

# NOVATO SANITARY DISTRICT

April 12, 2010

A regular meeting of the Board of Directors of the Novato Sanitary District will be held at **6:30 p.m., Monday, April 12, 2010**, at the District Office, 500 Davidson Street, Novato. Agenda packets are posted on the District's website, [www.Novatosan.com](http://www.Novatosan.com) or are available for review at the District office.

## **AGENDA**

### **1. PLEDGE OF ALLEGIANCE:**

### **2. AGENDA APPROVAL:**

### **3. PUBLIC COMMENT (Please observe a three-minute time limit):**

This item is to allow anyone present to comment on any subject not on the agenda, or to request consideration to place an item on a future agenda. Individuals will be limited to a three-minute presentation. No action will be taken by the Board at this time as a result of any public comments made.

### **4. BOARD MEMBER REPORTS:**

### **5. REVIEW OF MINUTES:**

- a. Consider approval of minutes of the February 8<sup>th</sup> and March 22<sup>nd</sup>, 2010 meetings.

### **6. CONSENT CALENDAR:**

- a. Consider acceptance of Olive Court sewer main extension.
- b. Approval of disbursements.
- c. Meeting schedule – April 26<sup>th</sup>, May 10<sup>th</sup> and 24<sup>th</sup>.

### **7. STAFF REPORTS:**

- a. NPDES Permit Renewal
- b. Independent Auditor's Financial Audit Report for 2008-09
- c. North Bay Watershed "Greening our Water Infrastructure" conference
- d. Worker's Compensation Report

### **8. KITCHEN COMPOST BIN DRAWING:**

### **9. MANAGER'S REPORT:**

### **10. ADJOURNMENT:**

AGENDA/Board of Directors  
April 12, 2010

***In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District at (415) 892-1694 at least 24 hours prior to the meeting. Notification prior to the meeting will enable the District to make reasonable accommodation to help ensure accessibility to this meeting.***

Next Resolution No. 3023

February 8, 2010

A regular meeting of the Board of Directors of the Novato Sanitary District was held at 6:30 p.m., Monday, February 8, 2010, preceded by a closed session beginning at 5:00 p.m. at the District offices, 500 Davidson Street, Novato.

At 5:01 p.m. President Di Giorgio announced the Board would meet in closed session to discuss the following matter on the Closed Session Agenda.

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – EXPOSURE TO LITIGATION – ONE POTENTIAL CASE:

Significant exposure to litigation pursuant to Subsection (b) of Government Code Section 54956.9.

BOARD MEMBERS PRESENT FOR CLOSED SESSION: President Michael Di Giorgio, Members James D. Fritz, William C. Long, George C. Quesada and Dennis Welsh.

ALSO PRESENT: Davina Pujari, Attorney with Barg, Coffin, Lewis and Trapp  
Denny S. Parker, Director of Technology, Brown and Caldwell

The closed Session ended at 7:02 p.m.

Open session began at 7:05 p.m.

BOARD MEMBERS PRESENT: President Michael Di Giorgio, Members James D. Fritz, William C. Long, George C. Quesada and Dennis Welsh.

STAFF PRESENT: Manager-Engineer Beverly James, Deputy Manager-Engineer Sandeep Karkal, Administrative Secretary Julie Borda, and District Counsel Kent Alm.

ALSO PRESENT: Tom Pierce, Novato resident  
Dennis Welsh, Petaluma  
Dean B. Heffelfinger, NSD employee and Novato resident  
Dean L. Heffelfinger, Novato resident  
Bill Scott, Novato resident  
Colleen Rose, Novato resident  
Justine Daniel, Novato resident

PLEDGE OF ALLEGIANCE:

AGENDA APPROVAL:

*On motion of Member Quesada, seconded by Member Long, and carried unanimously, the Agenda was approved as mailed.*

REPORT FROM CLOSED SESSION: No reportable action.

PUBLIC COMMENT:

Dean L. Heffelfinger, Novato resident, stated he was displeased with President Di Giorgio's comments at the December 14, 2009 Board meeting.

BOARD MEMBER REPORTS: None.

REVIEW OF MINUTES:

Consider approval of minutes of the November 23<sup>rd</sup>, 2009 Board meeting.

*On motion of Member Long, seconded by Member Fritz and carried unanimously, the November 23, 2009 Board meeting minutes were approved.*

CONSENT CALENDAR:

Member Welsh stated he could not approve the consent calendar disbursements due to not having full detail of the Veolia contract billing. The matter was discussed between the Manager and Director Welsh and the Manager reviewed the District's procedural accounting methods.

*On motion of Member Quesada, seconded by Member Long, and carried with 4 ayes (Di Giorgio, Quesada, Fritz and Long) and one no (Welsh), the following consent calendar item was approved:*

- a. Approval of regular disbursements in the amount of \$829,738.33, upgrade project disbursements in the amount of \$1,158,744.40, and Board member disbursements in the amount of \$2,429.97.

SOLID WASTE:

Report on school recycling incentive program: The Manager introduced Steve McCaffrey, Director of Governmental Affairs, Novato Disposal. Mr. McCaffrey discussed the new Food Waste Composting and Recycling Program that was introduced to Novato schools on February 1, 2010. He stated that the composting program will lower the school's solid waste fees by reducing the amount of solid waste generated.

The Manager pointed out that Novato Disposal will fully cover the cost of the incentive program and there will be no impact on rate payers.

President Di Giorgio commented on the benefits of the program and thanked Steve McCaffrey. Member Long commended Novato Disposal and Mr. McCaffrey for implementing this program.

REFERENDUM ON CONTRACT SERVICE AGREEMENT:

Consider approval of Resolution No. 3021 setting the ballot language for the referendum on the Contract Service Agreement. The Manager discussed the Board's approval of the Contract Service Agreement on September 21, 2009 with Veolia Water and the subsequent Referendum Petition filed with the Marin County Registrar of Voters. She stated that the Petition protested the approval of the Agreement and requested the Board repeal its approval, or alternatively, submit the Agreement to the voters of the District for adoption or repeal. She noted that on November 2, 2009, the District received certification from the Marin County Registrar of Voters indicating that the Referendum Petition contained a sufficient number of valid signatures to qualify for an election and that the Board of Directors, at their November 23, 2009 meeting, set June 8, 2010 as the date for the referendum vote. She stated that an Adhoc Committee was appointed to draft the ballot language for the referendum and the language is: "Shall the Novato Sanitary District's approval of the contract entitled "Novato Sanitary District Contract Service Agreement for Operation, Maintenance, and Management of Wastewater Treatment Facilities" be repealed?"

The Manager noted that there were two corrections to the Resolution in paragraph 5(g): "to prepare a written argument **against** the proposed measure," and "In the event that an argument is filed **in favor of** the measure..." The Board discussed the details of the Resolution and the language with District Counsel Kent Alm. President Di Giorgio noted that the Resolution language used is very close to the language that was on the referendum petition.

District Counsel Kent Alm discussed approved ballot language for an ordinance referendum, noting that because this was not an ordinance, the language in this Resolution closely followed the petition language so as to minimize any potential arguments over the ballot language.

President Di Giorgio opened the matter for public discussion.

David Jackson, Novato resident, suggested the referendum language state the contract is with Veolia Water.

Norm Stone, Novato resident, clarified ballot language to be used for referendum stating that "yes" appears to mean "no" and "no" appears to mean "yes".

Bill Scott, Novato resident, commented on the ballot language, stating that it appears the language is not clear.

Dean L. Heffelfinger, Novato resident, discussed the language on the referendum stating he believes language should say “no to contract with Veolia or yes to agree to contract with Veolia”.

Tom Pierce, Novato resident, discussed the referendum language stating it would be irrelevant to include the date the Board approved the Contract with Veolia Water.

President Di Giorgio closed public comment.

Member Long clarified that the proposed referendum language was consistent with the referendum petition wording.

Members Welsh and Quesada stated they prefer the language to clearly state that “yes” means the individual wants the contract in place and “no” means the individual does not want the contract in place.

*On motion of Member Long, seconded by Member Fritz, and carried with the following vote, the petition language was approved as stated: **Shall the Novato Sanitary District’s approval of the contract entitled “Novato Sanitary District Contract Service Agreement for Operation, Maintenance, and Management of Wastewater Treatment Facilities” be repealed?** Ayes: Di Giorgio, Long and Fritz. Noes: Quesada and Welsh.*

The Board discussed the approval of Resolution No. 3021. Member Long suggested the Adhoc Committee meet again to confirm the individuals who will be listed in paragraph 5(g). President Di Giorgio suggested the Board wait on approval of Resolution No. 3021 until the February 22<sup>nd</sup> Board meeting.

*On motion of Member Fritz, seconded by Member Long and carried with the following vote, the Board will consider approval of Resolution No. 3021, at the Board meeting of February 22, 2010. Ayes: Di Giorgio, Fritz, Long, Welsh. No: Quesada.*

#### ADMINISTRATIVE:

Consider approval of the policy on Directors. The Manager noted the highlighted changes to the Policy Handbook Policy Number: 4050, Members of the Board of Directors. The Board discussed the wording of the Policy and made the following changes: 4050.3: Directors shall defer to the *President* for conduct.... and 4050.7: Any request by an individual director that will take more than one hour of staff time *shall be reported to the Board.*

District Counsel Kent Alm suggested the District Agenda contain a sentence at the bottom of the Agenda stating: "Board Agendas and Board Packets are available for viewing and download at the Novato Sanitary District Website: [www.novatosan.com](http://www.novatosan.com)."

The Board discussed the Freedom of Information Act with District Counsel.

*On motion of Member Long, seconded by Member Fritz, and carried with the following vote, Policy Handbook, Policy Number: 4050, Members of the Board of Directors, was approved as amended. Ayes: Di Giorgio, Quesada, Long, Fritz. Noes: Welsh.*

#### STAFF REPORTS:

Mutual Aid Agreement with North Marin Water District. The Manager noted that the District has entered into a Mutual Aid Agreement with North Marin Water District. She outlined the specifics of the agreement and discussed the opportunities that will be available to both districts because of the additional support.

Jim Lynch, District employee, read a letter on behalf of Don E. Garcia, Teamsters Local 315, regarding the mutual aid agreement with North Marin Water District. In the letter, Mr. Garcia strongly objected to the agreement.

Bill Scott, Novato resident, stated the mutual aid agreement was a good idea but suggested the Teamsters Union be contacted and informed of the details.

Emergency repair to the secondary clarifier on Novato Treatment Plant. The Deputy Manager-Engineer discussed the east secondary clarifier noting that it was not functioning properly due to mechanical problems. Progress of the repair was discussed by John Bailey, Project Manager, Veolia Water.

The Board discussed with the Manager planned and routine maintenance measures for the new facility.

Emergency repair to the outfall. The Manager discussed the emergency repair to the outfall pipeline, noting that the pipeline is approximately five miles in length. She noted that on February 4<sup>th</sup> a potential leak was reported and that the pipeline was capped off. She stated the District is proceeding with corrective measures.

Liability insurance report. The Manager noted that liability insurance coverage for the District is provided through the CSRMA Pooled Liability Program. She noted that all agencies share in dividends through the formula adopted by the CSRMA Board of Directors. She reported that the District has just received a dividend check from CSRMA for \$24,035 which is the District's share of the most recent dividend declared by the CSRMA Board of Directors.

MANAGER'S ANNOUNCEMENTS:

The Wastewater Operations Committee meeting is rescheduled due to a District holiday from February 15<sup>th</sup> to February 19<sup>th</sup>.

ADJOURNMENT: There being no further business to come before the Board, President Di Giorgio adjourned the meeting at 8:12 p.m.

Respectfully submitted,

Beverly B. James  
Secretary

Julie Borda, Recording

DRAFT

March 22, 2010

A regular meeting of the Board of Directors of the Novato Sanitary District was held at 6:30 p.m., Monday, March 22, 2010, at the District Office, 500 Davidson Street, Novato.

BOARD MEMBERS PRESENT: President Michael Di Giorgio, Members James D. Fritz, William C. Long, George C. Quesada and Dennis Welsh.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: Manager-Engineer-Secretary Beverly B. James, Administrative Secretary Julie Borda and District Counsel Kent Alm.

ALSO PRESENT: Aaron Winer, District Manager, Northern CA, Veolia Water  
Jim Good, General Manager, Veolia Water  
John Bailey, Project Manager, Veolia Water  
Steve McCaffrey, Director of Governmental Affairs, Novato Disposal  
Delyn Kies, Novato resident  
Brant Miller, Novato resident  
Phil Tucker, CA Healthy Communities Network, Martinez  
Dennis Fishwick, Novato resident

PLEDGE OF ALLEGIANCE:

AGENDA APPROVAL: The Manager noted that the Agenda the Board received had item 10 (b) omitted, *Consider approval of an amendment to Agreement for Emergency Consulting Services*. However, she confirmed that the correct Agenda (with the inclusion of item 10 (b)) was posted to the website and at the front gate within the 72 hour time frame. The Manager also requested item 11 (b) be moved to immediately follow agenda item 10 (a).

*On motion of Member Quesada, seconded by Member Fritz, and carried unanimously, the agenda was approved as modified.*

PUBLIC COMMENT: None.

BOARD MEMBER REPORTS:

Member Fritz reported that he toured the treatment facility with Member Long and Manager-Engineer Beverly James. Mr. Fritz stated that he took photographs of the facility to capture the construction progress.

REVIEW OF MINUTES:

Consider approval of minutes of the January 11<sup>th</sup> and 25<sup>th</sup>, 2010 meetings.

*On motion of Member Quesada, seconded by Member Long, and carried unanimously, the minutes of the January 11<sup>th</sup> and 25<sup>th</sup>, 2010 Board meetings were approved.*

CONSENT CALENDAR:

*On motion of Member Long, seconded by Member Fritz and carried unanimously, the following Consent Calendar items were approved:*

- a. Approval of payment to the County of Marin in the amount of \$26,000 for encroachment permit fees.
- b. Approval of regular disbursements in the amount of \$464,980.65, project account disbursements in the amount of \$777,217.10, ratification of January payroll and payroll related expenses in the amount of \$154,990.26 and ratification of February payroll and payroll related expenses in the amount of \$138,614.75.

SOLID WASTE:

- Receive report on Pilot Food Waste Composting program: The Manager introduced Steve McCaffrey of Novato Disposal. Mr. McCaffrey discussed the Pilot Food Waste Composting program being implemented by Novato Disposal. He reported on modifications to the Redwood Landfill permit and stated the landfill was now able to accept compostable food waste. He outlined the school food waste program that is in place at the Novato public schools and noted that Novato Disposal will be implementing a pilot food waste composting program to some Novato residents. Mr. McCaffrey stated he will give an update on this pilot program at an April Board meeting. He clarified that compost is not used for alternate daily cover at the Redwood landfill.

Member Long commended Mr. McCaffrey and Novato Disposal for their ground-breaking efforts toward recycling and food waste composting.

ELECTION CONTEST:

- Report on election contest: The Manager stated that a copy of the court ordered final order and judgment were included in the Board packets. She noted that the estimated legal fees and costs to date were \$117,895 and that expenses may total \$125,000.

District Counsel Kent Alm stated that the two documents, Proposed Findings of Fact and Conclusion of Law After Trial by Court Pursuant to Elections Code Section 16603 and Proposed Judgment Denying Election Contest, are essentially transcripts of what was stated by Judge Verna Adams. He stated that for this reason he was certain these documents would be signed by Judge Adams or signed with only minor modifications.

Member Long discussed the legal fees being imposed on the District in regards to the election challenge, commenting that the Novato rate payers should be aware of the costs associated with the challenge. Member Long thanked the Board members for their support and expressed his disappointment with the County of Marin for not participating in the defense costs.

Member Welsh commented that the established legal and democratic process is the correct way for Novato residents to proceed if they feel their opinions are not being heard by the District Board.

Member Quesada commented he felt disappointed that the election system did not work properly to ensure all District voters were able to cast ballots for the Novato Sanitary District Board members.

President Di Giorgio agreed with the comments of Members Long and Quesada.

#### ADMINISTRATIVE:

- Consider adoption of revised 2009-10 annual District budget. The Manager noted that the budget provided for the Board's consideration is the same budget that was provided at the March 8<sup>th</sup> Board meeting.

President Di Giorgio discussed the budget pointing out the three major issues affecting the Revised Budget: 1) Transition of the treatment facilities from contract operation back to District operation; 2) Increased legal fees due to several measures and challenges; 3) Election expenses.

The Board and District Counsel discussed the issue of the disenfranchised parcels who received incorrect ballots in the November 2009 Board election. The Manager discussed the on-going efforts by the District to ensure that all parcels which are part of the District will receive correct ballots in all future elections.

District Counsel Kent Alm discussed the parcels which receive service from the District. He discussed with Member Quesada the unlikely possibility of bringing a lawsuit against any County or State agency due to the voting error.

The Manager discussed the operating budget details. Member Long pointed out the extraordinary legal fees and hopes the costs do not repeat in the next fiscal year. He stated he hopes the Novato residents are aware of the costs.

*On motion of Member Fritz, seconded by Member Long and carried unanimously, the revised 2009-10 District budget was adopted.*

- Consider approval of budget adoption schedule for 2010-11 fiscal year. The Manager pointed out that typically the District adopts their budget schedule for the 2010-11 fiscal

year at the second board meeting in March. She noted that Bartle Wells has been contracted to prepare a Revenue Program Analysis which will examine five year projected revenues and expenses. She stated this program is a key piece to determine if the District will need to raise annual sewer service charges in the upcoming fiscal year. She noted that the schedule under discussion allows the District to meet Proposition 218 Notice requirements. She stated that if there is a possibility of a rate increase, a Public Hearing will be held at the Board Meeting on July 26<sup>th</sup>.

*On motion of Member Quesada, seconded by Member Long and passed unanimously, the Novato Sanitary District "Schedule for Approval of 2010-11 Preliminary and Final Budget, Appropriations Limit, and Sewer Service Charges" was approved.*

- Consider approval of Policy 5060 on minutes. The Manager discussed the District policy titled "Minutes of Board Meetings", Policy Number: 5060 and the District's current policy of minute record keeping. The Board discussed the policy in detail with District Counsel and made the following changes:

5060.1 The Secretary of the Board of Directors shall keep minutes of all regular and special meetings of the Board **and once these minutes are approved, these minutes shall be the official record of the meeting.**

5060.1.1 **Draft** copies of a meeting's **draft** minutes....

5060.1.2 If an **audio or video** tape recording of regular and special meetings of the Board of Directors is made, the **media** upon which the recording is stored shall be kept in a secure location for a minimum of **60 days or until meeting minutes are formally adopted, whichever is later. Audio or video** recordings...

Member Welsh stated he feels the audio recordings of the Board minutes should be kept for a one year minimum.

President Di Giorgio opened this item for public comment.

Brant Miller, Novato resident, commented that another agency places their audio minute recordings on their webpage after Board approval. He suggested Novato Sanitary District do the same.

Dennis Fishwick, Novato resident, suggested the District keep the audio minutes for sixty days and then send them to the Novato Library to be made available to the public.

Suzanne Brown Crow, Novato resident, feels the public has a right to hear the meetings. She agrees that the audio minutes should be available on-line and at the Novato library.

*On motion of Member Quesada, seconded by Member Long and carried with the following vote, District Policy No. 5060: Minutes of Board Meetings, was approved as amended. Ayes: Fritz, Long, Quesada and Di Giorgio. Noes: Welsh.*

WASTEWATER OPERATIONS:

- Wastewater Operations Committee report. The Manager introduced John Bailey, Project Manager, Veolia Water. Mr. Bailey gave an overview of the Wastewater Operations Committee Report dated February 2010. He discussed and reviewed with the Board the February violations and stated heavy rains were a factor in contributing to these violations. He discussed training sessions Veolia Water is conducting: Safety & Regulatory Training and Skills & Technical Training. He reviewed the operations and maintenance status noting that Process Test #3 is scheduled for April 12th which will bring most of the new operating equipment on-line.

Member Quesada questioned the minimum penalty for the February violations. District Counsel stated the minimum fine is typically \$3,000 per violation but that the final determination will not be known immediately.

Member Long complimented Mr. Bailey on his comprehensive reports.

The Manager discussed the Collection System Summary Report for 2009 and stated she hopes to bring a report before the Board monthly.

- ISO 14001: Environmental Management System training. The Manager gave a PowerPoint presentation on the ISO 14001: Environmental Management System (EMS). She gave an overview of the system and why the District should implement an EMS. She discussed the steps to initial certification and the District's initial commitment costs and staff-hour requirements. She discussed the required ongoing commitment with this EMS program and outlined a recommended approach. She recommended the Board direct staff to negotiate a contract with Veolia Water as consultant to assist in implementation of an EMS. She discussed the scope of activities the consultant would perform.

- Consider approval of an amendment to Agreement for Emergency Consulting Services. The Manager outlined for the Board the request to amend the Agreement for Emergency Consulting Services with Veolia Water to include the implementation of an ISO 14001 Environmental Management System.

Board Member Fritz questioned what benefits the District would receive if they implemented this EMS program. The Manager stated that if the District became ISO certified, it would carry some regulatory weight and would be a training opportunity for both management and staff.

Member Long stated he felt the EMS program appeared to be a good fit for the District. He felt if better environmental controls were implemented, the District could save money by reducing violations and the subsequent mandated fines.

President Di Giorgio stated he feels the District should move forward and outlined why Veolia should implement an ISO 14001 Environmental Management System.

