#### a. Definitions

- i. Bypass [as defined in 40 CFR 122.41(m)] is the intentional diversion of waste streams from any portion of a treatment facility.
- ii. 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 would not occur but for the bypass. Severe property damage does not mean economic loss caused by delays in production.

#### b. Bypass not Exceeding Limitations

The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance or in accordance with an operating plan approved by the Executive Officer to assure efficient operation. These bypasses are not subject to the requirements of parts c and d of this provision.

#### c. Notice

- i. Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- ii. Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in **F. GENERAL PROVISIONS** 12(f)(i) of this Permit.

#### d. Prohibition of Bypass

- i. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Permittee for bypass, unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2) 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 backup 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; and
  - (3) The Permittee submitted notices as required under part c of this provision.
- ii. The Executive Officer may approve an anticipated bypass, after considering its adverse effects, if the Executive Officer determines that it will meet the three conditions listed in part (d)(i) of this provision.

#### 14. Upset

- a. Definition. Upset [as defined at 40 CFR 122.41(n)] is an exceptional incident in which there is unintentional and temporary noncompliance with technology-based Permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. 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 part c of this provision 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.
- c. Conditions necessary for a demonstration of upset. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - i. An upset occurred and that the Permittee can identify the cause(s) of the upset;
  - ii. The permitted facility was at the time being properly operated;
  - iii. The Permittee submitted notice of the upset as required by **F. GENERAL PROVISIONS** 12(f)(ii) of this Permit; and
  - iv. The Permittee complied with any remedial measures required under Part d of this provision.
- d. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

15. Wastewater Collection System

- a. The Permittee shall develop and implement a management, operation, and maintenance program for its wastewater collection system within the term of this Permit. The program shall include:
  - i. Adoption of the necessary legal authorities to implement the program.
  - ii. Establishment of collection system performance goals and measures to control infiltration and inflow.
  - iii. A schedule to conduct routine, ongoing preventive operation and maintenance activities.
  - iv. Procedures to identify structural deficiencies and to propose and implement rehabilitation actions.
  - v. The design and implementation of an ongoing program to assess the capacity of the collection system and treatment facility.
  - vi. The maintenance of accurate collection system maps and maintenance records.
  - vii. Collection system employee training program.
  - viii. Establishment and implementation of asset management and long-term planning geared to providing adequate system capacity for base and peak flows in the collection system.

16. Sanitary Sewer Overflows

- a. The Permittee shall submit to the Regional Water Board within 90 days of the effective date of this Order an updated Spill Response and Notification Plan for the WWTF and for the wastewater collection system. At least every five years, the Permittee shall review the Plan, and update the Plan as necessary. The updated Plan shall be included in the application for new waste discharge requirements.
- b. All feasible steps shall be taken to stop sanitary sewer overflows (SSOs) as soon as possible by unblocking the line, diverting overflows to a nearby sewer line, and/or otherwise mitigating impacts of SSOs. All reasonable steps shall be taken to collect spilled sewage and protect the public from contact with wastes or waste-contaminated soil.
- c. SSOs shall be reported to the Regional Water Board staff in accordance with the following:
  - i. *SSOs in excess of 1,000 gallons* or any SSO that results in sewage reaching surface waters, or if it is likely that more than 1,000 gallons has escaped the collection system, shall be reported immediately by telephone. A written

- description of the event shall be submitted with the monthly monitoring report.
- ii. *SSOs that result in a sewage spill between 5 gallons and 1,000 gallons* that does not reach a waterway shall be reported by telephone within 24 hours. A written description of the event shall be submitted with the monthly monitoring report.
  - iii. *SSOs that result in a sewage spill less than 5 gallons* that do not enter a waterway do not require Regional Water Board notification.
  - iv. Information to be provided verbally includes:
    - a. Name and contact information of caller
    - b. Date, time and location of SSO occurrence
    - c. Estimates of spill volume, rate of flow, and spill duration
    - d. Surface water bodies impacted
    - e. Cause of spill
    - f. Cleanup actions taken or repairs made
    - g. Responding agencies
  - v. Information to be provided in writing includes:
    - a. Information provided in verbal notification
    - b. Other agencies notified by phone
    - c. Detailed description of cleanup actions and repairs taken
    - d. Description of actions that will be taken to minimize or prevent future spills
- d. The Permittee shall submit an annual report to the Regional Water Board describing the Permittee's activities within the collection system over the previous calendar year. This annual report is due by February 28<sup>th</sup> of each year and shall contain:
- i. A description of any change in the local legal authorities enacted to implement the program.
  - ii. A summary of the SSOs that occurred in the past year. The summary shall include the date, location of overflow point, affected receiving water (if any), estimated volume and cause of the SSO, and the names and addresses of the responsible parties (if other than the Permittee).
  - iii. A summary of compliance and enforcement activities during the past year. The summary shall include fines, other penalties, or corrective actions.
  - iv. Documentation of steps taken to stop and mitigate impacts of sanitary sewer overflows.
- e. The Permittee shall perform a self-audit at least once during the life of the Permit to assess the degree to which the performance measurements are being met. The

results of the self-audit shall be included in the application for permit renewal, unless otherwise requested by the Executive Officer.