Jim Good, Veolia Water, stated Veolia would be pleased to contract with the District to put an ISO 14001 EMS in place. He also discussed the benefits of putting this program into place.

The Manager requested the Board approve a contract with Veolia Water to implement an ISO 14001 Environmental Management System program on a time and materials basis not to exceed \$100,000.

Member Welsh questioned how the audit process would work and stated he felt the EMS program was only a "feel good" program and did not believe it was necessary to implement. He stated he did not see a definite benefit of the program.

District Counsel Kent Alm responded to Member Welsh and clarified that the District would seek to implement the program's audited approach as opposed to the non-audited approach. He stated this approach would bring an outside auditor/consultant to the District to highlight areas where improvements could be made in operations and environmental compliance.

Member Fritz stated he feels the District currently has their hands full and does not believe this is the right time to take on the responsibility of implementing a new program.

Member Welsh stated he felt the program was much too costly for what the proposed benefits would be to the District.

Member Long stated that the law firm of Barg, Coffin, Lewis and Trapp strongly recommended the District implement an environmental management system, but not necessarily the ISO 14001. Member Long suggested the ISO14001 may be too cumbersome for a District of this size and requested the Environmental Protection Agency documentation for EMS implementation for our District.

President Di Giorgio requested the Board seek a scoping study to determine the costs of fully implementing an ISO 14001 EMS program.

Jim Good stated a scoping study could be prepared by Veolia for approximately \$5,000 to \$10,000.

President Di Giorgio opened this item for public comment.

Suzanne Brown Crow, stated this item was not on the agenda and therefore was not appropriate to move forward with a motion. She stated management should have Standard Operating Procedures in place and not need an ISO 14001 EMS Program.

Dennis Fishwick agreed with the previous speaker and suggested Veolia Water should perform these services at no charge.

Member Welsh and District Counsel Kent Alm discussed the legal requirement for public speakers to give their name and address. Mr. Alm pointed out that public speakers were not bound in any way to give their name or address prior to addressing the Board. Member Welsh requested the board's request for public speakers to give their address be discontinued.

Phil Tucker stated the ISO 14001 EMS program is helpful in some areas but is not a requirement. He requests the District not adopt any contract with Veolia Water. He suggested that if Veolia were to win the referendum vote in June, their company should have enough expertise to implement an EMS program as part of the standard contract. He requests the EMS be considered in an open bidding environment.

Brant Miller recommended completion of the scoping program and believes it should be precisely focused.

*On motion of Member Quesada, seconded by Member Long and carried unanimously, the Board directed Staff to negotiate with Veolia Water for a proposal for final consideration concerning the ISO 14001 Environmental Management System training and a separate proposal in regards to the Standard Operation Procedures and bring this information before the Board at their next Board meeting on April 12, 2010.*

#### REPORTS:

- North Bay Water Reuse Authority (NBWRA). The Manager discussed the NBWRA Board Committee meeting on March 15<sup>th</sup>. At this meeting, the Committee discussed budget updates and the EIR/EIS updates.

President Di Giorgio declared a 10 minute break at 9:07 p.m. At 9:17 p.m., President Di Giorgio reconvened the Board meeting.

- NPDES Tentative Order. The Manager gave a PowerPoint presentation regarding the NPDES Tentative Order. She discussed the schedule time-line, the need for a Cease and Desist Order and the key proposed changes to the Permit.

#### MANAGER'S REPORT:

- The North Bay Watershed Bi-Annual Conference is on April 9<sup>th</sup> in Petaluma. The conference is titled "Greening our Water Infrastructure" and will host California State Assembly Member Jared Huffman, and State Water Resources Control Board, Vice Chair, Frances Spivy-Weber.

ADJOURNMENT: There being no further business to come before the Board, President Di Giorgio adjourned the meeting at 9:35 p.m.

Respectfully submitted,

Beverly B. James  
Secretary

Julie Borda, Recording

DRAFT

# NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

**TITLE: Consent Calendar: Board Acceptance of Olive Court SME**

**MEETING DATE: April 12th, 2010**

**AGENDA ITEM NO.: 6a.**

**RECOMMENDED ACTION:** Staff recommends acceptance of improvements for the Olive Court Sewer Main Extension project.

**SUMMARY AND DISCUSSION:**

This agenda item is for acceptance of the sewer main improvements of Olive Court SME.

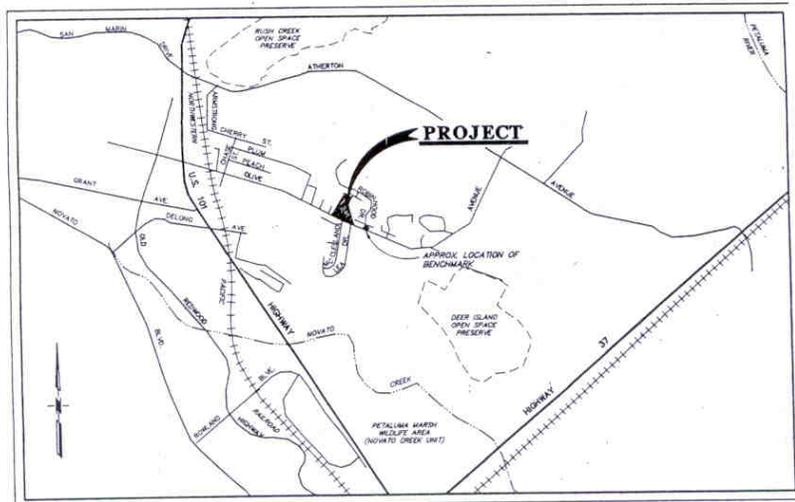
The Olive Court SME project has extended the public sewer to serve a nine lot subdivision located along Olive Avenue. The project was approved by the District Board on November 10<sup>th</sup>, 2003. Bonds were provided along with the payment of fees and deposits. Olive Court was issued permit No.19925 on July 20<sup>th</sup>, 2004. The project was poised to start in July of 2004, but did not break ground. On September 21<sup>st</sup>, 2005 the applicant applied for, and was granted an extension of the project's permit. The project again did not begin construction and no reasons were given for the delay.

This project was subsequently sold to a new owner, who requested to have the previous SME permit extended. The District Board granted a permit extension at their March 26<sup>th</sup>, 2007 meeting. The new applicant provided new bonds and updated District fees and deposits. The bonding amount for Olive Court was set at \$ 110,000.00. The project is now complete to the satisfaction of District staff and is presented to the Board for acceptance of the sewer improvements.

The items completed for construction are as follows.

**Olive Court**

- 7 EA Manholes
- 2 EA Rodding Inlets
- 468 L.F. of 8" PVC Sewer Main
- 202 L.F. of 4" PVC Private Lat



**VICINITY MAP**  
NO SCALE

**ALTERNATIVES:** Do not accept the sewer improvements for the Olive Court SME.

**BUDGET INFORMATION:** Increase of District's assets by \$ 94,000.00

**DEPT.MGR.:**

**MANAGER:**

## Novato Sanitary District

## Check Register

April 12, 2010

| Date       | Num   | Name                                  | Credit    |
|------------|-------|---------------------------------------|-----------|
| Apr 12, 10 |       |                                       |           |
| 04/12/2010 | 50829 | Pacific, Gas & Electric               | 75,217.02 |
| 04/12/2010 | 50814 | Meyers, Nave, Riback, Silver & Wilson | 35,051.00 |
| 04/12/2010 | 50789 | Central Marin Sanitation District     | 32,184.38 |
| 04/12/2010 | 50823 | Nute Engineering Inc.                 | 28,026.17 |
| 04/12/2010 | 50810 | Latham & Watkins, LLP                 | 15,382.50 |
| 04/12/2010 | 50802 | Foster Flow Control                   | 15,240.62 |
| 04/12/2010 | 50834 | PSC                                   | 13,817.85 |
| 04/12/2010 | 50788 | CASA                                  | 13,700.00 |
| 04/12/2010 | 50797 | CSRMA-                                | 13,250.17 |
| 04/12/2010 | 50824 | Olin Chlor Alkali Products            | 12,947.46 |
| 04/12/2010 | 50792 | Clarence & Dyer LLP                   | 10,769.34 |
| 04/12/2010 | 50837 | Royal Petroleum Company               | 10,065.00 |
| 04/12/2010 | 50782 | Brenntag Pacific, Inc.                | 9,316.02  |
| 04/12/2010 | 50785 | Caltest Analytical Lab Inc.           | 9,011.70  |
| 04/12/2010 | 50806 | Johnson, Dee                          | 7,197.03  |
| 04/12/2010 | 50848 | Vavrinek, Trine, Day & Co. LLP        | 6,450.00  |
| 04/12/2010 | 50778 | Bay Pacific Pipeline, Inc.            | 5,980.00  |
| 04/12/2010 | 50820 | North Marin Water District            | 5,717.74  |
| 04/12/2010 | 50784 | California Diesel & Power             | 5,677.40  |
| 04/12/2010 | 50776 | Basic Chemical Solutions              | 5,443.70  |
| 04/12/2010 | 50807 | Kemira Water Solutions, Inc.          | 5,239.63  |
| 04/12/2010 | 50775 | Banner Enterprises Inc.               | 4,924.99  |
| 04/12/2010 | 50836 | Rauch Communication Consultants. Inc. | 4,828.75  |
| 04/12/2010 | 50833 | Preferred Benefit                     | 4,763.17  |
| 04/12/2010 | 50804 | Harmony Press                         | 4,525.00  |
| 04/12/2010 | 50849 | Veolia Water North America            | 4,000.00  |
| 04/01/2010 | 50757 | Lincoln Financial Group 401a          | 3,944.99  |
| 04/12/2010 | 50766 | Aerotek                               | 3,816.00  |
| 04/12/2010 | 50771 | Ashland E & PS                        | 3,244.93  |
| 04/12/2010 | 50838 | Semple Appraisals, Inc.               | 2,500.00  |
| 04/01/2010 | 50758 | State Street Bank                     | 2,350.00  |
| 04/12/2010 | 50852 | Verizon California                    | 2,276.14  |
| 04/12/2010 | 50845 | U.S. Bank Card (2)(June)              | 2,126.26  |
| 04/12/2010 | 50781 | Bowens, Kenneth                       | 2,100.00  |
| 04/12/2010 | 50794 | Control Systems West, Inc.            | 1,999.72  |
| 04/12/2010 | 50783 | Cagwin & Dorward Inc.                 | 1,988.41  |
| 04/12/2010 | 50815 | Millipore Corp, Lab H2O Division      | 1,313.26  |
| 04/12/2010 | 50808 | Koffler Electrical Mech, Inc.         | 1,248.35  |
| 04/12/2010 | 50793 | Comet Building Maintenance, Inc.      | 1,162.49  |
| 04/12/2010 | 50770 | Alpha Analytical Lab, Inc.            | 1,123.00  |
| 04/12/2010 | 50846 | USA BlueBook                          | 1,078.03  |
| 04/12/2010 | 50817 | MVM Graphic Depot, LLC                | 1,069.84  |
| 04/12/2010 | 50822 | Novato Disposal-                      | 1,026.50  |
| 04/12/2010 | 50821 | Novato Chevrolet                      | 996.20    |
| 04/12/2010 | 50786 | Cantarutti Electric, Inc              | 992.00    |
| 04/12/2010 | 50850 | Verizon                               | 932.69    |
| 04/12/2010 | 50832 | Pini Hardware                         | 896.92    |
| 04/12/2010 | 50800 | EOA, Inc.                             | 895.07    |
| 04/12/2010 | 50816 | MME                                   | 857.07    |
| 04/12/2010 | 50798 | Curran Environmental, Inc.            | 800.00    |

## Novato Sanitary District

## Check Register

April 12, 2010

| Date       | Num   | Name                           | Credit            |
|------------|-------|--------------------------------|-------------------|
| 04/12/2010 | 50827 | Pacific EcoRisk                | 800.00            |
| 04/12/2010 | 50856 | WECO                           | 773.77            |
| 04/12/2010 | 50774 | B.W.S. Distributors, Inc.      | 737.19            |
| 04/12/2010 | 50840 | Smart                          | 632.22            |
| 04/12/2010 | 50853 | Vision Service Plan            | 623.42            |
| 04/12/2010 | 50854 | VWR International Inc.         | 607.57            |
| 04/12/2010 | 50818 | Nextel Communications          | 605.22            |
| 04/12/2010 | 50767 | AirGas-NCN, Inc.               | 563.53            |
| 04/12/2010 | 50790 | Cintas Corporation             | 554.44            |
| 04/12/2010 | 50813 | McNichols Company              | 530.10            |
| 04/12/2010 | 50844 | U.S. Bank Card (1)(Bev)        | 510.49            |
| 04/12/2010 | 50803 | Grainger                       | 411.30            |
| 04/12/2010 | 50772 | AT&T-SAC                       | 403.35            |
| 04/12/2010 | 50857 | WEF Membership                 | 387.00            |
| 04/12/2010 | 50841 | Stericycle, Inc.               | 371.92            |
| 04/12/2010 | 50831 | Petty Cash                     | 313.60            |
| 04/12/2010 | 50773 | AT&T Mobility                  | 309.11            |
| 04/12/2010 | 50765 | Able Tire & Brake Inc.         | 307.99            |
| 04/12/2010 | 50812 | Marin County Public Health Lab | 300.00            |
| 04/12/2010 | 50791 | Claremont EAP                  | 295.00            |
| 04/12/2010 | 50780 | BoundTree Medical, LLC         | 265.53            |
| 04/12/2010 | 50830 | Pape Material Handling         | 253.36            |
| 04/12/2010 | 50843 | Team Ghilotti                  | 250.00            |
| 04/12/2010 | 50809 | Lab Safety Supply, Inc.        | 231.33            |
| 04/12/2010 | 50839 | Siemens Water Tech Corp.       | 231.24            |
| 04/12/2010 | 50858 | Zee Medical Company            | 227.24            |
| 04/12/2010 | 50811 | Lawson Products, Inc.          | 205.05            |
| 04/12/2010 | 50828 | Pacific Power, Inc.            | 196.00            |
| 04/12/2010 | 50859 | Zenith Instant Printing, Inc.  | 193.80            |
| 04/12/2010 | 50768 | Alhambra                       | 183.78            |
| 04/12/2010 | 50851 | Verizon Business               | 164.07            |
| 04/12/2010 | 50835 | Quill Corporation              | 163.11            |
| 04/12/2010 | 50847 | Van Bebbler Brothers Inc.      | 159.69            |
| 04/12/2010 | 50826 | Orkin Pest Control             | 151.80            |
| 04/12/2010 | 50819 | North Bay Gas & Weld           | 135.25            |
| 04/12/2010 | 50796 | CSDA-                          | 125.00            |
| 04/12/2010 | 50825 | One Stop Auto Service Inc.     | 121.40            |
| 04/12/2010 | 50801 | Federal Express                | 111.04            |
| 04/12/2010 | 50855 | Water Components & Building    | 106.30            |
| 04/12/2010 | 50764 | 3T Equipment Company Inc.      | 105.00            |
| 04/12/2010 | 50779 | Borda, Julie                   | 92.91             |
| 04/12/2010 | 50799 | Don Johnsons Pool Service      | 76.29             |
| 04/12/2010 | 50777 | Battery Wholesale.com          | 59.50             |
| 04/12/2010 | 50795 | Cook Paging                    | 57.73             |
| 04/12/2010 | 50805 | Jackson's Hardware Inc.        | 54.64             |
| 04/12/2010 | 50769 | All Star Rents LLP             | 53.67             |
| 04/12/2010 | 50842 | T-Mobile                       | 22.29             |
| 04/12/2010 | 50787 | Carquest Auto Parts            | 13.83             |
|            |       |                                | <b>413,512.58</b> |

Apr 12, 10

04/07/10

# Novato Sanitary District Check Register

April 9, 2010

| <u>Date</u>      | <u>Num</u> | <u>Name</u>        | <u>Credit</u>          |
|------------------|------------|--------------------|------------------------|
| <b>Apr 9, 10</b> |            |                    |                        |
| 4/9/2010         | 50759      | Di Giorgio, Mike   | 947.87                 |
| 4/9/2010         | 50760      | Fritz, James D.    | 1,125.00               |
| 4/9/2010         | 50761      | Long, William C.   | 1,032.10               |
| 4/9/2010         | 50762      | Quesada, George C. | 225.00                 |
| 4/9/2010         | 50763      | Welsh Dennis J.    | 675.00                 |
| <b>Apr 9, 10</b> |            |                    | <b><u>4,004.97</u></b> |

04/08/10

# Novato Sanitary District Check Register

April 12, 2010

| <u>Date</u>       | <u>Num</u> | <u>Name</u>                      | <u>Credit</u>              |
|-------------------|------------|----------------------------------|----------------------------|
| <b>Apr 12, 10</b> |            |                                  |                            |
| 4/12/2010         | 2036       | Monterey Mechanical, Inc.        | 1,081,747.07               |
| 4/12/2010         | 2037       | RMC Water & Environment, Inc.    | 191,326.18                 |
| 4/12/2010         | 2034       | HDR EngineeringInc               | 11,019.63                  |
| 4/12/2010         | 2033       | Guarantee Mailing Services, Inc. | 1,415.64                   |
| 4/12/2010         | 2038       | Verizon California Inc           | 1,100.00                   |
| 4/12/2010         | 2032       | Empire Mini Storage - Novato     | 730.00                     |
| 4/12/2010         | 2035       | ModSpace Corporation             | 411.50                     |
| <b>Apr 12, 10</b> |            |                                  | <b><u>1,287,750.02</u></b> |

# NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

|  |                                |
|--|--------------------------------|
| <b>TITLE:</b> NPDES Permit Renewal Report  | <b>MEETING DATE:</b> 4/12/2010 |
|  | <b>AGENDA ITEM NO. :</b> 7a.   |
| <b>RECOMMENDED ACTION:</b> None - information only   |                                |
| <b>SUMMARY AND DISCUSSION:</b><br><br>Attached you will find the District's detailed comments on the tentative order. The Tentative Order and Tentative Cease and Desist Order are posted on the District's website for reference. Two comments are of particular importance to the District:<br><br><ol style="list-style-type: none"><li>1. The District is requesting that the existing ammonia effluent limit be retained as the final effluent limit of record, based on mixing zone analyses and a revised reasonable potential analysis.</li><li>2. The District is requesting removal of the proposed new fecal coliform limits, since these limits are designed to protect shellfish harvesting, which does not occur in the vicinity of, or even nearby, the District's outfall.</li></ol><br>BACWA has also submitted comments on the proposed NPDES Permit because of the implications that the adoption of these requirements have on all of the Bay Area dischargers and a copy of their comment letter is attached. |                                |
| <b>ALTERNATIVES:</b> N/A   |                                |
| <b>BUDGET INFORMATION:</b> The proposed permit includes the requirement for a number of studies and new reports, which will impact future budgets.   |                                |
| <b>DEPT. MGR. :</b>  | <b>MANAGER'S APPROVAL:</b>     |

Novato Sanitary District

**Comments Regarding Tentative NPDES Permit and  
Tentative Cease and Desist Order**

April 7, 2010

The Novato Sanitary District (District) appreciates the opportunity to submit the following comments on the Tentative Order (TO) and the Cease and Desist Order reissuing the National Pollutant Discharge Elimination System (NPDES) Permit CA0037958. Comments on the permit and CDO are shown roughly in the order that the topics appear in the permit.

**COMMENTS ON NPDES PERMIT**

- 1. The peak wet weather flow for the treatment plant is characterized incorrectly in the permit.**

(Page 4)

The Novato Treatment Plant currently has a peak hydraulic wet weather design flow higher than 9 mgd, so the permit should be more specific about what the 9 mgd represents. It would be helpful to also make the new plant language consistent. Language should be revised in Table 4 (and Table F-1) as follows:

**Table 4. Facility Information**

|   |  |
|---|--|
| <b>Discharger</b>                         | Novato Sanitary District   |
| <b>Name of Facility</b>                   | Novato Sanitary District Wastewater Treatment Plant and its associated sewage collection system  |
| <b>Facility Address</b>                   | 500 Davidson St., Novato CA 94945, Marin County  |
| <b>Facility Contact, Title, and Phone</b> | Beverly James, Manager - Engineer, (415)892-1694   |
| <b>Mailing Address</b>                    | 500 Davidson St., Novato CA 94945  |
| <b>Type of Facility</b>                   | Publicly Owned Treatment Works (POTW)  |
| <b>Facility Design Flow</b>               | Existing Novato Plant: 6.55 million gallons per day (mgd) (average dry weather flow), 9 mgd ( <del>secondary treatment capacity-peak wet weather flow</del> )<br>Upgraded Novato Plant: 7.05 mgd (average dry weather flow) after Tasks in Provision VI.C.4(c) are completed, 47 mgd ( <del>secondary treatment capacity peak wet weather flow</del> ) |
| <b>Service Area</b>                       | City of Novato and adjacent areas  |
| <b>Service Population</b>                 | 60,000   |

- 2. The District requests the description of the treatment processes at the Ignacio Plant in Finding B be revised to reflect current operations.**

(Page 5 and page F-4)

Gravity filtration and chlorine disinfection no longer take place at the Ignacio Plant. Treated wastewater from the Ignacio Plant is conveyed to the Novato Plant for further treatment. The

District requests the following language in Finding B of the permit and in Section II.A.1. of the Fact Sheet be revised as follows:

*Page 5:*

Treatment processes at the Ignacio Plant include primary clarification, biofiltration, subsequent clarification, and nitrification, ~~gravity filtration, and chlorine disinfection.~~

*Page F-4:*

The Discharger operates the Ignacio Plant, located at 445 Bel Marin Keys Blvd., Novato, as a roughing plant, which means treated wastewater from the Ignacio Plant is conveyed to the Novato Plant for further treatment. Treatment processes at the Ignacio Plant include primary clarification, biofiltration, subsequent clarification, and nitrification, ~~gravity filtration, and chlorine disinfection.~~

***Comments 3 and 4 pertain to information on the District's recycled water program contained in the Tentative Order. The language revisions for these comments are provided in one location following Comment 4.***

**3. The District requests that the uses of District produced recycled water be revised to reflect current applications.**

(Page 5 and F-17)

The District requests that the permit language include an accurate description of the current recycled water program. (See requested language after Comment 4.)

**4. The District requests that the percent of effluent used in reclamation and water recycling activities be indicated in the permit.**

(Page 6 and F-17)

The District recycles a significant portion of its effluent and would like this information indicated in the permit language.

Language revisions for Comments 3 and 4 are as follows:

*Page 5:*

In accordance with Basin Plan Table 4-1, shallow water discharges are prohibited. This Order therefore prohibits discharges at Discharge Point 001 to San Pablo Bay from June 1 through August 31. During this period, effluent is discharged to storage ponds until used for sprinkler irrigation of 820 acres of Discharger-controlled pasturelands and irrigation of a golf course. ~~used for beef cattle, grazing, and irrigated hay production.~~ As described in the Fact Sheet (Attachment F) section IV.B, this Order grants an exception to the discharge prohibition from September 1 through May 31.

Page 6:

5. **Reclamation Activities.** The Discharger's reclamation system includes two storage ponds with a combined storage capacity of 180 million gallons, a wildlife marsh pond, an irrigation pump station, and 820 acres of irrigation pasture. Regional Water Board Order No. 92-065 establishes limitations and conditions regarding the reclamation uses of treated wastewater, which apply to the Discharger's reclamation system. Although the discharge prohibition includes three summer months, the Discharger typically reclaims wastewater for irrigation five or more months per year. [An average of 48 percent of the Discharger's treated wastewater was used for recycled water applications over the last two years.](#) This permit allows discharge from the storage ponds to San Pablo Bay during the discharge season, upon meeting the requirements specified in Provision VI.C.2(d).

Page F-17:

1. The Discharger maintains and implements significant reclamation projects. [An average of 48 percent of the Discharger's treated wastewater was used for recycled water applications over the last two years.](#)

a. The older reclamation project includes a 15-acre wildlife pond, 180-million-gallon storage ponds, and 820 acres of irrigated pasture. The wildlife pond provides valuable habitat for migrating birdlife as well as indigenous bird and animal species. The storage ponds provide habitat for migrating as well as indigenous birdlife. ~~The pasture lands are used for beef cattle grazing and irrigated hay crop production.~~

b. In addition to the above reclamation project, the Discharger also partners with the North Marin Water District (NMWD) to produce and distribute Title-22 recycled water. The Discharger and NMWD recently constructed and operate 0.5 MGD Title 22 Recycled Water Facility that provides unrestricted reuse recycled water to the Stonetree Golf Course and one Novato Fire Protection District Fire Station. Additionally, the Discharger and the NMWD are cooperating on expanding the capacity of the facilities to serve more areas through a joint Recycled Water Master Plan. The Discharger and NMWD are active members of the North Bay Water Reuse Authority, through which the Discharger is exploring additional opportunities for water recycling in the North Bay.

**5. The District requests the Treatment Facilities Upgrade Project description include information about the cost of the project.**

(Page 6)

The Treatment Facilities Upgrade Project is being constructed at a cost of approximately \$90 million, paid mostly by local ratepayers. The District would like this information indicated in the permit language. The District requests the following revision to Finding II.B.4:

**4. Treatment Facilities Upgrade Project.**

The remaining construction is scheduled to be completed as below:

|               |  |
|---------------|--|
| June 30, 2010 | Complete Novato Plant aeration basins and one secondary clarifier. |
|---------------|--|

December 31, 2010 Complete Novato Plant influent pump station, second primary and secondary clarifiers, UV disinfection, gravity belt thickener, and second digester.

[The Treatment Facilities Upgrade Project is being constructed at a cost of approximately \\$90 million.](#)

**6. The District requests Finding E pertaining to the California Environmental Quality Act (CEQA) be revised for accuracy.**

(Page 7)

The California Water Code section 13389 exempts NPDES permits from Chapter 3 of CEQA, but not Chapters 1 or 2.6. These chapters require some environmental assessment, though not a full Environmental Impact Report (*County of Los Angeles v. California State Water Resources Control Board* (2006) 143 Cal.App.4th 985).

The District requests the following language revision to Finding E:

**E. California Environmental Quality Act (CEQA).** Under CWC section 13389, this action to adopt an NPDES permit is exempt from ~~the Chapter 3 provisions~~ of CEQA.

**7. The District requests that the phrase pertaining to Best Professional Judgment be removed from Finding F, as it is not applicable.**

(Page 7)

Best Professional Judgment pursuant to 40 CFR 125.3 does not apply to technology-based effluent limits for publicly-owned treatment plants. The District requests the following revision to Finding F:

**F. Technology-Based Effluent Limitations.** CWA Section 301(b) and NPDES regulations at Title 40 of the Code of Federal Regulations (40 CFR) section 122.44 require that permits include conditions meeting applicable technology-based requirements at minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order must meet minimum federal technology-based requirements based on Secondary Treatment Standards at 40 CFR 133 ~~and/or Best Professional Judgment (BPJ) pursuant to 40 CFR 125.3~~. Further discussion of the development of technology-based effluent limitation development is included in the Fact Sheet (Attachment F).

**8. The District requests Finding O pertaining to the Endangered Species Act be removed from the Tentative Order, as it does not apply.**

(Page 9)

The Endangered Species Act is not applicable to this NPDES permit. The treatment plant was approved and constructed under the California Environmental Quality Act (CEQA), which took the Endangered Species Act into account, and CEQA (under which the Endangered Species Act would be considered for this permit) does not apply to this permit. The District requests that Finding O be removed.

**9. The District requests that Finding R pertaining to requirements under state law be removed.**

There are many provisions in the permit which are promulgated under state law only, including requirements for technology-based and water-quality based effluent limits as well as special studies, pollution prevention, and other activities. In particular, there are several instances where the permit requirements are more stringent than required by the federal Clean Water Act. As a result, Novato Sanitary District requests removal of this finding.

**10. The District requests that language in Discharge Prohibition III.B be consistent with other parts of the permit.**

(Page 10-11)

The District requests the following language revision to Discharge Prohibition III.B regarding the approval for the upgraded plan, to be consistent with other portions of the permit (including Prohibition III.C.):

**B.** The bypass of untreated or partially treated wastewater to waters of the United States is prohibited, except as provided for in the conditions stated in Subsections I.G.2 and I.G.4 of Attachment D of this Order.

Blended wastewater is biologically treated wastewater blended with wastewater that has been diverted around biological treatment units or advanced treatment units. Such discharges are approved under the bypass conditions stated in 40 CFR 122.41(m)(4) for the existing Novato Plant (not the upgraded plant when improvements are complete~~d~~, [the requirements in section VI.C.4\(c\) of this Order are satisfied and approval from the Executive Officer is received](#)), when (1) the Discharger's peak wet weather influent flow volumes exceed the capacity of the secondary treatment unit of 9 mgd, and (2) the discharge complies with the effluent and receiving water limitations contained in the Order. Furthermore, the Discharger shall operate its facility as designed and in accordance with the Operation and Maintenance Manual for the facility. This means it shall optimize storage and use of equalization units, and shall fully utilize the biological treatment units and advanced treatment units, if applicable. The Discharger shall report incidents of blended effluent discharges in routine monitoring reports, and shall conduct monitoring of this discharge as specified in the attached MRP (Attachment E).

**11. The District requests the language in Discharge Prohibition III.C be revised with correct flow monitoring location.**

(Page 11)

Consistent with the Treatment Facilities Upgrade Project, flow will continue to be monitored at A-002, the Novato Plant influent monitoring location. See also Comment 26. The language should be revised as follows:

**C.** The average dry weather effluent flow, measured at monitoring station ~~EFF-001~~ [A-002](#) as described in the attached MRP (Attachment E), shall not exceed 6.55 mgd. Actual average dry weather flow shall be determined for compliance with this prohibition over three consecutive dry weather months each year. Upon satisfaction of the requirements in

section VI.C.4(c) of this Order and Executive Officer approval, the maximum allowable average dry weather discharge rate shall increase to 7.05 mgd.

**12. The District requests additional time to report estimated dilution to comply with Prohibition E, in the event of an emergency discharge.**

(Page 11)

The Tentative Order contains a new requirement to estimate dilution in the receiving water in the event of an emergency discharge. Although an emergency discharge is unlikely, if one should occur, additional time is needed to develop this estimate because the dilution conditions are complicated in the vicinity of the outfall. The District requests 60 days for this portion of the report, and that the language be revised as follows:

E. Discharge to San Pablo Bay is prohibited during the dry weather period from June 1 through August 31 unless the Discharger submits a request for discharge and that request is approved by the Executive Officer. In the event of high wastewater flows resulting from an early or late season storm, the Discharger, after considering the feasibility of reclamation and use of the storage ponds, shall notify the Regional Water Board case manager by phone or email of the need to discharge to San Pablo Bay immediately upon making the determination that such a discharge is necessary, and provide information justifying the request. If circumstances prevent the case manager's consideration and response to the request within the time frame necessary, the Discharger may at its discretion discharge some or all of the effluent to San Pablo Bay for the duration of the elevated flow event. The Discharger then shall submit a report within five business days from the date of the discharge. In the report, the Discharger shall fully explain the need to discharge to San Pablo Bay during the dry season and shall provide information regarding the total volume of flow discharged, duration of discharge, and estimate of dilution (effluent flow in receiving water flow) that occurred during this period. [At the Discharger's discretion, the estimate of dilution may be submitted up to 60 days from the date of the discharge.](#) In accordance with the attached MRP (Attachment E), discharge quality shall be reported in the monthly self-monitoring report for that period.

**13. The District requests that the units for reporting *enterococcus* bacteria be changed from colonies per 100 mL to CFU/100ml or MPN/100 mL.**

(Page 13)

The units of MPN/100mL or CFU/100 mL for *enterococcus* bacteria is needed for conducting an analysis using either the membrane filtration method or the IDEXX Enterolert Method, both approved methods (40 CFR Part 136). In addition, consistency is needed in the permit with respect to this parameter. The effluent limitation is expressed as colonies/100 mL in the permit, however in Table E-4 the units are expressed as MPN/100 mL.

#### **14. The District requests that the fecal coliform bacteria effluent limitation be removed from the Tentative Order.**

(Page 13)

The District's existing NPDES permit contains *enterococcus* effluent limits only. The *enterococcus* limits were established with a required provision that the District perform a confirmation study to demonstrate that the *enterococcus* limits were protective of the designated uses of the receiving water and that the receiving water adjacent to the outfall is in fact a "Lightly used area." The District completed the confirmation study and submitted the "Novato Sanitary District Bacteriological Confirmation Study Final Report," to the Regional Water Board on June 21, 2006. The study included collection of bi-weekly observations of any full or limited water contact, and any other recreational activities. Throughout the duration of the study not a single recreational activity was observed, in the vicinity of the District's outfall (including shellfish harvesting). Enterococcus limits were included in the existing permit based on this study.

The current Tentative Order issued for the NPDES permit renewal contains a 30-day geometric mean enterococcus bacteria effluent limit and new fecal coliform limits including a median 14 MPN/100mL and a 90<sup>th</sup> percentile fecal coliform limit of 43 MPN/100mL. The fecal coliform effluent limits are based on the water quality objectives (WQOs) for shellfish harvesting contained in Table 3-1 of the San Francisco Bay Basin Water Quality Control Plan (Basin Plan). Table 3-1 sites the source of these WQOs from the National Shellfish Sanitation Program (NSSP). However, the guidelines contained in the "National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish," 2007, are intended to protect areas where recreational or commercial shellfishing occurs. The District's outfall is located 950 feet offshore in the mudflats of San Pablo Bay, which are subject to daily tidal fluctuations. The vicinity of the outfall is extremely difficult to access, if it all possible, and as confirmed in the Bacteriological Confirmation study, not an area where shellfish harvesting occurs. In addition, the National Shellfish Sanitation Program (NSSP) guidelines specific recommendation is that "A growing area [for shellfish harvesting] shall be classified as prohibited if... [t]he growing area is adjacent to a sewage treatment plant outfall"<sup>1</sup>. Further, according to information from the California Department of Fish and Game (CDFG), no commercial shellfish harvesting occurs within San Francisco Bay-Delta<sup>2</sup>.

The State Water Resources Control Board (SWRCB) is currently conducting a project to re-assess the areas designated for the shellfish harvesting beneficial use. The SWRCB acknowledged in the March 30, 2010 stakeholder flier that the breadth of the shellfish harvesting definition reduces flexibility to apply the most appropriate water quality standards. The State Water Board in an announcement of this project indicated that bacterial indicators for shellfishing are based on public consumption health standards for commercial growers, and that these standards are very strict and allow for very little flexibility. Given the current reassessment of the shellfish harvesting beneficial use designations and the lack

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<sup>1</sup> National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, 2007 ("NSSP Guidance").

<sup>2</sup> CDFG 2009

of commercial or recreational activities observed in the District's receiving waters, inclusion of effluent limits based on shellfish harvesting is inappropriate at this time, if at all.

Retaining only the *enterococcus* effluent limit, the indicator bacteria better correlated to the risk of illnesses associated with exposure to waste containing fecal bacteria, would maintain effective water quality protection while reducing chlorine usage. A reduction in chlorine use would result in a safer workplace, safer distribution and a lowered production of chlorinated byproducts, which are recognized as carcinogenic.

We are also concerned that the District would be receiving an effluent limit for a constituent for which we have never conducted any effluent monitoring. Normally monitoring is conducted *before* an effluent limit is issued. The proposed fecal coliform effluent limits are very low, and compliance attainability is completely uncertain and expected to be unachievable.

Even after reviewing the compelling evidence to substantiate removal of fecal coliform limits, the Regional Water Board still desires to protect nonexistent shellfish harvesting, the District would like the Board to consider total coliform limits (instead of both *enterococcus* plus fecal coliform limits), or dilution for fecal coliform limits, as alternatives to the proposed fecal coliform limits.

In summary, the District requests the *enterococcus* effluent limit be retained while the fecal coliform bacteria effluent limit be removed from the Tentative Order.

**15. The District requests that the total chlorine residual limitation apply only when chlorination is used for disinfection of the effluent.**

(Page 13)

The District will be implementing an UV disinfection system as part of the Treatment Facilities Upgrade project. When the UV system is operational, and chlorination is not used for disinfection, a total chlorine residual limitation is not necessary.

The District requests that the total chlorine residual limitation apply only when chlorination is used for disinfection, and that language be revised as follows:

**5. Total Chlorine Residual:** [During times when chlorination is used for disinfection.](#)

Discharges at Discharge Point 001 shall meet the following limitation for total chlorine residual, with compliance measured at Monitoring Location

~~EFF-001E-002:~~

Instantaneous maximum of 0.0 mg/L

The Discharger may elect to use a continuous on-line monitoring system(s) for measuring flows, chlorine, and sulfur dioxide dosage (including a safety factor) and concentration to prove that chlorine residual exceedances are false positives. If convincing evidence is provided, Regional Water Board staff may conclude that false positive chlorine residual exceedances are not violations of the effluent limitation.

**16. The District requests that reasonable potential for lead be removed.**

(Page 13, F-32 and other references)

The proposed Tentative Order includes a Reasonable Potential Analysis (RPA) conducted using ambient total recoverable lead concentration data collected by the Regional Monitoring Program (RMP) at the San Pablo Bay RMP station (BD20), as well as total recoverable lead concentrations from the District's effluent monitoring data from January 2004 through April 2009. Reasonable potential was triggered only by the receiving water data. The District's lead concentrations are well below the lowest applicable water quality objective expressed in the total recoverable form.

However, the original water quality criteria in the California Toxics Rule, upon which the water quality objectives for the receiving water are based, are expressed as *dissolved* lead concentrations. A review of the actual receiving water dissolved lead concentrations shows that the receiving water dissolved lead concentrations are well below the lowest applicable dissolved concentrations. In particular, the ambient maximum dissolved lead concentration at 0.37 µg/L, which is much lower than the lowest applicable dissolved criterion of 4.8 µg/L. Using this more scientifically accurate approach, reasonable potential should not be triggered. The District believes that this approach is also consistent with Section 1.2 of the SIP which describes the method for determining reasonable potential.

The District requests the water quality-based effluent limits for lead be removed since reasonable potential is not demonstrated.

**17. The District requests that the existing ammonia effluent limit be retained since reasonable potential is not triggered as shown by a comprehensive mixing zone analysis.**

(Page 14, F-36 and other references)

In 2001, the District began the planning and design process for construction of significant capital improvements to its wastewater treatment system. In 2011, a \$90 million program is scheduled for completion, ten years after the need was identified. This timeline is typical, if even fast track, for significant upgrades at a publicly-owned wastewater treatment plant. The new facilities were designed to meet an average monthly ammonia effluent limit of 6.0 mg/L. This limit has been in the District's permit for many years and was expected to continue for the planning horizon of the capital improvements. In addition, this limit is already very low in comparison to other secondary wastewater treatment plants in the Bay Area.

However, the proposed Novato Sanitary District Tentative Order on page 14 contains a proposed 1.3 mg/L monthly average effluent limit and 4.7 mg/L maximum daily effluent limit for ammonia. The Novato Sanitary District received notice of these effluent limits on February 22, 2010, only 14 *days* before the Tentative Order was released. We are very concerned that there has not been due process in the promulgation of these limits.

The District has submitted a separate mixing zone analysis which contains a request for the Regional Water Board to grant a 6:1 dilution credit for ammonia, based on

comprehensive mathematical modeling and an analysis of mixing zone size and other conditions in support of *State Implementation Policy* (SIP) requirements. It is expected that with this approach, and taking antibacksliding into account, the District would retain its 6.0 mg/L average monthly effluent limit (only) for ammonia as a technology-based limit, since there is no reasonable potential to cause or contribute to the exceedance of water quality objectives.

**18. The District requests the criteria for accelerated chronic toxicity monitoring be consistent with the District's existing NPDES permit.**

(Page 15 and E-7)

The District's existing NPDES permit requires accelerated chronic toxicity monitoring when both a three-sample median of 1 chronic toxicity unit and a single-sample maximum of 2 TUC or greater are exceeded. The District requests that the same criteria for accelerated chronic toxicity monitoring continue with the renewal of the NPDES permit.

The following language revisions are required:

*Revision to Page 15:*

b. The Discharger shall comply with the following tiered requirements based on results from representative samples of the effluent at Discharge Point 001, with compliance measured at EFF-001 as described in the MRP (Attachment E), meeting test acceptability criteria and Section V.B of the MRP (Attachment E.)

(1) Conduct routine monitoring.

(2) Conduct accelerated monitoring after exceeding a three-sample median of 1 chronic toxicity unit (TUC<sup>1</sup>) ~~or~~ and a single-sample maximum of 2 TUC or greater.

*Revision to Page E-7:*

**c. Frequency.** The frequency of routine and accelerated chronic toxicity monitoring shall be as specified below.

(1) Routine Monitoring: Quarterly

(2) Accelerated Monitoring: Monthly

The Discharger shall accelerate monitoring to monthly after exceeding a three-sample median of 1 TUC ~~or~~ and a single sample maximum of 2 TUC for discharges via Discharge Point 001, or as otherwise specified by the Executive Officer.

Monitoring conducted pursuant to a TIE/TRE effort shall satisfy the requirements for routine and accelerated monitoring while the TIE/TRE investigation is underway.

**19. The District requests that the appropriate chronic toxicity test method, applicable to the District's test species, be included in Section IV.C.2 of the Tentative Order.**

(Page 15)

The District's current test species is *ceriodaphnia dubia*, a freshwater organism. The promulgated test methods for conducting whole effluent chronic toxicity monitoring included in Section IV.C.2 of the Tentative Order pertain to marine and estuarine organisms only. The "Short-Term Methods For Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms," currently fourth edition (EPA-821-R-02-013) should be added to

the list of approved test methods. Including the test methods for each of the marine, estuarine and freshwater organisms also allows flexibility if the District's test species is changed during the term of the permit.

The District requests the following language revision to Section IV.C.2:

c. The Discharger shall monitor chronic toxicity using the test species and protocols specified in MRP Section V.B (Attachment E). The Discharger shall also perform chronic toxicity screening phase monitoring as described in Appendix E-1 of the MRP (Attachment E). Chronic toxicity screening phase requirements, critical life stage toxicity tests, and definitions of terms used in the chronic toxicity monitoring are identified in the MRP Appendices E-1 and E-2 of the MRP. In addition, bioassays shall be conducted in compliance with the most recently promulgated test methods, "[Short-Term Methods For Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms,](#)" currently fourth edition (EPA-821-R-02-013), Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, currently third edition (EPA-821-R-02-014), and "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms," currently second Edition (EPA/600/491/003), with exceptions granted by the Executive Officer and the Environmental Laboratory Accreditation Program (ELAP) upon the Discharger's request and justification.