- f. The Permittee shall provide notice to the public of the availability of the annual report and the results of the self-audit in a manner reasonably designed to inform the public. The notice shall include a contact person and telephone number for the Permittee and information on how to obtain a copy of the report. The Permittee shall provide documentation that the annual report and the results of the self-audit have been made available to the public.

17. Enforcement

The CWA provides that any person who violates a Permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a civil penalty not to exceed \$25,000 per day of violation. Any person who negligently violates Permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the CWA. [40 CFR 122.41 (a)(2); CWC sections 13385, 13385.1, 13387].

18. Availability

A copy of this Permit shall be maintained at the WWTF and be available at all times to operating personnel.

19. Change in Discharge

In the event of a material change in the character, location, or volume of a discharge, (including any point or nonpoint discharge to land or groundwater) the Permittee shall file with the Regional Water Board a new Report of Waste Discharge at least 180 days before making any such change. [CWC Section 13376]. A material change includes, but is not limited to, the following:

- a. Addition of a major industrial waste discharge to a waste stream of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.
- b. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment that would significantly alter the characteristics of the waste.
- c. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area, potentially causing different water quality or nuisance problems.
- d. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [23 CCR 2210]

20. Additional Condition Applicable to Wastewater Treatment Facilities

All WWTFs shall provide adequate notice to the Executive Officer of the following, [40 CFR 122.42(b)]:

- a. Any new introduction of pollutants into the WWTF from an indirect discharger that would be subject to Section 301 or 306 of the CWA if it were directly discharging those pollutants; and
- b. Any substantial change in the volume or character of pollutants being introduced into that WWTF by a source introducing pollutants into the WWTF at the time of issuance of the Permit.
- c. For purposes of this paragraph, adequate notice shall include information on the quality and quantity of effluent introduced into the WWTF, and any anticipated impact of the change on the quality and quantity of effluent to be discharged from the WWTF.

21. Severability

Provisions of these Waste Discharge Requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

22. Monitoring

The Regional Water Board or the State Water Board may require the Permittee to establish and maintain records, make reports, install, use, and maintain monitoring equipment or methods (including, where appropriate, biological monitoring methods), sample effluent as prescribed, and provide other information as may be reasonably required. [California Water Code Sections 13267 and 13383]

The Permittee shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2004-0036 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Permit and incorporated by reference herein. The Permittee shall file with the Regional Water Board technical reports on self-monitoring work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Regional Water Board.

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services (DHS). If all other analyses are conducted by a certified laboratory, analyses for pH, chlorine residual, dissolved oxygen, and settleable solids may be performed by a noncertified, on-site laboratory, provided a quality assurance/quality control program is instituted by the laboratory, and a manual containing the steps followed in this program is kept in the laboratory and made available for inspection by staff of the Regional Water Board. The quality assurance/quality control program shall conform to U.S. EPA or DHS guidelines.



All Discharge Monitoring Reports shall be sent to:

California Regional Water Quality Control Board  
North Coast Region  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403  
Fax: (707) 523-0135

and to:

U.S. EPA, Region 9  
Attn: WTR-7, NPDES/DMR  
75 Hawthorne Street  
San Francisco, CA 94105

23. National Pretreatment Standards – Prohibited Discharges

- a. General Prohibitions. Pollutants introduced into WWTFs by a nondomestic source shall not pass through [40 CFR 403.3(n)] the WWTF or interfere [40 CFR 403.3(i)] with the operation or performance of the works. These general prohibitions and the specific prohibitions in paragraph (b) of this provision apply to all nondomestic sources introducing pollutants into a WWTF whether or not the source is subject to other National Pretreatment Standards or any national, state, or local pretreatment requirements.
- b. Specific Prohibitions. The following pollutants shall not be introduced into a WWTF:
  - i. Pollutants that create a fire or explosion hazard;
  - ii. Pollutants that will cause corrosive structural damage to the WWTF, and in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;
  - iii. Solid or viscous pollutants in amounts that will cause obstruction to the flow in the WWTF resulting in interference;
  - iv. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the WWTF;
  - v. Heat in amounts that will inhibit biological activity in the WWTF resulting in interference, and in no case heat in such quantities that the temperature of wastewater at the WWTF exceeds 40°C (104°F) unless the Regional Water Board, upon request of the WWTF, approves alternate temperature limits;
  - vi. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;

- vii. Pollutants that result in the presence of toxic gases, vapors, or fumes within the WWTF in a quantity that may cause acute worker health and safety problems; or
    - viii. Any trucked or hauled pollutant, except at discharge points designated by the WWTF.
  - c. When specific limits are required to be developed by a WWTF.
    - i. WWTFs developing Pretreatment Programs pursuant to 40 CFR 403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a) and (b) of this provision.
    - ii. All WWTFs shall, in cases where pollutants contributed by user(s) result in interference or pass-through and such violation is likely to recur, develop and enforce specific effluent limits for industrial user(s) and all other users, as appropriate, which, together with appropriate changes in the WWTF's facilities or operations, are necessary to ensure renewed and continued compliance with the WWTF's NPDES permit or sludge use or disposal practices.
    - iii. Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.
  - d. Local Limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a WWTF in accordance with paragraph (c) above, such limits shall be deemed Pretreatment Standards for the purposes of Section 307(d) of the CWA. [40 CFR 403.5(a) through (d)]

#### 24. Operator Certification

Supervisors and operators of municipal WWTFs shall possess a certificate of appropriate grade in accordance with Title 23 CCR Section 3680. The State Water Board may accept experience in lieu of qualification training. In lieu of a properly certified WWTF operator, the State Water Board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services where water reclamation is involved.