**20. The District requests the removal of the duplicative and vague requirements in Provision VI.C.2(d) pertaining to reclamation pond operations.**

(Page 20-21)

The Tentative Order changes the Reclamation Pond Operation Requirements from those in the District's existing permit. In particular, surplus water in the storage ponds that is discharged to San Pablo Bay during the discharge season (November 1 through April 30) is now subject to the requirements of both the District's *Reclamation Pond Wet Season Discharge Sediment and Control Monitoring Plan* and the Tentative Order. The requirements for discharging water held in the reclamation ponds through the combined outfall during the dry weather discharge months remained unchanged from the existing permit.

The Tentative Order adds a new paragraph to the Reclamation Pond Operation provision which appears both duplicative and impractical. The added language pertains to both wet and dry weather discharge months and only if treated wastewater "of any water quality concern" is diverted to the storage ponds. If this criteria is met, when discharging from the ponds to San Pablo Bay, sampling is required on the days that "the largest amount of water is released." Given the nature of discharges from the storage ponds to the combined outfall, it is impractical to predict when the largest amount of water will be released from the ponds. Since discharges from the storage ponds to San Pablo Bay during both the wet and dry weather months must already meet the requirements of the Tentative Order, the added paragraph is unnecessary and has potential to cause confusion in interpretation.

The District accepts the added requirement that discharges from the storage ponds through the combined outfall during November 1 through April 30 must meet the requirements of the

Tentative Order, and the existing language is sufficient for this purpose. The District requests the following language be revised for the Reclamation Pond Operation provision:

**d. Reclamation Pond Operation**

The Discharger has constructed and maintains reclamation storage ponds for storage of treated wastewater for reclamation. The Discharger may discharge treated wastewater from these storage ponds any surplus water not used for reclamation at Discharge Point 001 from November 1 through April 30 if the discharge meets all of the requirements of this Order and the Discharger's *Reclamation Pond Wet Season Discharge Sediment and Control Monitoring Plan* (Attachment I). Further, if discharge is anticipated during the period November 1 through April 30, the Discharger shall conduct effluent sampling of the storage ponds once at the end of the dry season prior to discharge.

Water held in the reclamation ponds before being discharged through the combined outfall during the dry weather discharge months (May, September, and October) may be discharged if it meets all the requirements in this Order. Pre-discharge monitoring of water held in the reclamation ponds is required during the dry weather discharge period (May 1 – 31 and September 1 – October 31, annually).

~~If the Discharger previously diverts treated wastewater that are of any water quality concern other than chlorine residual, e.g., effluent with abnormal appearance (color, turbidity, etc.), bypassed effluent, during plant upset, to these ponds, when discharging from the reclamation ponds to San Pablo Bay, the Discharger shall arrange all routine effluent sampling on the days that that the largest amount of water is released from the ponds. Attachment E, Monitoring and Reporting Program specifies the monitoring requirements for this scenario.~~

**21. The District requests that the Biosolids Management Practices Requirements, specified in the Special Provisions of the Tentative Order, be consistent with the 40 CFR Part 503 regulations.**

(Page 25)

Section VI.C.5.b.(3) of the Tentative Order requires that only biosolids that have been digested be placed in the dedicated disposal site. This requirement limits the 40 CFR Part 503 regulations (503 regulations) relating to dedicated disposal sites. The 503 regulations allow for disposal of raw sludge in a dedicated disposal site provided that the vector attraction reduction requirement described in 503.33(b)(11) is met (daily cover of active disposal site with soil or other material). The District requests the full operational flexibility allowed under the 503 regulations, as is allowed in the existing permit. The District requests the following revision to Section VI.C.5.b.(3) of the Tentative Order:

**b. Biosolids Management Practices Requirements**

- (1) All sludge treatment, processing, storage or disposal activities under the Discharger's control shall be in compliance with current State and federal regulations.
- (2) Sludge shall not be applied to the dedicated disposal site between October 30 and May 1 unless prior written authorization is obtained from the Executive Officer.
- (3) Sewage sludge disposed of at the storage lagoons and dedicated disposal site shall be limited to ~~digested~~ sewage sludge generated by the Discharger and sludge from North

Marin Water District's water treatment facility unless an exception is authorized by the Executive Officer.

**22. The District requests the Copper Action Plan be revised to reflect the tasks already completed by the District.**

(Page 27)

With the issuance of the Order R2-2008-0026, amending the District's existing NPDES permit, the District was subject to a Copper Action Plan. Tasks 1 and 2 of the Copper Action Plan in the permit amendment are the same as those in the Tentative Order. The District already submitted an inventory of copper sources and a plan to reduce copper discharges to the Regional Water Board. Therefore, the District requests the following revisions to Table 9 of the Tentative Order:

**Table 9. Copper Action Plan**

| Task  | Compliance Date  |
|---|--|
| <p><b>(1). Review Potential Copper Sources</b><br/>The Discharger shall submit an inventory of potential copper sources to the treatment plant.</p>   | <p><a href="#">Within 90 days of Order adoption. Already Complete</a></p>                                |
| <p><b>(2). Implement Copper Control Program</b><br/>The Discharger shall submit a plan for and begin implementation of a program to reduce copper discharges identified in Task 1 consisting, at a minimum, of the following elements:</p> <ul style="list-style-type: none"> <li>a. Provide education and outreach to the public (e.g., focus on proper pool and spa maintenance and plumbers.' roles in reducing corrosion).</li> <li>b. If corrosion is determined to be a significant copper source, work cooperatively with local water purveyors to reduce and control water corrosivity, as appropriate, and ensure that local plumbing contractors implement best management practices to reduce corrosion in pipes.</li> <li>c. Educate plumbers, designers, and maintenance contractors for pools and spas to encourage best management practices that minimize copper discharges.</li> </ul> | <p><a href="#">February 28, 2011, with 2010 annual pollution prevention report. Already Complete</a></p> |
| <p><b>(3). Implement Additional Measures</b><br/>If the Regional Water Board notifies the Discharger that the three year rolling mean copper concentration of the receiving water exceeds 3.0 µg/L, the Discharger shall evaluate the effluent copper concentration trend. If the trend is increasing, within 90 days of the notification, the Discharger shall develop and begin implementation of additional measures to control copper discharges, and shall report annually on the progress and effectiveness of measures taken together with a schedule for measures to be taken in the next 12 months..</p>   | <p>With annual pollution prevention (P2) report with the report due after the notification.</p>          |
| <p><b>(4). Studies to Reduce Copper Pollutant Impact Uncertainties.</b><br/>The Discharger shall conduct or cause to be conducted studies to investigate possible copper sediment toxicity and studies to investigate sublethal effects on salmonids. Specifically, the Discharger shall include the manner in which the above will be</p>  | <p>With Annual P2 Report due February 28, 2011</p>   |

| Task  | Compliance Date                                  |
|---|--|
| accomplished and describe the studies to be performed with an implementation schedule. To satisfy this requirement, dischargers may collaborate and conduct these studies as a group. |  |
| <b>(5). Report Status of Copper Control Program</b><br>Submit a report to the Regional Water Board documenting implementation of the copper control program.                          | Annually with annual P2 reports due February 28. |

**23. The District requests the Cyanide Action Plans be revised to reflect the tasks already completed by the District.**

(Page 28)

With the issuance of the Order R2-2008-0026, amending the District’s existing NPDES permit, the District was subject to a Cyanide Action Plan. Tasks 1 and 2 of the Cyanide Action Plan in the permit amendment are the same as those in the Tentative Order. The District already submitted an inventory of potential cyanide sources to the treatment plant. Since no sources were identified, Task 2 is required only if the District receives a request in the future to discharge detectable levels of cyanide to the treatment plant. The District requests the following revisions to Table 10 of the Tentative Order:

**Table 10. Cyanide Action Plan**

| Task   | Compliance Date  |
|--|--|
| <b>(1). Review Potential Cyanide Contributors</b><br>The Discharger shall submit an inventory of potential sources of cyanide to the treatment plant (e.g., metal plating operations, hazardous waste recycling, etc.). If no sources of cyanide are identified, Tasks 2 and 3 are not required, unless the Discharger receives a request to discharge detectable levels of cyanide to its treatment plant. If so, the Discharger shall notify the Executive Officer and implement Tasks 2 and 3.  | <del>Within 90 days of Order adoption</del> <u>Already Complete</u>  |
| <b>(2). Implement Cyanide Control Program</b><br>The Discharger shall submit a plan for and begin implementation of a program to minimize cyanide discharges to the sanitary sewer system consisting, at a minimum, of the following elements:<br>a. Inspect each potential contributor to assess the need to include that contributing source in the control program.<br>b. Inspect contributing sources included in the control program annually. Inspection elements may be based on USEPA guidance, such as Industrial User Inspection and Sampling Manual for POTWs (EPA 831-B-94-01).<br>c. Develop and distribute educational materials to contributing sources and potential contributing sources regarding the need to prevent cyanide discharges.<br>d. Prepare an emergency monitoring and response plan to be implemented if a significant cyanide discharge occurs. | <del>February 28, 2011, with 2010 annual P2 report.</del> <u>Required if the Discharger receives a request to discharge detectable levels of cyanide to its treatment plant.</u> |

| Task   | Compliance Date  |
|--|--|
| <p><b>(3). Studies to Reduce Cyanide Pollutant Impact Uncertainties</b><br/>           If the Regional Water Board notifies the Discharger that ambient monitoring shows cyanide concentrations of 1.0 µg/L or higher in the main body of San Francisco Bay, then within 90 days of the notification, the Discharger shall commence with actions to identify and abate cyanide sources responsible for the elevated ambient concentrations and report annually the progress and effectiveness of actions taken together with a schedule for actions to be taken within the next 12 months.</p> | With annual pollution prevention (P2) report with the report due after the notification. |
| <p><b>(4) Report Status of Cyanide Control Program</b><br/>           Submit a report to the Regional Water Board documenting implementation of the cyanide control program.</p>   | Annually, with annual P2 reports due February 28.  |

*Comments 24 through 32 pertain to the monitoring locations and requirements contained in the Monitoring and Reporting Program of the Tentative Order (and related requirements). The language revisions for these comments are provided in one location following Comment 32.*

**24. The District requests the Monitoring Station Location Names remain as they were designated in both Order R2-2004-0093 and Order R2-2008-0026.**

(Table E-1)

The District sees no reason to change the names of the already designated Monitoring Station Locations. To avoid inconsistencies in data collection and data storage systems, the District requests the monitoring location names remain as they are in the existing NPDES permit.

**25. The District requests the location in which treated effluent is monitored be consistent with the 2008 Permit Amendment (Order No. R2-2008-0026) and the Treatment Facilities Upgrade Project.**

(Table E-1 and E-3)

The Tentative Order currently requires all effluent monitoring to occur at EFF-001 (E-003). Before the conveyance of all treated wastewater from the Ignacio Plant to the Novato Plant, E-003 was considered the point at which all waste tributary to the outfall was present. In order to ascertain E-003 values, the Ignacio and Novato Plant monitoring values were flow-weighted. Now that E-002, as defined in the revised Table E-2, below, is a point at which all waste tributary to the outfall is present, effluent monitoring will commence at this location.

Acute toxicity will continue to be monitored at E-003 since fish bioassays must be dechlorinated prior to testing. When the Treatment Facilities Upgrade Project is complete and the appropriate facilities are operational, acute toxicity monitoring will commence at E-002.

**26. The District requests that flow be monitored at the influent monitoring station, consistent with the Treatment Facilities Upgrade Project.**

(Table E-2 and E-3)

Consistent with the Treatment Facilities Upgrade Project, flow will continue to be monitored at A-002, the Novato Plant influent monitoring location. The Tentative Order currently has flow monitored at EFF-001 (E-003). Flow was not monitored at E-003 under the existing NPDES permit and there is not capability for monitoring at that location.

**27. The District requests that total chlorine residual monitoring be required only when chlorination is used for disinfection of the effluent.**

(Table E-3)

The District will be implementing a UV disinfection system as part of the Treatment Facilities Upgrade project. When the UV system is operational, and chlorination is no used for disinfection, monitoring for chlorine residual would no longer be necessary. Revising the footnote of Table E-3 pertaining to chlorine residual monitoring in a manner that required monitoring only chlorination is used for disinfection allows the District operational flexibility in getting the UV system established.

**28. The District requests that the requirement to calculate mass for total chlorine residual be removed.**

(Table E-3)

Calculating mass (kg/day) for total chlorine residual is not in the existing permit, Order No. R2-2004-0093, and is not necessary for any practical purposes. The total chlorine residual mass calculation should be removed from Table E-3.

**29. The District requests the frequency of carbon tetrachloride monitoring be revised from monthly to twice per year.**

(Table E-3)

The District requests the frequency of carbon tetrachloride monitoring be changed from monthly to twice per year, since only one outlier triggered reasonable potential, the District expects that this value had quality control issues, and this approach is consistent with other organic priority pollutants.

**30. The District requests that the pretreatment program monitoring be allowed to satisfy relevant parts of the Remaining Priority Pollutants effluent monitoring.**

(Table E-3)

The effluent pretreatment monitoring conducted in accordance with Table E-5 of the Tentative Order should be allowed to satisfy effluent monitoring requirements in Table E-4. This allowance is consistent with other recently adopted NPDES permits. The footnote pertaining to monitoring of the Remaining Priority Pollutants has been revised with the applicable language.

**31. The District requests that monitoring frequency of Standard Observations be monthly, consistent with the District’s existing NPDES permit.**

(Table E-3)

Effluent Standard Observations monitoring has been conducted for many years at monthly intervals and the data show a consistent absence of any floating or suspended material and any odor of wastewater origin. It is an inefficient use of public resources to increase the frequency of conducting standard observations with this kind of quality record.

**32. The District requests that the Near-Field Receiving Water Monitoring Requirements contained in Table E-4 be integrated into a Special Provision study in the Tentative Order.**

(Page E-8)

The intent of the newly established receiving water monitoring station (RSW-001) and monitoring requirements contained in Table E-4 are to characterize the near-field ambient ammonia conditions. A more effective approach, consistent with other recently adopted shallow water discharger NPDES permits, is to include a provision requiring the District to conduct a Special Study which evaluates the diurnal receiving water ammonia conditions.

The District requests the removal of RSW-001 and Section VIII.B from the Monitoring and Reporting Program with the addition of a Special Study in the Special Provisions of the Tentative Order.

Language revisions for Comments 24 through 32 are shown below:

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

| Type of Sampling Location | Monitoring Location Name     | Monitoring Location Description  |
|---------------------------|------------------------------|--|
| Influent                  | <del>A</del> <u>INF-00+2</u> | At any point <u>after the influent bar screens</u> in the Novato Plant headworks at which all waste tributary to the system is present. <del>and preceding any phase of treatment. Formerly A-002.</del>                     |
| <u>Effluent</u>           | <u>E-002</u>                 | <u>At any point in the Novato Plant’s outfall between the point of discharge and the point at which all waste tributary to that outfall is present.</u>  |
| Effluent                  | <del>EFF-00+3</del>          | At a point in the dechlorination facilities <del>in the outfall from the Novato Plant between the point of discharge and the point</del> at which all waste tributary to that outfall is present. <del>Formerly E-003.</del> |
| <u>Receiving Water</u>    | <u>RSW-001</u>               | <u>At an accessible near-field background location of San Pablo Bay beyond the influence of the discharge.</u>   |

**Table E-2. Influent Monitoring – ~~EFF-001-A-002~~**

| Parameter                 | Units         | Sample Type   | Minimum Sampling Frequency |
|---------------------------|---------------|---------------|----------------------------|
| <u>Flow<sup>(1)</sup></u> | <u>mgd/mg</u> | <u>Cont/D</u> | <u>Continuous</u>          |

|                  |        |           |         |
|------------------|--------|-----------|---------|
| BOD <sub>5</sub> | mg/L   | C-24      | 2/Week  |
|                  | kg/day | Calculate | 2/Week  |
| TSS              | mg/L   | C-24      | 3/Week  |
|                  | kg/day | Calculate | 3/Week  |
| Cyanide          | µg/L   | Grab      | 1/month |

Footnote to Table E-2:

[1] Flow Monitoring. Flow shall be monitored continuously, and the following information shall be reported in self-monitoring reports for each month:

- Daily average flow (mgd)
- Total daily flow (mg)
- Monthly average flow (mgd)
- Total monthly flow volume (mg)
- Maximum and minimum daily average flow rates (mgd) and time of occurrence

Discharge to storage ponds. If treated wastewater is diverted to the storage ponds other than reclamation purpose (reporting for diversion to storage ponds for reclamation is specified in Order No. 92-065), the Discharger shall report the following:

- Date of diversion
- Duration of diversion (hours and minutes)
- Total flow volume (mg) diverted
- Reason for diversion

Discharge from storage ponds. If wastewater from storage ponds is discharged through Discharge Point 001, the Discharger shall report the following:

- Date of discharge
- Duration of discharge (hours and minutes)
- Total flow volume (mg) discharged

**Table E-3. Effluent Monitoring – EFF-001-E-002**

| Parameter                                | Units                  | Sample Type  | Minimum Sampling Frequency |
|--|------------------------|--------------|----------------------------|
| Flow <sup>[1]</sup>                      | mgd/mg                 | Cont/D       | Continuous                 |
| pH <sup>[2-1]</sup>                      | s.u.                   | Grab         | 5/Week                     |
| BOD <sub>5</sub>                         | mg/L                   | C-24         | 2/Week                     |
|  | kg/day                 | Calculate    | 2/Week                     |
| TSS                                      | mg/L                   | C-24         | 3/Week                     |
|  | kg/day                 | Calculate    | 3/Week                     |
| BOD and TSS % Removal <sup>[3-2]</sup>   | %                      | Calculate    | 1/Month                    |
| Oil and Grease <sup>[4-3]</sup>          | mg/L                   | C-24         | 1/Month                    |
|  | kg/day                 | Grab         | 1/Month                    |
| Enterococcus Bacteria                    | MPN/100mL or CFU/100mL | Grab         | 3/Week                     |
| Fecal Coliform Bacteria                  | MPN/100 mL             | Grab         | 3/Week                     |
| Temperature                              | °C                     | Grab         | 5/Week                     |
| Total Chlorine Residual <sup>[6-5]</sup> | mg/L                   | Cont/H       | 1/Hour                     |
|  | kg/day                 | Calculate    | 1/Hour                     |
| Acute Toxicity <sup>[6, 7]</sup>         | % Survival             | Flow through | 1/Month                    |
| Chronic Toxicity <sup>[8]</sup>          | TUc                    | C-24         | 1/Quarter                  |
| Total Ammonia <sup>[54]</sup>            | mg/L as N              | C-24         | 1/Month                    |
| Unionized Ammonia                        | mg/L as N              | Calculate    | 1/Month                    |
| Copper                                   | µg/L                   | C-24         | 1/Month                    |
| Lead                                     | µg/L                   | C-24         | 1/Month                    |
| Cyanide                                  | µg/L                   | Grab         | 1/Month                    |

|                                       |      |                |                           |
|---------------------------------------|------|----------------|---------------------------|
| Carbon tetrachloride                  | µg/L | Grab           | <del>1/Month</del> 2/Year |
| Dioxin-TEQ                            | µg/L | Grab           | 2/Year                    |
| Dieldrin                              | µg/L | Grab           | 2/Year                    |
| Remaining Priority Pollutants         | µg/L | <sup>[9]</sup> | 2/Year                    |
| Standard Observations <sup>[10]</sup> | ---  | ---            | 1/ <del>Week</del> Month  |

Footnotes to Table E-3:

~~[1] Flow Monitoring. Flow shall be monitored continuously, and the following information shall be reported in self-monitoring reports for each month:~~

- ~~• Daily average flow (mgd)~~
- ~~• Total daily flow (mg)~~
- ~~• Monthly average flow (mgd)~~
- ~~• Total monthly flow volume (mg)~~
- ~~• Maximum and minimum daily average flow rates (mgd) and time of occurrence~~

~~Discharge to storage ponds. If treated wastewater is diverted to the storage ponds other than reclamation purpose (reporting for diversion to storage ponds for reclamation is specified in Order No. 92-065), the Discharger shall report the following:~~

- ~~• Date of diversion~~
- ~~• Duration of diversion (hours and minutes)~~
- ~~• Total flow volume (mg) diverted~~
- ~~• Reason for diversion~~

~~Discharge from storage ponds. If wastewater from storage ponds is discharged through Discharge Point 001, the Discharger shall report the following:~~

- ~~• Date of discharge~~
- ~~• Duration of discharge (hours and minutes)~~
- ~~• Total flow volume (mg) discharged~~

[21] pH. If pH is monitored continuously, the minimum and maximum pH values for each day shall be reported in monthly Self- Monitoring Reports (SMRs).

[32] BOD and TSS % Removal. The percent removal for BOD and TSS shall be reported for each calendar month in accordance with Effluent Limitations IV.A. 1 and 2. Samples for BOD and TSS shall be collected simultaneously with influent samples.

[43] Oil and Grease. Each oil and grease sample event shall consist of a composite sample comprised of three grab samples taken at equal intervals during the sampling date, with each grab sample being collected in a glass container. The grab samples shall be mixed in proportion to the instantaneous flow rates occurring at the time of each grab sample, within the accuracy of plus or minus 5%. Each glass container used for sample collection or mixing shall be thoroughly rinsed with solvent rinsings as soon as possible after use, and the solvent rinsings shall be added to the composite sample for extraction and analysis.

[54] Total Ammonia. Monitoring for total ammonia shall occur concurrently with monitoring for temperature and pH, for determination of the unionized ammonia fraction.

[65] Total Chlorine Residual. ~~During times when chlorination is used for disinfection of the effluent,~~ effluent chlorine concentrations shall be measured continuously. Chlorine residual concentrations shall be monitored and reported for sampling points both before and after dechlorination. The Discharger shall report the maximum residual chlorine concentration observed following dechlorination on a daily basis. Total chlorine dosage (kg/day) shall be recorded on a daily basis. Alternatively, the Discharger may evaluate compliance with this requirement by recording discrete readings from the continuous monitoring every hour on the hour, or by collecting grab samples every hour, for a total of 24 readings or samples per day if the following conditions are met: (a) the Discharger shall retain continuous monitoring readings for at least three years; (b) the Discharger shall acknowledge in writing that the Regional Water Board reserves the right to use all other continuous monitoring data for discretionary enforcement; (c) the Discharger must provide in writing the brand name(s), model number(s), and serial number(s) of the equipment used to continuously monitor dechlorinated final effluent chlorine residual. If the identified equipment is replaced, the Discharger shall provide the Regional Water Board in writing, within 72 hours of the successful startup of the new equipment, the new equipment's brand name, model number, and serial number. The written notification identified in items (a) through (c) shall be in the form of a letter addressed to the Regional Water Board's Executive Officer with a certification statement as listed in the October 19,2004, Regional Water Board letter re: *Chlorine Compliance Strategies for Dischargers Using Continuous Monitoring Devices*.

- [76] Acute toxicity. Acute bioassay tests shall be performed in accordance with Section V.A of this MRP.
- [7] Acute Toxicity. Acute bioassay tests shall be performed at Monitoring Location E-003 until the appropriate technical facilities are operational at the new Novato Plant at which time the acute bioassay tests will commence at Monitoring Location E-002.
- [8] Chronic toxicity. Critical life stage toxicity tests shall be performed and reported in accordance with the Chronic Toxicity Requirements of specified in Section V.B of this MRP.
- [9] Remaining priority pollutants. The sample type and analytical method should be as described in the Regional Standard Provisions (Attachment G) or as amended and subsequently approved by the Executive Officer. For these pollutants, the sampling frequencies shall be the higher ones under this table or under the pretreatment program sampling required in Section X.A of this MRP. Pretreatment program monitoring can be used to satisfy relevant parts of these sampling requirements.
- [10] Standard observations. Standard Observations are specified in the Regional Standard Provisions (Attachment G).
- [11] Effluent monitoring while water is released from storage ponds. ~~The Discharger shall arrange routine monitoring during the days when largest amount of wastewater is released from storage ponds, if the storage ponds have previously received wastewater that has water quality concerns, e.g., discharge is diverted to the storage ponds because of treatment units shutdown, plant upset, abnormal appearance of wastewater, etc.~~

Revision to Page E-8:

**B. Receiving Water Monitoring Location RSW-001**

~~The Discharger shall monitor the near field background receiving water at Monitoring Location RSW-001 as follows to determine ambient ammonia concentrations.~~

**Table E-4. Near-Field Receiving Water Monitoring Requirements**

| <b><u>Parameter</u></b> | <b><u>Units</u></b> | <b><u>Sample Type</u></b> | <b><u>Minimum Sampling Frequency</u></b> |
|-------------------------|---------------------|---------------------------|--|
| Total Ammonia           | mg/L                | Grab                      | 1/month                                  |
| Un-ionized ammonia      | mg/L                | Calculated                | 1/month                                  |
| pH                      | s.u.                | Grab                      | 1/month                                  |
| Temperature             | °C                  | Grab                      | 1/month                                  |
| Salinity                | ppt                 | Grab                      | 1/month                                  |

**Legend to Table E-4:**

Unit Abbreviations:

mg/L = milligrams per liter

s.u. = standard units

°C = degrees Celsius

ppt = parts per thousand

Sampling Frequency:

1/Month = One time per month

Revision to Page 19:

**C. Special Provisions**

**2. Special Studies, Technical Reports and Additional Monitoring Requirements**

**c. Receiving Water Ammonia Characterization Study**

The Discharger shall collect receiving water monitoring data for water quality parameters (pH, salinity, temperature, un-ionized ammonia, and total ammonia) that shall be sufficient to characterize the diurnal variability of these parameters throughout the day.

The Discharger shall submit a study plan to the Executive Officer within 90 days from the permit adoption date, that includes the following elements: a sampling location (an accessible near-field background location of San Pablo Bay beyond the influence of the discharge), sampling and analysis protocols, sampling parameters and a proposed implementation schedule.

The Discharger shall begin implementation of the plan within 90 days following approval by the Executive Officer. If a written approval is not received by the Executive Officer within 60 days of submittal of the study plan, then the study plan shall be deemed approved. A final report that presents all the data shall be submitted to the Regional Water Board no later than 180 days prior to the Order expiration date. This final report shall be submitted with the application for permit reissuance.

#### **e-d. Chronic Toxicity Reduction Evaluation (TRE)**

- 33. With the removal of reasonable potential for ammonia and preservation of existing effluent limits, the ammonia language in the CDO should be removed from the Cease and Desist Order.**

(Pages 3, 5 and 6 of CDO)

With the mixing zone analysis that shows there is no reasonable potential for ammonia and the recommendation that existing limits be retained, the Districts requests language in the CDO be removed for ammonia, including the interim limits and prescribed actions. The Receiving Water Characterization Study as described in Comment 32 above is sufficient to characterize ammonia in the receiving water.

- 34. The District requests the requirement to collect multiple grab samples for pretreatment monitoring be removed, as there is no apparent regulatory basis for requiring these sampling procedures.**

(Page E-9)

For select parameters, the pretreatment program, currently in the Tentative Order, requires multiple grab samples consisting of four discrete grab samples, collected at equally spaced intervals over the course of a 24-hour period. The Tentative Order Fact Sheet, Page F-42, in explaining the rationale for monitoring and reporting requirements states:

*This Order specifies the sampling type for pretreatment monitoring. Specifically, this Order requires multiple grabs (instead of 24-hour composites for BNA and most metals, or grabs for VOCs, cyanide, and hexavalent chromium) to make the requirement consistent both with the federal pretreatment requirements in 40 CFR 403.12, which require 24-hour composites, and with proper sample handling for these parameters (summarized in the Regional Standard Provisions [Attachment G]).*

40 CFR 403.12 is incorrectly referenced as defining sampling requirements for publicly-owned treatment works (POTW's). This section, reproduced in part, below, describes sampling requirements for categorical industrial users and annual reporting requirements for POTW's. It does not specify grab sampling or composite sampling for POTW's.

***§ 403.12 Reporting requirements for POTW's and industrial users.***

- (a) *Definition. The term Control Authority as it is used in this section refers to: (1) The POTW if the POTW's Submission for its pretreatment program (§ 403.3(t)(1)) has been approved in accordance with the requirements of § 403.11; or (2) the Approval Authority if the Submission has not been approved.*
- (b) *Reporting requirements for industrial users upon effective date of categorical pretreatment standard—baseline report.*
- (5) *Measurement of pollutants.*
- (i) *The user shall identify the Pretreatment Standards applicable to each regulated process;*
- (ii) *In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;*
- (iii) *A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.*

40 CFR 136 and 40 CFR 403 Appendix E prescribe the pretreatment sampling and analysis techniques. In these sections, there is no regulatory basis for the requirement to collect four discrete grab samples for VOC, BNA, hexavalent chromium, and cyanide.

The Fact Sheet further references Attachment G, Regional Standard Provisions, and Monitoring and Reporting Requirements, as a source of the required sampling regime. Attachment G contains the definition of a composite sample and requires that, “Grab samples comprising time-based composite samples shall be collected at intervals not greater than those specified in the MRP.” Attachment G, however, only provides definition, not a regulatory basis for the requirement of multiple grab samples.

The District requests the following revisions to Table E-5 of the Monitoring and Reporting Program:

**Table E-5. Pretreatment and Biosolids Monitoring Requirements**

| Constituents | Sampling Frequency               |  |           | Sample Type <sup>[4]</sup>                  |                                |
|--------------|----------------------------------|--|-----------|---|--------------------------------|
|              | Influent<br><b>INF-001-A-002</b> | Effluent<br><b>EFF-0012</b> <sup>[3]</sup> | Biosolids | <b>INF-001-A-002</b> and<br><b>EFF-0012</b> | Biosolids <sup>[4c]</sup><br>1 |
| VOC          | 2/Year                           | 2/Year                                     | ---       | Multiple<br>Grabs <sup>[4a]</sup>           | Grabs                          |

|                                    |         |         |        |   |       |
|------------------------------------|---------|---------|--------|---|-------|
| BNA                                | 2/Year  | 2/Year  | ---    | Multiple Grabs <sup>[4a]</sup>          | Grabs |
| Metals <sup>[1]</sup>              | 1/Month | 1/Month | 2/Year | 24-hr Composite <sup>[4ba]</sup>        | Grabs |
| Hexavalent Chromium <sup>[2]</sup> | 1/Month | 1/Month | 2/Year | Multiple Grabs <sup>[4a]</sup>          | Grabs |
| Mercury                            | 1/Month | 1/Month | 2/Year | 24-hr Composite <sup>[4a, 4b, 4e]</sup> | Grabs |
| Cyanide                            | 1/Month | 1/Month | 2/Year | Multiple Grabs <sup>[4a]</sup>          | Grabs |

**Legend for Table E-5:**

VOC = volatile organic compounds  
 BNA = base/neutrals and acids extractable organic compounds  
 1/month = once per month  
 2/year = twice per year

**Footnotes for Table E-5:**

- [1] The parameters are arsenic, cadmium, copper, lead, nickel, silver, zinc, and selenium.  
 [2] The Discharger may elect to run total chromium instead of hexavalent chromium. Sample collection for total chromium measurements may also use 24-hour composite sampling.  
 [3] Effluent monitoring conducted in accordance with Table E-4 can be used to satisfy these pretreatment monitoring requirements.  
 [4] Sample types:  
 a. ~~Multiple grabs samples for VOC, BNA, hexavalent chromium, and cyanide, must be made up of a minimum of four (4) discrete grab samples, collected at equally spaced intervals over the course of a 24-hour period, with each grab analyzed separately and the results mathematically flow-weighted or with grab samples combined (volumetrically flow-weighted) prior to analysis.~~  
 b.a. 24-hour composite samples may be made up discrete grab samples and may be combined (volumetrically flow-weighted) prior to analysis, or they may be mathematically flow-weighted. If an automatic compositor is used, 24-hour composite samples must be obtained through flow-proportioned composite sampling.  
 e.b. Automatic compositors are allowed for mercury if either 1) the compositing equipment (hoses and containers) comply with ultraclean specifications, or 2) appropriate equipment blank samples demonstrate that the compositing equipment has not contaminated the sample. This direction is consistent with the Regional Water Board's October 22, 1999, letter on this subject.  
 d.c. Biosolids collection shall comply with those requirements for sludge monitoring specified in Attachment H, Appendix H-3, of this of the Order for sludge monitoring. The biosolids analyzed shall be a composite sample of the biosolids for final disposal. The Discharger shall also comply with biosolids monitoring requirements required by 40 CFR 503.

**35. The District requests the removal of the Blending Event Monitoring Requirements from the Monitoring and Reporting Program since they are duplicative with Attachment G.**

(Page E-9)

The District understands that Attachment G was adopted as part of the blanket permit amendment in March to standardize requirements among dischargers. The addition of this requirement IX.B. of the Monitoring and Reporting Program is counter to this purpose for Attachment G. Also, by having a separate and slightly different duplicative requirement, it creates confusion by having different requirements in different parts of the permit for the same activity. Therefore, the District requests removal of paragraph IX. B. from the MRP.

**36. The District requests the Fact Sheet be revised to correctly reflect the Technical Support Document Reasonable Potential Analysis procedure.**

(Page F-25)

The text describing Step 3 of the TSD RPA Procedure includes a definition that is not consistent with the TSD. Sigma squared is defined on page 52 the TSD. The TO indicates that the TSD's definition for sigma squared was incorrectly used as the definition of sigma.

The District requests the following revision:

Then concentrations based on two percentile values,  $C_{upper\ bound}$ , and  $C_{Pn}$  need to be calculated using the following equation.

$$C_p = \exp(Z_p\sigma - 0.5\sigma^2)$$

where  $\sigma^2 = \ln(CV^2+1)$ ,  $p$  is the percentile (upper bound or  $p_n$ ), and  $Z_p$  is the standard normal distribution value for the percentile  $p$ .

**37. The District requests that the ammonia RPA be revised to eliminate an erroneous effluent data value and to reflect the corrected sigma and sigma squared values.**

(Page F-26)

The Regional Water Board's RPA calculations (included in a spreadsheet provided separately from the TO upon request), indicate that 90 effluent data points were used to perform RPA calculations. As described on page F-26 of the TO, the concentration of unionized ammonia was calculated using effluent data for total ammonia along with pH and temperature effluent data from samples collected on corresponding dates. However, one of the unionized ammonia values used in the RPA calculations, dated 1/10/2009, was included even though pH and temperature data were not available for that date. This unionized ammonia value was calculated as if the temperature and the pH values were both equal to zero, resulting in an outlier that slightly skewed the statistical calculations. This value should be removed from the data set, and the subsequent calculations should be revised accordingly.

In addition, the corrected sigma and sigma squared values (see previous comment), should also be reflected in the RPA calculations, and the text beginning on page F-26 should be revised accordingly.

**38. The District requests that the Regional Water Board include a 6:1 dilution ratio (dilution credit=5) in the ammonia RPA calculations, as discussed in the District's Mixing Zone Analysis.**

(Page F-26)

The District has submitted a separate mixing zone analysis which contains a request for the Regional Water Board to grant a 6:1 dilution ratio for ammonia, based on comprehensive mathematical modeling and an analysis of mixing zone size and other conditions in support of SIP requirements.

The District requests that the recommended dilution ratio be included in RPA calculations, as described on page 53 of the TSD. Reasonable potential is not triggered when this dilution factor is included in RPA calculations. The District therefore requests that the finding of reasonable potential be removed from the TO, and that the text on page F-26 be edited to reflect the revised RPA calculations.

***Comments 39 through 44 pertain to typographical errors contained in the Tentative Order.***

**39. Revisions to Page 5:**

The Discharger’s wastewater collection system collects and transports wastewater flows to the Plants through a series of gravity sewers and interceptors, pump stations, and force mains, designed to handle peak wet weather flows. The Discharger’s wastewater collection systems includes approximately 200 miles of sewer lines and ~~3538~~ wastewater pump stations.

**40. Revision to Page 5:**

The Discharger completed additional engineering analyses, an Environmental Impact Report, and an antidegradation analysis for facility construction to increase the ADWF at the Novato Plant to 7.05 mgd. This Order authorizes this capacity increase after the Discharger completes ~~all~~ construction and the tasks specified in Provision VI.C.4(c) of this Order. The facility improvements will result in all treatment occurring at the Novato Plant. The upgraded Novato Plant (discussed below) will provide secondary treatment for 47 mgd peak wet weather flow. There will be no blending at the upgraded Novato Plant. When construction is complete, influent flows currently conveyed to the Ignacio Plant will be rerouted to the Novato plant, and the Ignacio Plant will be decommissioned.

**41. Revision to Page 9:**

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

**42. Revision to Page 24:**

Until Ignacio Plant ceases receiving wastewater, the Discharger shall ~~operate~~ the Ignacio Plant as required by relevant regulations; follow all applicable operation and maintenance manuals, contingency policy, standard operation procedures, etc. to ensure proper operation and safety.

**43. Revision to Page 27:**

**Table 9. Copper Action Plan**

|  |   |
|--|---|
| <p><b>(3). Implement Additional Measures</b><br/>         If the Regional Water Board notifies the Discharger that the three year rolling mean copper concentration of the receiving water exceeds 3.0 µg/L, the Discharger shall evaluate the effluent copper concentration trend. If the trend is increasing, within 90 days of the notification, the Discharger shall develop and begin implementation of additional measures to control copper discharges, and shall report annually on the progress and effectiveness of measures taken together with a schedule for measures to be taken in the next 12 months.-</p> | <p>With annual pollution prevention (P2) report with the report due after the notification.</p> |
|--|---|

**44. Revision to Page F-4:**

1. **Facility Description.** Treatment processes at the Novato Plant include influent pumping, influent screening, flow measurement and grit removal, primary clarification, activated sludge secondary treatment in the three existing circular aeration basins and two circular secondary clarifiers, ammonia removal through the existing bio-tower, chlorination (with sodium hypochlorite), and dechlorination (with sodium bisulfite) at a dechlorination facility about ½ mile east of the Ignacio Plant.



April 7, 2010

Ms. Tong Yin, Water Resources Control Engineer  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

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**SUBJECT: Comments on the Tentative Order Reissuing Novato Sanitary District  
NPDES Permit (CA0037958)**

Dear Ms. Yin:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the Tentative Order reissuing the Novato Sanitary District (District) NPDES Permit (No. CA0037958). BACWA is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that collectively provide sanitary services to over 6.5 million people in the nine county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals charged with protecting the environment and public health.

The tentative order's total coliform and ammonia limits raise concerns for BACWA member agencies that we request be addressed prior to adoption by the San Francisco Bay Regional Water Quality Control Board (Water Board).

First, the permit's limits for fecal coliform are inappropriate considering the basis of the water quality objectives and the lack of shellfishing in the vicinity of the outfall. The tentative order contains final effluent limits for fecal coliform that are not in the District's current permit and which are very stringent. These limits – a median of 14 MPN/ 100 mL and a 90<sup>th</sup> percentile of 42 MPN/100 mL – are identical to the Basin Plan's objectives to protect shellfishing. The Basin Plan objectives are based on, and the same as, the National Shellfish Sanitation Program (NSSP) guideline standards.<sup>1</sup> These standards are intended to apply to state-designated areas where commercial shellfish harvesting actually occurs, and for which the state performs regular sanitary surveys and has developed a management plan. These public health-based standards were not intended or suitable to be used as effluent limits.

---

<sup>1</sup> The NSSP is a federal and state cooperative program, established by the U.S. Public Health Service to control disease associated with the consumption of raw shellfish and to “promote and improve the sanitation of shellfish...moving in interstate commerce.” National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, Section IX: History of the National Shellfish Sanitation Program, 2007 (“NSSP Guidance”).

It is our understanding that the District has also completed a study showing that no shellfishing occurs in the vicinity of the outfall. As compliance with the very low fecal limits will require a significant increase in chlorination, which has its own environmental and human health implications, BACWA requests that these studies be taken under consideration in determining what bacteriological effluent limits are appropriate and necessary.

We further note that the proposed fecal limits are inconsistent with the Water Board's draft Basin Plan Amendment adopting water quality objectives for enterococcus and does not recognize related efforts by the State Water Resources Control Board (State Water Board) to address this issue. The State Water Board is currently engaged in a project to develop standards and an implementation approach for protecting shellfishing that increases consistency and flexibility. One of the reasons for this project is that, as mentioned above, current water quality objectives for protection of shellfishing are based on public consumption health standards for commercial growers and may be unduly stringent when applied to ambient waters. Considering the current reassessment of the shellfish harvesting beneficial use designations and the lack of commercial or recreational shellfishing in the District's receiving waters, BACWA does not believe that the limits for fecal coliform are appropriate at this time.

Second, the tentative order's average monthly effluent limit for ammonia is more than four times lower than that in the District's current permit. In 2001, the District began planning for \$90 million in capital improvements to its plant and system, to be completed by 2011. This upgrade - the plans for which have been approved by the State Water Board - does not include changes that will allow the District to achieve the new ammonia limits. It is our understanding that the District has completed and will shortly be submitting the results of mathematical modeling and an analysis of mixing zone size and other conditions in support of *State Implementation Policy* requirements that will demonstrate that the previous permit's ammonia effluent limit is protective of water quality. BACWA requests that the tentative order retain the previous permit's ammonia effluent limits until the study is evaluated by the Water Board.

Thank you for your attention to these comments.

Sincerely,



Amy Chastain  
Executive Director  
Bay Area Clean Water Agencies

cc: BACWA Executive Board  
James Ervin, BACWA Permits Committee Chair  
Bruce Wolfe, Regional Water Board  
Lila Tang, Regional Water Board  
Bill Johnson, Regional Water Board  
Beverly James, Novato Sanitary District

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**CEASE AND DESIST ORDER NO. R2-2010-XXXX**

**REQUIRING THE NOVATO SANITARY DISTRICT  
TO CEASE AND DESIST DISCHARGING PARTIALLY-TREATED WASTEWATER  
TO WATERS OF THE STATE**

**WHEREAS** the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter “Regional Water Board”), finds that:

1. The Novato Sanitary District (hereinafter “Discharger”) owns and operates the Novato Wastewater Treatment Plant (hereinafter “Novato Plant”), its associated sewage collection system, and one effluent discharge outfall to San Pablo Bay. The Novato Plant treats wastewater from a primarily residential service area serving the City of Novato and adjacent areas with a current population of about 60,000.
2. The Novato Plant has an average dry weather flow (ADWF) design capacity of 6.55 million gallons per day (mgd). The annual ADWF was 3.91 mgd, based on flow data from January 2006 – April 2009.
3. The Discharger also owns and operates the Ignacio Wastewater Treatment Plant (hereinafter “Ignacio Plant”) as a roughing plant; effluent from the Ignacio Plant flows to Novato Plant for further treatment.
4. The Discharger is currently implementing significant capital improvements that include construction of major new wastewater treatment facilities. These facilities are being installed to address the aging infrastructure, to accommodate limited future service area growth, to consolidate operations at the Novato Plant, and to comply with all effluent limitations. As of this time, the Discharger has completed construction of the Ignacio transfer pump station and Ignacio conveyance force main to convey wastewater flows to Novato Plant. The Novato Plant is undergoing a major overhaul with the installation of new headworks, a new influent pump station, two new primary clarifiers, two new aeration basins, two new secondary clarifiers, an ultraviolet disinfection facility, a new effluent pump station, a new gravity belt thickener, a second digester, new odor control facilities, and new electrical facilities. The Discharger intends to decommission the Ignacio Plant once these new facilities at the Novato Plant are complete.
5. NPDES Permit No. CA0037958 (Regional Water Board Order No. R2-2010-XXXX) regulates the discharge of Novato Plant effluent and contains the water quality-based effluent limitations (WQBELs) listed in Table 1, below, among others.