#### 25. Adequate Capacity

Whenever a WWTF will reach capacity within four years, the Permittee shall notify the Regional Water Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies, and the press. Factors to be evaluated in assessing reserve capacity shall include, at a minimum, (1) comparison of the wet weather design flow with the highest daily flow, and (2) comparison of the average dry weather design flow with the lowest monthly flow. The Permittee shall demonstrate that adequate steps are being taken to address the capacity problem. The Permittee shall submit a technical report to the Regional Water Board showing how flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Water Board,

or within 120 days after receipt of Regional Water Board notification, that the WWTF will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Water Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Water Board. [Title 23 CCR Section 2232]

26. Acute Toxicity Control Provision

The Permittee shall have the effluent analyzed for acute toxicity in order to demonstrate compliance with the Basin Plan narrative toxicity objective and Section **B. EFFLUENT LIMITATIONS** 5 of this Order. Compliance with this provision shall be achieved in accordance with the Monitoring and Reporting Program No. R1-2004-0036.

The Permittee may petition the Regional Water Board to acknowledge an Acute-to-Chronic Ratio (ACR), once sufficient data have been collected. An ACR is calculated as the average of the ratios between at least ten sets of acute and chronic toxicity test results for the same species. If approved by the Regional Water Board, the ACR and results from a chronic toxicity test may be used to determine compliance with the acute toxicity effluent limitation.

27. Chronic Toxicity Control Provision

In accordance with the SIP, the Permittee shall have the effluent analyzed for chronic toxicity in order to demonstrate compliance with the Basin Plan narrative toxicity objective. Compliance with this objective shall be achieved in accordance with Monitoring and Reporting Program No. R1-2004-0036.

28. Toxicity Identification and Reduction Evaluations (TREs)

When required by the provisions of the Monitoring and Reporting Program No. R1-2004-0036, the Permittee shall implement an acute or chronic TRE in accordance with the following:

- a. The TRE shall be specific to the discharge and permitted facility.
- b. The Permittee shall submit a TRE workplan to the Regional Water Board for approval within 60 days of the effluent exceedance.
- c. The TRE shall be performed in accordance with the *Toxicity Reduction Evaluation Protocol for Municipal Wastewater Treatment Plants* (EPA/822B-99/002).
- d. The TRE may be ended at any stage if monitoring finds there is no longer consistent toxicity.
- e. Many recommended TRE elements parallel required or recommended efforts of source control, pollution prevention, and storm water control programs. TRE efforts should be coordinated with such efforts. To prevent duplication of efforts, evidence of compliance with requirements or recommended efforts of such programs may be acceptable to comply with TRE requirements.

The Regional Water Board recognizes that acute and chronic toxicity may be episodic, and identification of causes of and reduction of sources of toxicity may not be successful in all cases. Consideration of enforcement action by the Regional Water Board will be based in part on the Permittee's actions and efforts to identify and control or reduce sources of consistent toxicity.

29. Pollutant Minimization Program

The Permittee shall, as required by the Executive Officer, conduct a Pollutant Minimization Program in accordance with the SIP, when there is evidence that a priority pollutant is present in the effluent above an effluent limitation, or when a sample result is reported as detected and not quantified, and the effluent limitation is less than the reported minimum level; or when a sample result is reported as not detected, and the effluent limitation is less than the method detection limit.

30. Reopener

The Regional Water Board may modify, or revoke and reissue, this Order and Permit if present or future investigations demonstrate that the Permittee governed by this Order is causing or significantly contributing to adverse impacts on water quality and/or beneficial uses of receiving waters.

In the event that the Regional Water Board's interpretation of the narrative toxicity objective is modified or invalidated by a State Water Board order, a court decision, or a State or federal statute or regulation, the effluent limitations for toxic pollutants contained in this Order may be revised to be consistent with the order, decision, statute, or regulation.

In addition, the Regional Water Board may consider revising this Permit to make it consistent with the SIP and any State Water Board decisions arising from various petitions for rehearing, and litigation concerning the SIP, 303(d) list, and total maximum daily load (TMDL) programs.

Certification

I, Catherine E. Kuhlman, Executive officer, do hereby certify that the foregoing is a true, full, and correct copy of an order adopted by the California Regional Water Quality Control Board, North Coast Region, on June 22, 2004.

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Catherine E. Kuhlman  
Executive Officer