**Table 1: Water Quality-Based Effluent Limits in Order No. R2-2010-XXXX**

| Parameter            | Units | WQBELs                                |                                     |
|----------------------|-------|---------------------------------------|-------------------------------------|
|                      |       | Average Monthly Effluent Limit (AMEL) | Maximum Daily Effluent Limit (MDEL) |
| Copper               | µg/L  | 6.9                                   | 13                                  |
| Carbon Tetrachloride | µg/L  | 4.4                                   | 8.8                                 |
| Dieldrin             | µg/L  | 0.00014                               | 0.00028                             |
| Total Ammonia        | mg/L  | 1.3                                   | 4.7                                 |

6. The Discharger cannot currently comply with the copper, carbon tetrachloride, dieldrin, and total ammonia WQBELs listed in Table 1, as explained below:
- a. For copper, statistical analysis of effluent data collected over the period of January 2004 to April 2009 (ranging from 3.8 – 39 µg/L) shows that the 95<sup>th</sup> percentile (20 µg/L) is greater than the AMEL (6.9 µg/L); the 99<sup>th</sup> percentile (37 µg/L) is greater than the MDEL (13 µg/L); and the mean (9.8 µg/L) is greater than the long term average of the projected lognormal distribution of the effluent data set after accounting for effluent variability (4.6 µg/L). Based on this analysis, the Regional Water Board concludes that immediate compliance with the copper WQBELs is infeasible.<sup>1</sup>
  - b. For carbon tetrachloride, all effluent data were non-detect except one detected value. It is impossible to fit a probability distribution to the data to estimate percentiles; therefore, feasibility to comply with the WQBELs was evaluated by comparing the maximum effluent concentration (MEC) (7.6 µg/L) to the AMEL (4.4 µg/L). Because the MEC exceeds the AMEL, the Regional Water Board concludes that immediate compliance with the carbon tetrachloride WQBELs is infeasible.
  - c. For dieldrin, all effluent data were non-detect except one detected value. It is impossible to fit a probability distribution to the data to estimate percentiles; therefore, feasibility to comply with the WQBELs was evaluated by comparing the MEC (0.018 µg/L) to the AMEL (0.00014 µg/L). Because the MEC exceeds the AMEL, the Regional Water Board concludes that immediate compliance with the dieldrin WQBELs is infeasible.

<sup>1</sup> The statistical feasibility analysis consisted of the following steps:

- Use statistical software (MiniTab) to fit a statistical distribution of the effluent data.
- Calculate the mean, 95<sup>th</sup>, and 99<sup>th</sup> percentiles of the effluent data for each constituent considered (using the fitted distribution).
- Compare the mean, 95<sup>th</sup>, and 99<sup>th</sup> percentiles with the long-term average (LTA), average monthly effluent limit (AMEL), and maximum daily effluent limit (MDEL) calculated using the procedure in the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (2005).
- If any of the LTA, AMEL, and MDEL exceeds the mean, 95<sup>th</sup> percentile, or 99<sup>th</sup> percentile, respectively, it may be infeasible for the Discharger to immediately comply with the WQBELs.
- Where the 95<sup>th</sup> and 99<sup>th</sup> percentiles cannot be estimated due to too few data or too many data being non-detect, the determination is based on staff judgment after examining the raw data, such as direct comparison of the maximum effluent concentration (MEC) with the AMEL. If the MEC is greater than the AMEL, it may be infeasible for the Discharger to immediately comply with WQBELs.

- d. For total ammonia, statistical analysis of effluent data collected over the period of April 2008 to April 2009 (ranging from 0.25 – 21.7 mg/L) shows that the 95<sup>th</sup> percentile (12 mg/L) is greater than the AMEL (1.3 mg/L); the 99<sup>th</sup> percentile (23 mg/L) is greater than the MDEL (4.7 mg/L); and the mean (4.1 mg/L) is greater than the long term average of the projected lognormal distribution of the effluent data set after accounting for effluent variability (1.0 mg/L). Based on this analysis, the Regional Water Board concludes that immediate compliance with the total ammonia WQBELs is infeasible.
7. Water Code § 13301 authorizes the Regional Water Board to issue a cease and desist order when it finds that a waste discharge is taking place, or threatening to take place, in violation of Regional Water Board requirements. Because the Discharger will violate or threatens to violate required effluent limits, a cease and desist order is necessary to ensure that the Discharger achieves compliance with the copper, carbon tetrachloride, dieldrin, and total ammonia WQBELs.
8. Cease and Desist Order No. R2-2008-0029 already contains a time schedule and specific actions to comply with copper and cyanide limits in the previous permit (Regional Water Board Order No. R2-2004-0093, as amended by Order No. R2-2008-0026).
9. Analysis undertaken to support the existing permit (Order No. R2-2010-XXXX) demonstrates that the Discharger can comply with the cyanide WQBELs in the existing permit; therefore, Cease and Desist Order No. R2-2008-0029 is no longer necessary to ensure cyanide compliance. (Statistical analysis of cyanide effluent data collected over the period of January 2004 to April 2009 [ranging from 0.08—7.0 µg/L] shows that the 95<sup>th</sup> percentile [4.9 µg/L] is less than the AMEL [6.6 µg/L]; the 99<sup>th</sup> percentile [6.1 µg/L] is less than the MDEL [15 µg/L]; and the mean [2.2 µg/L] is less than the long term average of the projected lognormal distribution of the effluent data set after accounting for effluent variability [3.8 µg/L]. Based on this analysis, the Regional Water Board concludes that immediate compliance with the cyanide WQBELs is feasible.)
10. This Order establishes an updated time schedule for the Discharger to complete necessary facility upgrades to address its imminent and threatened violations for copper, carbon tetrachloride, and dieldrin. These facility upgrades are expected to result in the Discharger's ability to comply with the copper, carbon tetrachloride, and dieldrin WQBELs. This Order also establishes a time schedule for the Discharger to study receiving water quality to better understand the impact of its ammonia discharges and, if necessary, design and construct facility upgrades to address its imminent and threatened violations of the total ammonia WQBELs.
11. The time schedule is intended to be as short as possible; however, it accounts for uncertainty in determining exactly when facility upgrades can be completed. It is based on reasonably expected times needed to implement each required action. The Regional Water Board may wish to revisit these assumptions as more information becomes available.
12. As part of the time schedule to achieve compliance, this Order requires the Discharger to comply with interim effluent limits. These interim limits are intended to ensure that the Discharger maintains at least its existing performance while completing all actions required

during the time schedule. The interim limitations for these pollutants are presented in Table 2, below. The copper interim effluent limit is the same as in Cease and Desist Order No. R2-2008-0029. The total ammonia interim effluent limit is the same as the limit in the previous permit (Order No. R2-2004-0093). The carbon tetrachloride and dieldrin interim effluent limits are the same as the MECs.

**Table 2. Interim Effluent Limitations**

| Parameter            | Units | Maximum Daily Interim Effluent Limitations | Monthly Average Interim Effluent limitations |
|----------------------|-------|--|--|
| Copper               | µg/L  | 19   | --   |
| Carbon Tetrachloride | µg/L  | --   | 7.6  |
| Dieldrin             | µg/L  | --   | 0.018  |
| Total Ammonia        | mg/L  | --   | 6.0  |

13. This Order is an enforcement action and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21000 et seq.) in accordance with 14 CCR §15321.
14. The Regional Water Board notified the Discharger and interested persons of its intent to consider adoption of this Cease and Desist Order, and provided an opportunity to submit written comments and appear at a public hearing. The Regional Water Board, in a public hearing, heard and considered all comments.

**IT IS HEREBY ORDERED**, that Cease and Desist Order No. R2-2008-0029 is rescinded upon the effective date of this Order, except for enforcement purposes, and that in accordance with Water Code §13300, the Discharger shall comply with the following provisions:

1. Prescribed Actions. The Discharger shall comply with the required actions in Tables 3 and 4 in accordance with the time schedules provided therein to comply with applicable WQBELs. Deliverables listed in Tables 3 and 4 shall be acceptable to the Executive Officer, who will review them for adequacy and compliance with the Tables 3 and 4 requirements.

**Table 3. Time Schedule and Prescribed Actions for Copper, Carbon Tetrachloride, and Dieldrin**

| Action  | Deadline                          |
|---|-----------------------------------|
| a. Comply with the interim effluent limits for copper, carbon tetrachloride, and dieldrin listed in Table 2 at monitoring location EFF-001 (see Order No. R2-2010-XXXX).  | Upon effective date of this Order |
| b. Document and certify complete construction of Novato Plant aeration basins and one secondary clarifier.  | June 30, 2010                     |
| c. Document and certify complete construction of Novato Plant influent pump station, second primary and secondary clarifier, UV disinfection, gravity belt thickener, and second digester.  | December 31, 2010                 |
| d. Document and certify completion of all facility upgrades, place upgrades into operation, and comply with copper, carbon tetrachloride, and dieldrin WQBELs of Regional Water Board Order No. R2-2010-XXXX (NPDES Permit No. CA0037958) | June 30, 2011                     |

**Table 4. Time Schedule and Prescribed Actions for  
Total Ammonia**

| Actions  | Deadline  |
|--|---|
| a. Comply with the total ammonia interim effluent limit for total ammonia listed in Table 2 at monitoring location EFF-001 (see Order No. R2-2010-XXXX).   | Upon effective date of this Order                       |
| b. Submit a <u>study plan</u> to evaluate the effects of ammonia discharges on the receiving water and the potential for the receiving water to exceed applicable water quality objectives. The study plan shall include the following elements: <ul style="list-style-type: none"> <li>• sampling locations (effluent and receiving water, at a location that is accessible and as close to the outfall as possible),</li> <li>• sampling and analysis protocols,</li> <li>• sampling parameters (including, at a minimum, pH, salinity, temperature, hardness, and total ammonia),</li> <li>• data interpretation models and other methods to be used (representing conservative, reasonable worst case conditions), and</li> <li>• implementation schedule.</li> </ul>  | Within 90 days of Order No. R2-2010-XXXX effective date |
| c. Begin implementation of the study plan developed for action (b).  | Upon the 2010/2011 bay discharge starts.                |
| d. Submit an <u>initial study report</u> that includes the following elements: <ul style="list-style-type: none"> <li>• sampling results, data interpretation, and conclusions, such as receiving water characterization, seasonal/diurnal variability, etc.;</li> <li>• proposed mixing zone and dilution credit, if any (with justification consistent with <i>Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California</i> § 1.4.2.2);</li> <li>• determination if there is reasonable potential for the discharge to cause receiving water to exceed applicable ammonia objectives (based on any proposed dilution and based on a no dilution scenario) using procedures outlined in <i>Technical Support Document for Water Quality-Based Toxics Control</i> (1991) (see Order No. R2-2010-XXXX, Fact Sheet, Section D.3.d, Attachment F);</li> <li>• if there is reasonable potential, total ammonia effluent concentration goals that account for applicable ammonia objectives and criteria that may foreseeably become applicable standards or objectives within the term of the permit or the next permit term, such as USEPA's <i>1999 Update of Ambient Water Quality Criteria for Ammonia</i> (EPA-822-R-99-014); and</li> <li>• compliance attainability with the total ammonia concentration goals described above.</li> </ul> | June 30, 2011   |

| Actions   | Deadline   |
|---|--|
| <p>e. If there is reasonable potential and there would be compliance difficulty with the total ammonia concentration goals in action (d), submit a <u>follow-up study plan</u> that includes the following elements:</p> <ul style="list-style-type: none"> <li>• investigate treatment options to achieve compliance with the ammonia concentration goals, including a description and summary of the treatment options with a discussion of the pros and cons of each,</li> <li>• plan for bench scale tests or pilot scale tests or both, and</li> <li>• implementation schedule.</li> </ul>                                     | <p>September 1, 2011</p>   |
| <p>f. If there is reasonable potential, continue monitoring the effluent and receiving water to determine compliance with total ammonia effluent concentration goals based on the ammonia objectives in effect at that time.</p> <p>If there is no reasonable potential, and the Executive Officer concurs in writing, continue monitoring the effluent and receiving water and submit a <u>final study report</u> summarizing the monitoring data, findings, and conclusions. The Discharger needs not comply with actions (g) through (i).</p>  | <p>Annually, on February 1, with annual self-monitoring reports (SMRs).</p> <p>Final study report is due January 2, 2015</p> |
| <p>g. Begin implementation of the follow-up study plan developed for action (e).</p>  | <p>October 15, 2011</p>  |
| <p>h. Submit a <u>final study report</u> summarizing the results of action (g) and identifying the following, as applicable:</p> <p>(1) measures the Discharger will take to comply with the ammonia concentration goals, including the following, as relevant:</p> <ol style="list-style-type: none"> <li>i. development of preliminary design specifications,</li> <li>ii. development of final design specifications,</li> <li>iii. procurement of funding,</li> <li>iv. acquisition of necessary permits and approvals, and</li> <li>v. construction; and</li> </ol> <p>(2) implementation schedule for the above measures.</p> | <p>September 30, 2012</p>  |
| <p>i. Begin implementation of the measures identified for action (h) consistent with the implementation schedule identified for action (h).</p>   | <p>October 15, 2012</p>  |
| <p>j. Submit annual status reports that contain, at minimum, monitoring data collected during the previous year and necessary updates to all study plans.</p>   | <p>Annually, on February 1, with annual self-monitoring reports (SMRs)</p>   |
| <p>k. Comply with the total ammonia WQBELs in the Regional Water Board Order No. R2-2010-XXXX (NPDES Permit No. CA0037958)</p>  | <p>June 30, 2015</p>   |

2. Reporting Delays. If the Discharger is delayed, interrupted, or prevented from meeting one or more deadlines of the time schedules in Tables 3 and 4 due to circumstances beyond its reasonable control, the Discharger shall promptly notify the Executive Officer, provide the reasons and justification for the delay, and propose a time schedule for resolving the delay.

3. Consequences of Non-Compliance. If the Discharger fails to comply with the provisions of this Order, the Executive Officer is authorized to take further enforcement action or to request the Attorney General to take appropriate actions against the Discharger in accordance with Water Code §§ 13331, 13350, 13385, and 13386. Such actions may include injunctive and civil remedies, if appropriate, or the issuance of an Administrative Civil Liability Complaint for Regional Water Board consideration.
4. Effective Date. This Order shall become effective on July, 1, 2010.

I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 12, 2010.

---

BRUCE H. WOLFE  
Executive Officer



Linda S. Adams  
Secretary for  
Environmental Protection

## California Regional Water Quality Control Board San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland CA 94612  
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<http://www.waterboards.ca.gov/sanfranciscobay>



Arnold Schwarzenegger  
Governor

### TENTATIVE ORDER NO. R2-2010-XXXX NPDES NO. CA0037958

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

**Table 1. Discharger Information**

|  |  |
|--|--|
| <b>Discharger</b>  | Novato Sanitary District   |
| <b>Name of Facility</b>  | Novato Sanitary District Wastewater Treatment Plant, and its associated sewage collection system |
| <b>Facility Address</b>  | 500 Davidson St., Novato CA 94945, Marin County  |
| The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified this discharge as a major discharge. |  |

Discharges from the Novato Wastewater Treatment Plant at the discharge point identified below are subject to waste discharge requirements as set forth in this Order.

**Table 2. Discharge Location**

| Discharge Point | Effluent Description                   | Discharge Point Latitude | Discharge Point Longitude | Receiving Water |
|-----------------|--|--------------------------|---------------------------|-----------------|
| 001             | Secondary Treated Municipal Wastewater | 38° 03' 36" N            | 122° 29' 24" W            | San Pablo Bay   |

**Table 3. Administrative Information**

|   |   |
|---|---|
| This Order was adopted by the Regional Water Quality Control Board on:  | May 12, 2010                                |
| This Order shall become effective on:   | July 1, 2010                                |
| This Order shall expire on:   | June 30, 2015                               |
| The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than: | 180 days prior to the Order expiration date |

I, Bruce H. Wolfe, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 12, 2010.

\_\_\_\_\_  
Bruce H. Wolfe, Executive Officer

**Table of Contents**

I. Facility Information..... 4

II. Findings..... 4

III. Discharge Prohibitions ..... 10

IV. Effluent Limitations and Discharge Specifications..... 11

    A. Effluent Limitations for Conventional and Non-Conventional Pollutants – Discharge Point 001..... 11

    B. Effluent Limitations for Toxic Substances – Discharge Point 001 ..... 13

    C. Whole Effluent Toxicity..... 14

    D. Land Discharge Specifications..... 16

    E. Reclamation Specifications ..... 16

V. Receiving Water Limitations..... 16

    A. Surface Water Limitations..... 16

    B. Groundwater Limitations ..... 17

VI. Provisions ..... 17

    A. Standard Provisions..... 17

    B. MRP Requirements ..... 17

    C. Special Provisions ..... 17

        1. Reopener Provisions..... 17

        2. Special Studies, Technical Reports and Additional Monitoring Requirements..... 18

        3. Best Management Practices and Pollution Minimization Program..... 21

        4. Construction, Operation, and Maintenance Specifications ..... 23

        5. Special Provisions for POTWs..... 24

        6. Other Special Provisions ..... 27

VII. Compliance Determination..... 28

    A. General ..... 28

    B. Multiple Sample Data..... 29

**Tables**

Table 1. Discharger Information..... 1

Table 2. Discharge Location..... 1

Table 3. Administrative Information ..... 1

Table 4. Facility Information ..... 4

Table 5. Basin Plan Beneficial Uses..... 8

Table 6. Effluent Limitations – Discharge Point 001 (November through April)..... 12

Table 7. Effluent Limitations – Discharge Point 001 (May, September, and October) ..... 12

Table 8. Effluent Limitations for Toxic Pollutants..... 13

Table 9. Copper Action Plan..... 27

Table 10. Cyanide Action Plan..... 28

**Attachments**

Attachment A – Definitions ..... A-1  
Attachment B – Facility Map..... B-1  
Attachment C – Process Flow Diagram..... C-1  
Attachment D – Federal Standard Provisions ..... D-1  
Attachment E – Monitoring and Reporting Program (MRP)..... E-1  
Attachment F – Fact Sheet..... F-1  
Attachment G – Regional Standard Provisions and Monitoring and Reporting Program..... G-1  
Attachment H – Pretreatment Requirements ..... H-1  
Attachment I – Novato Sanitary District Reclamation Ponds Sediment Control and  
Monitoring Plan ..... I-1

**I. FACILITY INFORMATION**

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

**Table 4. Facility Information**

|   |  |
|---|--|
| <b>Discharger</b>                         | Novato Sanitary District   |
| <b>Name of Facility</b>                   | Novato Sanitary District Wastewater Treatment Plant and its associated sewage collection system  |
| <b>Facility Address</b>                   | 500 Davidson St., Novato CA 94945, Marin County  |
| <b>Facility Contact, Title, and Phone</b> | Beverly James, Manager - Engineer, (415)892-1694   |
| <b>Mailing Address</b>                    | 500 Davidson St., Novato CA 94945  |
| <b>Type of Facility</b>                   | Publicly Owned Treatment Works (POTW)  |
| <b>Facility Design Flow</b>               | Existing Novato Plant: 6.55 million gallons per day (mgd) (average dry weather flow), 9 mgd (peak wet weather flow)<br>Upgraded Novato Plant: 7.05 mgd (average dry weather flow) after Tasks in Provision VI.C.4(c) are completed, 47 mgd (peak wet weather flow) |
| <b>Service Area</b>                       | City of Novato and adjacent areas  |
| <b>Service Population</b>                 | 60,000   |

**II. FINDINGS**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Regional Water Board), finds:

**A. Background.** The Novato Sanitary District (hereinafter, the Discharger) is currently discharging under Order No. R2-2004-0093, as amended by Order No. R2-2008-0026, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0038806. The Discharger submitted a Report of Waste Discharge, dated June 30, 2009, and applied for an NPDES permit reissuance to discharge treated wastewater from its Novato Wastewater Treatment Plant to waters of the State and the United States. The Discharger is also subject to the requirements of Order No. R2-2007-0077 (NPDES Permit No. CA0038849), which establishes requirements regarding discharges of mercury to San Francisco Bay. Order No. R2-2007-0077 is unaffected by this Order.

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

**B. Facility Description and Discharge Location**

1. **Existing Facility Description.** The Discharger owns and operates the Novato Wastewater Treatment Plant (Novato Plant), its associated sewage collection system, and one effluent discharge outfall to San Pablo Bay, adjacent to the former Hamilton Air Force Base. The Novato Plant treats wastewater from a primarily residential service area serving the City of Novato and adjacent areas with a current population of about 60,000.

The Discharger currently also operates the Ignacio Wastewater Treatment Plant (Ignacio Plant), located at 445 Bel Marin Keys Blvd., Novato, as a roughing plant; treated wastewater from the Ignacio Plant is conveyed to the Novato Plant for further treatment.

Treatment processes at the Novato Plant include influent pumping, influent screening, flow measurement and grit removal, primary clarification, activated sludge secondary treatment in the three existing circular aeration basins and two circular secondary clarifiers, ammonia removal through the existing bio-tower, chlorination (with sodium hypochlorite), and dechlorination (with sodium bisulfite) at the existing dechlorination facility about ½ mile east of the Ignacio Plant.

Treatment processes at the Ignacio Plant include primary clarification, biofiltration, subsequent clarification, nitrification, gravity filtration, and chlorine disinfection.

The Discharger's wastewater collection system collects and transports wastewater flows to the Plants through a series of gravity sewers and interceptors, pump stations, and force mains, designed to handle peak wet weather flows. The Discharger's wastewater collection systems include approximately 200 miles of sewer lines and 35 wastewater pump stations.

- 2. Discharge Description.** The Novato Plant has an average dry weather flow (ADWF) design capacity of 6.55 mgd and can treat up to 9 mgd of peak wet weather with full secondary treatment. When influent flow exceeds the peak wet weather treatment capacity of the Novato Plant, flows above 9 mgd and up to 16 mgd receive primary treatment, gravity filtration and disinfection, and flow exceeding 16 mgd receive gravity filtration and chlorine disinfection. These flows are blended with secondary treated wastewater prior to discharge. From January 2006 through April 2009, the average and maximum flow rates from the Novato Plant were 5.3 and 22.96 mgd.

The Ignacio Plant has an ADWF design capacity of 2.02 mgd and a peak wet weather flow design capacity of 4.04 mgd. From January 2006 through March 2008, the average and maximum flow rates from the Ignacio Plant were 1.89 and 7.75 mgd.

The Discharger completed additional engineering analyses, an Environmental Impact Report, and an antidegradation analysis for facility construction to increase the ADWF at the Novato Plant to 7.05 mgd. This Order authorizes this capacity increase after the Discharger completes all construction and the tasks specified in Provision VI.C.4(c) of this Order. The facility improvements will result in all treatment occurring at the Novato Plant. The upgraded Novato Plant (discussed below) will provide secondary treatment for 47 mgd peak wet weather flow. There will be no blending at the upgraded Novato Plant. When construction is complete, influent flows currently conveyed to the Ignacio Plant will be rerouted to the Novato plant, and the Ignacio Plant will be decommissioned.

- 3. Discharge Location.** Treated effluent is discharged from the Novato Plant to the intertidal zone of San Pablo Bay at Discharge Point 001 through a multiport diffuser located approximately 950 feet offshore. The diffuser is submerged at the +1 foot mean lower low water tidal elevation. At lower tidal elevations, the outfall is exposed, and the distance from the end of the diffuser to the San Pablo Bay water line can range from 1000 to 3500 feet. During these times of lower tidal elevation, the discharge does not receive an initial dilution of 10:1, and is therefore classified as a shallow water discharge.

In accordance with Basin Plan Table 4-1, shallow water discharges are prohibited. This Order therefore prohibits discharges at Discharge Point 001 to San Pablo Bay from June 1 through August 31. During this period, effluent is discharged to storage ponds until used for sprinkler

irrigation of 820 acres of Discharger-controlled pasturelands used for beef cattle, grazing, and irrigated hay production. As described in the Fact Sheet (Attachment F) section IV.B, this Order grants an exception to the discharge prohibition from September 1 through May 31.

- 4. Treatment Facilities Upgrade Project.** The Discharger is currently undergoing a major multi-year Treatment Facilities Upgrade Project, which it expects to complete by 2011. The Upgrade Project will result in all of the Discharger's wastewater treatment capabilities being consolidated at its Novato Plant. In the interim, the Discharger operates the existing Novato Plant as the main wastewater treatment plant, with its other treatment facility, the Ignacio Plant, being operated mainly as a roughing plant, pending the completion of the Upgrade Project and decommissioning of the Ignacio Plant.

As of this time, the Discharger has completed construction of the Ignacio transfer pump station; Ignacio conveyance force main; waste activated sludge thickening process with two gravity belt thickeners; a new influent pump station; a new headworks facility with two mechanical filter screens and a manual bar rack for influent screening, parshall flumes for influent flow measurement; and two grit basins each with a mechanical grit vortex system; and a new primary clarifier.

The remaining construction is scheduled to be completed as below:

|                   |   |
|-------------------|---|
| June 30, 2010     | Complete Novato Plant aeration basins and one secondary clarifier.  |
| December 31, 2010 | Complete Novato Plant influent pump station, second primary and secondary clarifiers, UV disinfection, gravity belt thickener, and second digester. |

- 5. Reclamation Activities.** The Discharger's reclamation system includes two storage ponds with a combined storage capacity of 180 million gallons, a wildlife marsh pond, an irrigation pump station, and 820 acres of irrigation pasture. Regional Water Board Order No. 92-065 establishes limitations and conditions regarding the reclamation uses of treated wastewater, which apply to the Discharger's reclamation system. Although the discharge prohibition includes three summer months, the Discharger typically reclaims wastewater for irrigation five or more months per year. This permit allows discharge from the storage ponds to San Pablo Bay during the discharge season, upon meeting the requirements specified in Provision VI.C.2(d).
- 6. Biosolids Management.** Solids handling at the Novato Plant includes the new gravity belt waste activated sludge thickening, anaerobic digestion of primary sludge and thickened waste activated sludge in the existing primary digester, and removal of digested sludge to storage at the sludge lagoons at the Discharger's reclamation site. Sludge is treated at the Ignacio Plant through primary anaerobic digestion followed by thickening in storage ponds. Thickened sludge from both plants is land applied at a 14.4 acre dedicated land disposal site located near the reclamation area.
- 7. Storm Water Discharge.** The Discharger is not required to be covered under the State Water Board's statewide NPDES permit for storm water discharges associated with industrial activities (NPDES General Permit No. CAS000001) because all storm water flows in contact with

equipment or sewage at the plants and the pump stations serving the plants is collected and directed to the headworks of the plants for treatment.

Attachment B provides a map of the area around the both treatment plants. Attachment C provides flow schematics of the treatment plants.

- C. Legal Authorities.** This Order is issued pursuant to Clean Water Act (CWA) section 402 and implementing regulations adopted by the USEPA and chapter 5.5, division 7 of the California Water Code (CWC) (commencing with section 13370). It shall serve as an NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to CWC article 4, chapter 4, division 7 (commencing with section 13260).
- D. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for requirements of the Order, is hereby incorporated into this Order and constitutes part of the findings for this Order. Attachments A through E, and G through I, are also incorporated into this Order.
- E. California Environmental Quality Act (CEQA).** Under CWC section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA.
- F. Technology-Based Effluent Limitations.** CWA Section 301(b) and NPDES regulations at Title 40 of the Code of Federal Regulations (40 CFR) section 122.44 require that permits include conditions meeting applicable technology-based requirements at minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order must meet minimum federal technology-based requirements based on Secondary Treatment Standards at 40 CFR 133 and/or Best Professional Judgment (BPJ) pursuant to 40 CFR 125.3. Further discussion of the development of technology-based effluent limitation development is included in the Fact Sheet (Attachment F).
- G. Water Quality-Based Effluent Limitations (WQBELs).** CWA section 301(b) and NPDES regulations at 40 CFR 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

NPDES regulations at 40 CFR 122.44(d)(1)(i) mandate that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, WQBELs must be established using (1) USEPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion (WQC), such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in 40 CFR 122.44(d)(1)(vi).

**H. Water Quality Control Plan.** *The Water Quality Control Plan for the San Francisco Bay Basin* (the Basin Plan) is the Regional Water Board’s master water quality control planning document. It designates beneficial uses and water quality objectives (WQOs) for waters of the State, including surface and groundwater. It also includes implementation programs to achieve WQOs. The Basin Plan was duly adopted by the Regional Water Board and approved by the State Water Resources Control Board (State Water Board), USEPA, and the Office of Administrative Law (OAL). Requirements of this Order implement the Basin Plan. The Basin Plan specifically identifies the receiving water for this discharge, San Pablo Bay.

The Basin Plan implements State Water Board Resolution No. 88-63, which establishes State policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Because of marine influence in San Pablo Bay, total dissolved solids levels in San Pablo Bay exceed 3,000 milligrams per liter (mg/L) and thereby meet an exception to State Water Board Resolution No. 88-63. The MUN designation is therefore not applicable to San Pablo Bay.

The Basin Plan beneficial uses for San Pablo Bay are listed in the table below.

**Table 5. Basin Plan Beneficial Uses**

| Discharge Point | Receiving Water Name | Beneficial Uses   |
|-----------------|----------------------|---|
| 001             | San Pablo Bay        | Industrial Service Supply (IND)<br>Ocean, Commercial, and Sport Fishing (COMM)<br>Shellfish Harvesting (SHELL)<br>Estuarine Habitat (EST)<br>Fish Migration (MIGR)<br>Preservation of Rare and Endangered Species (RARE)<br>Fish Spawning (SPWN)<br>Wildlife Habitat (WILD)<br>Water Contact Recreation (REC1)<br>Non-Contact Water Recreation (REC2)<br>Navigation (NAV) |

**I. National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995, and November 9, 1999. About 40 criteria in the NTR apply in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that applied in the State. The CTR was amended on February 13, 2001. These rules contain WQC for priority pollutants.

**J. State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated through the NTR and to the priority pollutant objectives established in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria USEPA promulgated through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005, that became effective on July 13, 2005. The

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

- K. Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards become effective for CWA purposes. [65 Fed. Reg. 24641 (April 27, 2000), codified at 40 CFR 131.21]. Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.
- L. Stringency of Requirements for Individual Pollutants.** This Order contains both technology-based and water quality based effluent limitations for individual pollutants. The technology-based effluent limitations consist of restrictions on biochemical oxygen demand (BOD) and total suspended solids (TSS). Derivation of these technology-based limitations is discussed in the Fact Sheet (Attachment F). This Order's technology-based pollutant restrictions implement the minimum applicable federal technology-based requirements. In addition, this Order contains effluent limitations more stringent than the minimum technology-based requirements as necessary to meet water quality standards.

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

- M. Antidegradation Policy.** NPDES regulations at 40 CFR 131.12 require that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16, which incorporates the federal antidegradation policy where the federal policy applies under federal law and requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies.
- N. Anti-Backsliding Requirements.** CWA sections 402(o)(2) and 303(d)(4) and 40 CFR 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed.
- O. Endangered Species Act.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to

2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the State. The Discharger is responsible for meeting all requirements of applicable State and federal law pertaining to threatened and endangered species.

- P. Monitoring and Reporting.** NPDES regulations at 40 CFR 122.48 require that all NPDES permits specify requirements for recording and reporting monitoring results. CWC sections 13267 and 13383 authorize the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (MRP, Attachment E) establishes monitoring and reporting requirements to implement federal and State requirements. This MRP is provided in Attachment E.
- Q. Standard and Special Provisions.** Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D. The Discharger must comply with all standard provisions and with those additional conditions that apply under 40 CFR 122.42. The Discharger must also comply with the Regional Standard Provisions provided in Attachment G. The Regional Water Board has also included in this Order special provisions applicable to the Discharger. The attached Fact Sheet (Attachment F) provides rationale for the special provisions.
- R. Provisions and Requirements Implementing State Law.** None of the requirements in this Order are included to implement state law only.
- S. Notification of Interested Parties.** The Regional Water Board notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and provided them with an opportunity to submit their written comments and recommendations. The Fact Sheet (Attachment F) provides details of the notification.
- T. Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. The Fact Sheet (Attachment F) provides details of the public hearing.

IT IS HEREBY ORDERED, that this Order supersedes Order Nos. R2-2004-0093 and R2-2008-0026, except for enforcement purposes, and, in order to meet the provisions contained in CWC Division 7 (commencing with section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

### III. DISCHARGE PROHIBITIONS

- A.** Discharge of treated wastewater at a location or in a manner different from that described in this Order is prohibited.
- B.** The bypass of untreated or partially treated wastewater to waters of the United States is prohibited, except as provided for in the conditions stated in Subsections I.G.2 and I.G.4 of Attachment D of this Order.

Blended wastewater is biologically treated wastewater blended with wastewater that has been diverted around biological treatment units or advanced treatment units. Such discharges are approved under the bypass conditions stated in 40 CFR 122.41(m)(4) for the existing Novato Plant (not the upgraded plant when improvements are completed), when (1) the Discharger's peak wet weather influent flow volumes exceed the capacity of the secondary treatment unit of 9 mgd, and (2) the discharge complies with the effluent and receiving water limitations contained in the Order. Furthermore, the Discharger shall operate its facility as designed and in accordance with the Operation and Maintenance Manual for the facility. This means it shall optimize storage and use of equalization units, and shall fully utilize the biological treatment units and advanced treatment units, if applicable. The Discharger shall report incidents of blended effluent discharges in routine monitoring reports, and shall conduct monitoring of this discharge as specified in the attached MRP (Attachment E).

- C. The average dry weather effluent flow, measured at monitoring station EFF-001 as described in the attached MRP (Attachment E), shall not exceed 6.55 mgd. Actual average dry weather flow shall be determined for compliance with this prohibition over three consecutive dry weather months each year. Upon satisfaction of the requirements in section VI.C.4(c) of this Order and Executive Officer approval, the maximum allowable average dry weather discharge rate shall increase to 7.05 mgd.
- D. Any sanitary sewer overflow that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.
- E. Discharge to San Pablo Bay is prohibited during the dry weather period from June 1 through August 31 unless the Discharger submits a request for discharge and that request is approved by the Executive Officer. In the event of high wastewater flows resulting from an early or late season storm, the Discharger, after considering the feasibility of reclamation and use of the storage ponds, shall notify the Regional Water Board case manager by phone or email of the need to discharge to San Pablo Bay immediately upon making the determination that such a discharge is necessary, and provide information justifying the request. If circumstances prevent the case manager's consideration and response to the request within the time frame necessary, the Discharger may at its discretion discharge some or all of the effluent to San Pablo Bay for the duration of the elevated flow event. The Discharger then shall submit a report within five business days from the date of the discharge. In the report, the Discharger shall fully explain the need to discharge to San Pablo Bay during the dry season and shall provide information regarding the total volume of flow discharged, duration of discharge, and estimate of dilution (effluent flow in receiving water flow) that occurred during this period. In accordance with the attached MRP (Attachment E), discharge quality shall be reported in the monthly self-monitoring report for that period.

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

##### **A. Effluent Limitations for Conventional and Non-Conventional Pollutants – Discharge Point 001**

###### **1. Effluent Limitations during November 1 through April 30**

During the period of November 1 through April 30, the Discharger shall comply with the following effluent limitations in Table 6 at Discharge Point 001, with compliance measured at Monitoring Location EFF-001, as described in the attached MRP (Attachment E).

**Table 6. Effluent Limitations – Discharge Point 001 (November through April)**

| Parameter                                  | Units | Effluent Limitations |                |               |                       |                       |
|--|-------|----------------------|----------------|---------------|-----------------------|-----------------------|
|  |       | Average Monthly      | Average Weekly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
| BOD 5-day @ 20°C (BOD <sub>5</sub> )       | mg/L  | 30                   | 45             | ---           | ---                   | ---                   |
| Total Suspended Solids (TSS)               | mg/L  | 30                   | 45             | ---           | ---                   | ---                   |
| BOD and TSS percent removal <sup>[1]</sup> | %     | 85 (minimum)         | ---            | ---           | ---                   | ---                   |
| Oil and Grease                             | mg/L  | 10                   | ---            | 20            | ---                   | ---                   |
| pH <sup>[2]</sup>                          | s.u.  | ---                  | ---            | ---           | 6.5                   | 8.5                   |

Unit Abbreviations:

mg/L = milligrams per liter  
s.u. = standard units

Footnotes to Table 6:

- [1] **85 Percent Removal.** The arithmetic mean of the biochemical oxygen demand (BOD<sub>5</sub>, 20°C) and total suspended solids values (TSS), by concentration, for effluent samples collected in each calendar month shall not exceed 15 percent of the arithmetic mean of the respective values, by concentration, for influent samples collected at approximately the same times during the same period.
- [2] **pH.** If the Discharger monitors pH continuously, pursuant to 40 CFR 401.17, the Discharger shall be in compliance with the pH limitation specified herein, provided that both of the following conditions are satisfied: (i) the total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and (ii) no individual excursion from the range of pH values shall exceed 60 minutes.

**2. Effluent Limitations during May, September, and October**

During the period of May, September, and October, when discharges occur, the Discharger shall comply with the following effluent limitations in Table 7 at Discharge Point 001, with compliance measured at Monitoring Location EFF-001, as described in the attached MRP (Attachment E). These effluent limitations also apply for emergency discharges during June 1 and August 31, consistent with Prohibition III.E.

**Table 7. Effluent Limitations – Discharge Point 001 (May, September, and October)**

| Parameter                                  | Units | Effluent Limitations |                |               |                       |                       |
|--|-------|----------------------|----------------|---------------|-----------------------|-----------------------|
|  |       | Average Monthly      | Average Weekly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
| BOD <sub>5</sub>                           | mg/L  | 15                   | 30             | ---           | ---                   | ---                   |
| TSS  | mg/L  | 10                   | 20             | ---           | ---                   | ---                   |
| BOD and TSS percent removal <sup>[1]</sup> | %     | 85 (minimum)         | ---            | ---           | ---                   | ---                   |
| Oil and Grease                             | mg/L  | 5                    | ---            | 15            | ---                   | ---                   |
| pH <sup>[2]</sup>                          | s.u.  | ---                  | ---            | ---           | 6.5                   | 8.5                   |

Unit Abbreviations:

mg/L = milligrams per liter  
s.u. = standard units

Footnotes to Table 7:

- [1] **85 Percent Removal.** The arithmetic mean of the BOD<sub>5</sub> and TSS, by concentration, for effluent samples collected in each calendar month shall not exceed 15 percent of the arithmetic mean of the respective values, by concentration, for influent samples collected at approximately the same times during the same period.

[2] pH. If the Discharger monitors pH continuously, pursuant to 40 CFR 401.17, the Discharger shall be in compliance with the pH limitation specified herein, provided that both of the following conditions are satisfied: (i) the total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and (ii) no individual excursion from the range of pH values shall exceed 60 minutes.

**3. Enterococcus Bacteria:** The discharge at Discharge Point 001 shall meet the following limitation of bacteriological quality, with compliance measured at Monitoring Location EFF-001:

The 30-day geometric mean shall not exceed 35 enterococcus colonies per 100 milliliters (mL).

**4. Fecal Coliform Bacteria:** Discharges at Discharge Point 001 shall meet the following limitations of bacteriological quality, with compliance measured at Monitoring Location EFF-001:

(1) The median fecal coliform value shall not exceed 14 MPN/100mL, and

(2) The 90<sup>th</sup> percentile fecal coliform value shall not exceed 43 MPN/100mL.

Compliance shall be determined based on a minimum of five consecutive samples equally spaced over a 30-day period.

**5. Total Chlorine Residual:** Discharges at Discharge Point 001 shall meet the following limitation for total chlorine residual, with compliance measured at Monitoring Location EFF-001:

Instantaneous maximum of 0.0 mg/L

The Discharger may elect to use a continuous on-line monitoring system(s) for measuring flows, chlorine, and sulfur dioxide dosage (including a safety factor) and concentration to prove that chlorine residual exceedances are false positives. If convincing evidence is provided, Regional Water Board staff may conclude that false positive chlorine residual exceedances are not violations of the effluent limitation.

**B. Effluent Limitations for Toxic Substances – Discharge Point 001**

The Discharger shall comply with the following effluent limitations at Discharge Point 001 with compliance determined at Monitoring Location EFF-001, as described in the attached MRP (Attachment E).

**Table 8. Effluent Limitations for Toxic Pollutants**

| Constituent          | Units | Effluent Limitations <sup>[1]</sup> |                        |
|----------------------|-------|-------------------------------------|------------------------|
|                      |       | Average Monthly                     | Maximum Daily          |
| Copper               | µg/L  | 6.9                                 | 13                     |
| Lead                 | µg/L  | 3.5                                 | 8.8                    |
| Cyanide              | µg/L  | 6.6                                 | 15                     |
| Carbon tetrachloride | µg/L  | 4.4                                 | 8.8                    |
| Dioxin-TEQ           | µg/L  | 1.4 x 10 <sup>-8</sup>              | 2.8 x 10 <sup>-8</sup> |

| Constituent   | Units | Effluent Limitations <sup>[1]</sup> |               |
|---------------|-------|-------------------------------------|---------------|
|               |       | Average Monthly                     | Maximum Daily |
| Dieldrin      | µg/L  | 0.00014                             | 0.00028       |
| Total Ammonia | mg/L  | 1.3                                 | 4.7           |

Unit Abbreviations:

µg/L = micrograms per liter  
mg/L = milligrams per liter

Footnotes to Table 8:

- [1] a. Limitations apply to the average concentration of all samples collected during the averaging period (daily = 24-hour period; monthly = calendar month)
- b. All limitations for metals are expressed as total recoverable metals.

### C. Whole Effluent Toxicity

#### 1. Whole Effluent Acute Toxicity

- a. Representative samples of the effluent at Discharge Point 001, with compliance measured at EFF-001 as described in the MRP (Attachment E), shall meet the following limits for acute toxicity. Bioassays shall be conducted in compliance with Section V.A of the MRP (Attachment E.)
- (1) An eleven (11) – sample median value of not less than 90 percent survival; and
  - (2) An eleven (11) – sample 90<sup>th</sup> percentile value of not less than 70 percent survival.
- b. These acute toxicity limitations are further defined as follows:
- (1) **11-sample median.** A bioassay test showing survival of less than 90 percent represents a violation of this effluent limit, if five or more of the past ten or less bioassay tests show less than 90 percent survival.
  - (2) **11-sample 90<sup>th</sup> percentile.** A bioassay test showing survival of less than 70 percent represents a violation of this effluent limit, if one or more of the past ten or less bioassay tests show less than 70 percent survival.
- c. Bioassays shall be performed using the most up-to-date USEPA protocol and the most sensitive species as specified in writing by the Executive Officer based on the most recent screening test results. Bioassays shall be conducted in compliance with “Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms,” currently 5th Edition (EPA-821-R-02-012), with exceptions granted to the Discharger by the Executive Officer and the Environmental Laboratory Accreditation Program (ELAP) upon the Discharger’s request with justification.

## 2. Whole Effluent Chronic Toxicity

- a. There shall be no chronic toxicity in the discharge. Chronic toxicity is a detrimental biological effect of growth rate, reproduction, fertilization success, larval development, or any other relevant measure of the health of an organism population or community.

Compliance with this limit shall be determined by analysis of indicator organisms and toxicity tests. Compliance shall be measured at EFF-001 as described in the MRP (Attachment E.)

- b. The Discharger shall comply with the following tiered requirements based on results from representative samples of the effluent at Discharge Point 001, with compliance measured at EFF-001 as described in the MRP (Attachment E), meeting test acceptability criteria and Section V.B of the MRP (Attachment E.)

(1) Conduct routine monitoring.

(2) Conduct accelerated monitoring after exceeding a three-sample median of 1 chronic toxicity unit (TUc<sup>1</sup>) or a single-sample maximum of 2 TUc or greater.

(3) Return to routine monitoring if accelerated monitoring does not exceed the “trigger” in (2), above.

(4) If accelerated monitoring confirms consistent toxicity in excess of either “trigger” in (2), above, initiate toxicity identification evaluation/toxicity reduction evaluation (TIE/TRE) procedures in accordance with Provision VI.C.2(c).

(5) Return to routine monitoring after appropriate elements of TRE workplan are implemented and either the toxicity drops below the “trigger” levels in (2), above, or based on the results of the TRE, the Executive Officer authorizes a return to routine monitoring.

- c. The Discharger shall monitor chronic toxicity using the test species and protocols specified in MRP Section V.B (Attachment E). The Discharger shall also perform chronic toxicity screening phase monitoring as described in Appendix E-1 of the MRP (Attachment E). Chronic toxicity screening phase requirements, critical life stage toxicity tests, and definitions of terms used in the chronic toxicity monitoring are identified in the MRP Appendices E-1 and E-2 of the MRP. In addition, bioassays shall be conducted in compliance with the most recently promulgated test methods, Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, currently third edition (EPA-821-R-02-014), and “Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms,” currently second Edition (EPA/600/4 91/003), with

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<sup>1</sup> A TUc equals 100 divided by the no observable effect level (NOEL). The NOEL is determined from IC, EC, or NOEC values. These terms, their usage, and other chronic toxicity monitoring program requirements are defined in more detail in the MRP (Attachment E).

exceptions granted by the Executive Officer and the Environmental Laboratory Accreditation Program (ELAP) upon the Discharger's request and justification.

**D. Land Discharge Specifications**

Not Applicable.

**E. Reclamation Specifications**

Water reclamation requirements for this Discharger are established by Regional Water Board Order No. 92-065.

**V. RECEIVING WATER LIMITATIONS**

**A. Surface Water Limitations**

Receiving water limitations are based on WQOs contained in the Basin Plan and are a required part of this Order. The discharges shall not cause the following in the receiving water:

1. The discharge of waste shall not cause the following conditions to exist in waters of the State at any place:
  - a. Floating, suspended, or deposited macroscopic particulate matter or foams;
  - b. Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses;
  - c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
  - d. Visible, floating, suspended, or deposited oil or other products of petroleum origin; and
  - e. Toxic or other deleterious substances to be present in concentrations or quantities that cause deleterious effects on wildlife, waterfowl, or other aquatic biota, or that render any of these unfit for human consumption, either at levels created in the receiving waters or as a result of biological concentration.
  
2. The discharge of waste shall not cause the following limits to be exceeded in waters of the State at any place within 1 foot of the water surface:
  - a. Dissolved Oxygen                      5.0 mg/L, minimum

Furthermore, the median dissolved oxygen concentration for any three consecutive months shall not be less than 80% of the dissolved oxygen content at saturation. When natural factors cause concentrations less than that specified above, the discharge shall not cause further reduction in ambient dissolved oxygen concentrations.

- b. Dissolved Sulfide                      Natural background levels

c. pH The pH shall not be depressed below 6.5 or raised above 8.5. The discharge shall not cause changes greater than 0.5 pH units in normal ambient pH levels.

d. Nutrients Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.

3. The discharge shall not cause a violation of any particular water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the CWA and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to CWA section 303, or amendments thereto, the Regional Water Board may revise and modify this Order in accordance with such more stringent standards.

## **B. Groundwater Limitations**

Not Applicable.

## **VI. PROVISIONS**

### **A. Standard Provisions**

1. **Federal Standard Provisions.** The Discharger shall comply with Federal Standard Provisions included in Attachment D of this Order.
2. **Regional Standard Provisions.** The Discharger shall comply with all applicable items of the Regional Standard Provisions, and Monitoring and Reporting Requirements (Supplement to Attachment D) for NPDES Wastewater Discharge Permits (Attachment G), including amendments thereto.

### **B. MRP Requirements**

The Discharger shall comply with the MRP (Attachment E), and future revisions thereto, including applicable sampling and reporting requirements in the standard provisions listed in VI.A above.

### **C. Special Provisions**

#### **1. Reopener Provisions**

The Regional Water Board may modify or reopen this Order prior to its expiration date in any of the following circumstances as allowed by law:

- a. If present or future investigations demonstrate that the discharges governed by this Order have or will have a reasonable potential to cause or contribute to, or will cease to have, adverse impacts on water quality or beneficial uses of the receiving waters.
- b. If new or revised WQOs or total maximum daily loads (TMDLs) come into effect for the San Francisco Bay Estuary and contiguous water bodies (whether statewide, regional, or

- site-specific). In such cases, effluent limitations in this Order will be modified as necessary to reflect updated WQOs and waste load allocations in TMDLs. Adoption of effluent limitations contained in this Order is not intended to restrict in any way future modifications based on legally adopted WQOs or TMDLs, or as otherwise permitted under federal regulations governing NPDES permit modifications.
- c. If translator, dilution, or other water quality studies provide a basis for determining that a permit condition should be modified.
  - d. If receiving water does not meet promulgated ammonia objectives.
  - e. If State Water Board precedential decisions, new policies, new laws, or new regulations on chronic toxicity or total chlorine residual become available.
  - f. If an administrative or judicial decision on a separate NPDES permit or WDRs addresses requirements similar to this discharge.
  - g. Or as otherwise authorized by law.

The Discharger may request permit modification based on any of the circumstances described above. In any such request, the Discharger shall include an antidegradation and antibacksliding analysis.

## **2. Special Studies, Technical Reports and Additional Monitoring Requirements**

### **a. Effluent Characterization for Selected Constituents**

The Discharger shall continue to monitor and evaluate the discharge from Discharge Point 001 (measured at EFF-001) for the constituents listed in the Regional Standard Provisions (Attachment G) according to the sampling frequency specified in the attached MRP (Attachment E). Compliance with this requirement shall be achieved in accordance with the specifications stated in the Regional Standard Provisions.

The Discharger shall evaluate on an annual basis if concentrations of any constituents increase over past performance. The Discharger shall investigate the cause of any increase. The investigation may include, but need not be limited to, an increase in the effluent monitoring frequency, monitoring of internal process streams, and monitoring of influent sources. This requirement may be satisfied through identification of these constituents as “pollutants of concern” in the Discharger’s Pollutant Minimization Program, described in Provision VI.C.3, below. The Discharger shall provide a summary of the annual evaluation of data and source investigation activities in the annual self-monitoring report.

The Discharger shall submit a final report that presents all these data to the Regional Water Board no later than 180 days prior to the Order expiration date. The final report shall be submitted with the application for permit reissuance.

**b. Ambient Background Receiving Water Study**

The Discharger shall collect or participate in collecting background, receiving water monitoring data for priority pollutants that are required to perform a reasonable potential analysis and to calculate effluent limitations. Data for conventional water quality parameters (pH, salinity, and hardness) shall be sufficient to characterize these parameters in the receiving water at a point after the discharge has mixed with the receiving waters. This provision may be met through participation in the Collaborative Bay Area Clean Water Agencies (BACWA) Study or a similar ambient monitoring program for San Francisco Bay, such as the Regional Monitoring Program. This Order may be reopened, as appropriate, to incorporate effluent limits or other requirements based on Regional Water Board review of these data.

The Discharger shall submit, or cause to have submitted on its behalf, a final report that presents all such data to the Regional Water Board 180 days prior to expiration of this Order. This final report shall be submitted with the application for permit reissuance.

**c. Chronic Toxicity Reduction Evaluation (TRE)**

- (1) The Discharger shall prepare a generic TRE work plan within 90 days of the effective date of this Order to be ready to respond to toxicity events. The Discharger shall review and update the work plan as necessary so that it remains current and applicable to the discharge and discharge facilities.
- (2) Within 30 days of exceeding either trigger for accelerated monitoring, the Discharger shall submit to the Regional Water Board a TRE work plan, which should be the generic work plan revised as appropriate for this toxicity event after consideration of available discharge data.
- (3) Within 30 days of the date of completion of the accelerated monitoring tests observed to exceed either trigger, the Discharger shall initiate a TRE in accordance with a TRE work plan that incorporates any and all comments from the Executive Officer.
- (4) The TRE shall be specific to the discharge and be in accordance with current technical guidance and reference materials, including USEPA guidance materials. The TRE shall be conducted as a tiered evaluation process, such as summarized below:
  - (a) Tier 1 consists of basic data collection (routine and accelerated monitoring).
  - (b) Tier 2 consists of evaluation of optimization of the treatment process, including operation practices and in-plant process chemicals.
  - (c) Tier 3 consists of a toxicity identification evaluation (TIE).
  - (d) Tier 4 consists of evaluation of options for additional effluent treatment processes.

- (e) Tier 5 consists of evaluation of options for modifications of in-plant treatment processes.
  - (f) Tier 6 consists of implementation of selected toxicity control measures, and follow-up monitoring and confirmation of implementation success.
- (5) The TRE may be ended at any stage if monitoring finds there is no longer consistent toxicity (complying with requirements of Section IV.D.2 of the Order).
- (6) The objective of the TIE shall be to identify the substance or combination of substances causing the observed toxicity. All reasonable efforts using currently available TIE methodologies shall be employed.
- (7) As toxic substances are identified or characterized, the Discharger shall continue the TRE by determining the source(s) and evaluating alternative strategies for reducing or eliminating the substances from the discharge. All reasonable steps shall be taken to reduce toxicity to levels consistent with chronic toxicity evaluation parameters.
- (8) 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 complying with requirements or recommended efforts of such programs may be acceptable to comply with TRE requirements.
- (9) The Regional Water Board recognizes that chronic toxicity may be episodic and identification of causes of and reduction of sources of chronic toxicity may not be successful in all cases. Consideration of enforcement action by the Regional Water Board will be based in part on the Discharger's actions and efforts to identify and control or reduce sources of consistent toxicity.

#### **d. Reclamation Pond Operation**

The Discharger has constructed and maintains reclamation storage ponds for storage of treated wastewater for reclamation. The Discharger may discharge treated wastewater from these storage ponds any surplus water not used for reclamation at Discharge Point 001 from November 1 through April 30 if the discharge meets all of the requirements of this Order and the Discharger's *Reclamation Pond Wet Season Discharge Sediment and Control Monitoring Plan* (Attachment I).

Water held in the reclamation ponds before being discharged through the combined outfall during the dry weather discharge months (May, September, and October) may be discharged if it meets all the requirements in this Order. Pre-discharge monitoring of water held in the reclamation ponds is required during the dry weather discharge period (May 1 – 31 and September 1 – October 31, annually).

If the Discharger previously diverts treated wastewater that are of any water quality concern other than chlorine residual, e.g., effluent with abnormal appearance (color, turbidity, etc.), bypassed effluent, during plant upset, to these ponds, when discharging

from the reclamation ponds to San Pablo Bay, the Discharger shall arrange all routine effluent sampling on the days that the largest amount of water is released from the ponds. Attachment E, Monitoring and Reporting Program specifies the monitoring requirements for this scenario.

### **3. Best Management Practices and Pollution Minimization Program**

- a. The Discharger shall continue to improve, in a manner acceptable to the Executive Officer, its existing Pollutant Minimization Program to promote minimization of pollutant loadings to the treatment plant and therefore to the receiving waters.
- b. The Discharger shall submit an annual report, acceptable to the Executive Officer, no later than February 28 of each calendar year. Each annual report shall include at least the following information:
  - i. *A brief description of the treatment plant, treatment plant processes and service area.*
  - ii. *A discussion of the current pollutants of concern.* Periodically, the discharger shall analyze its own situation to determine which pollutants are currently a problem and which pollutants may be potential future problems. This discussion shall include the reasons why the pollutants were chosen.
  - iii. *Identification of sources for the pollutants of concern.* This discussion shall include how the Discharger intends to estimate and identify sources of the pollutants. The Discharger shall also identify sources or potential sources not directly within the ability or authority of the Discharger to control, such as pollutants in the potable water supply and air deposition.
  - iv. *Identification of tasks to reduce the sources of the pollutants of concern.* This discussion shall identify and prioritize tasks to address the Discharger's pollutants of concern. The Discharger may implement tasks themselves or participate in group, regional, or national tasks that will address its pollutants of concern. The Discharger is strongly encouraged to participate in group, regional, or national tasks that will address its pollutants of concern whenever it is efficient and appropriate to do so. A time line shall be included for the implementation of each task.
  - v. *Outreach to employees.* The Discharger shall inform employees about the pollutants of concern, potential sources, and how they might be able to help reduce the discharge of these pollutants of concern into the treatment facilities. The Discharger may provide a forum for employees to provide input.
  - vi. *Continuation of Public Outreach Program.* The Discharger shall prepare a public outreach program to communicate pollution prevention to its service area. Outreach may include participation in existing community

events such as county fairs, initiating new community events such as displays and contests during Pollution Prevention Week, conducting school outreach programs, conducting plant tours, and providing public information in newspaper articles or advertisements, radio or television stories or spots, newsletters, utility bill inserts, and web site. Information shall be specific to the target audiences. The Discharger shall coordinate with other agencies as appropriate.

- vii. *Discussion of criteria used to measure Program's and tasks' effectiveness.* The Discharger shall establish criteria to evaluate the effectiveness of its Pollution Minimization Program. This shall also include a discussion of the specific criteria used to measure the effectiveness of each of the tasks in sections VI.C.3. b.iii, iv, v, and vi.
- viii. *Documentation of efforts and progress.* This discussion shall detail all of the Discharger's activities in the Pollution Minimization Program during the reporting year.
- ix. *Evaluation of Program's and tasks' effectiveness.* This Discharger shall use the criteria established in section VI.C.3. b.vii. to evaluate the Program's and tasks' effectiveness.
- x. *Identification of specific tasks and time schedules for future efforts.* Based on the evaluation, the Discharger shall detail how it intends to continue or change its tasks in order to more effectively reduce the amount of pollutants to the treatment plant, and subsequently in its effluent.

**c. Pollutant Minimization Program for Pollutants with Effluent Limitations**

The Discharger shall develop and conduct a Pollutant Minimization Program (PMP) as further described below when there is evidence that a priority pollutant is present in the effluent above an effluent limitation (e.g., sample results reported as DNQ when the effluent limitation is less than the MDL, sample results from analytical methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) and either:

- i. A sample result is reported as DNQ and the effluent limitation is less than the RL; or
- ii. A sample result is reported as ND and the effluent limitation is less than the MDL, using SIP definitions.

**d. Pollutant Minimization Program Submittals for Pollutants with Effluent Limitations**

If triggered by the reasons in c, above, the Discharger's PMP shall include, but not be limited to, the following actions and submittals acceptable to the Regional Water Board:

- i. An annual review and semi-annual monitoring of potential sources of the reportable priority pollutants, which may include fish tissue monitoring and other bio-uptake sampling, or alternative measures approved by the Executive Officer when it is demonstrated that source monitoring is unlikely to produce useful analytical data;
- ii. Quarterly monitoring for the reportable priority pollutants in the influent to the wastewater treatment system, or an alternative measures approved by the Executive Officer, when it is demonstrated that influent monitoring is unlikely to produce useful analytical data;
- iii. Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable priority pollutants in the effluent at or below the effluent limitation;
- iv. Implementation of appropriate cost-effective control measures for the reportable priority pollutants, consistent with the control strategy; and
- v. The annual report required by section VI.C.3.b above, shall specifically address the following items:
  1. All PMP monitoring results for the previous year;
  2. A list of potential sources of the reportable priority pollutants;
  3. A summary of all actions undertaken pursuant to the control strategy; and
  4. A description of actions to be taken in the following year.

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

##### **a. Reliability Status Report**

As part of reviewing requests for exceptions to Basin Plan Discharge Prohibition 1, the Regional Water Board will evaluate the reliability of the Discharger's system in preventing inadequately treated wastewater from being discharged into the receiving waters. The Discharger shall submit a Reliability Status Report, or an update to the Report, annually to the Regional Water Board for review by February 28 each year. The Reliability Status Report shall be updated as necessary.

- (1) The Discharger shall maintain a Reliability Status Report for the Discharger's wastewater facilities, which will allow the Regional Water Board to evaluate the reliability of the Discharger's system in preventing inadequately treated wastewater from being discharged into the receiving waters. Inadequately treated wastewater includes overflows from the collection system and wastewater that bypasses any portion of the treatment at the treatment facility. The Reliability Status Report shall be maintained in usable condition and be available for reference and use by all relevant personnel.

- (2) The Discharger shall regularly review, revise, or update, as necessary, the Reliability Status Report to ensure that the document remains useful and relevant to current equipment and operational practices. Reviews shall be conducted annually, and revisions or updates shall be completed as necessary. For any significant changes in treatment facility equipment or operation practices, relevant revisions shall be completed as soon as practicable.
- (3) The Discharger shall provide the Executive Officer, upon request, a summary describing the current status of its Reliability Status Report, including any recommended or planned actions and an estimated time schedule for these actions. The Discharger shall also include, in each annual self-monitoring report, a description or summary of review and evaluation procedures and changes to its Reliability Status Report.

**b. Ignacio Plant Operation**

Until Ignacio Plant ceases receiving wastewater, the Discharger shall operation the Ignacio Plant as required by relevant regulations; follow all applicable operation and maintenance manuals, contingency policy, standard operation procedures, etc. to ensure proper operation and safety.

The Discharger shall report the Ignacio Plant operation status to the Regional Water Board within 90 days of permit adoption. The Discharger shall notify Regional Water Board of the decommission dates when the Ignacio Plant is completely decommissioned.

**c. Design Flow Capacity Increase**

Upon completion of facility upgrades, the Discharger shall submit the following documentation for Executive Officer approval prior to allowing an increase in the maximum allowable permitted dry weather flow rate from 6.55 mgd to 7.05 mgd.

- (1) An Engineering Analysis that supports the capacity determination of 7.05 mgd;
- (2) Certification that the treatment facilities and outfall have been constructed as designed and are available for use;
- (3) Updates to the Operations and Maintenance Manual and to the Contingency Plan that include the new treatment and outfall facilities.

**5. Special Provisions for POTWs**

**a. Pretreatment Program**

- (1) The Discharger shall implement and enforce its approved pretreatment program in accordance with federal Pretreatment Regulations (40 CFR 403), pretreatment standards promulgated under CWA Sections 307(b), 307(c), and 307(d), pretreatment requirements specified under 40 CFR 122.44(j), and the requirements in Attachment

H, "Pretreatment Requirements." The Discharger's responsibilities include, but are not limited to:

- i. Enforcement of National Pretreatment Standards of 40 CFR 403.5 and 403.6;
  - ii. Implementation of its pretreatment program in accordance with legal authorities, policies, procedures, and financial provisions described in the General Pretreatment regulations (40 CFR 403) and its approved pretreatment program;
  - iii. Submission of reports to USEPA, the State Water Board, and the Regional Water Board, as described in Attachment H "Pretreatment Requirements."
  - iv. Evaluate the need to revise local limits under 40 CFR 403.5(c)(1); and within 180 days after the effective date of this Order, submit a report acceptable to the Executive Officer describing the changes with a plan and schedule for implementation. To ensure no significant increase in the discharge of copper, and thus compliance with antidegradation requirements, the Discharger shall not consider eliminating or relaxing local limits for copper in this evaluation.
- (2) The Discharger shall implement its approved pretreatment program and the program shall be an enforceable condition of this Order. If the Discharger fails to perform the pretreatment functions, the Regional Water Board, the State Water Board, or USEPA may take enforcement actions against the Discharger as authorized by the CWA.

**b. Biosolids Management Practices Requirements**

- (1) All sludge treatment, processing, storage or disposal activities under the Discharger's control shall be in compliance with current State and federal regulations.
- (2) Sludge shall not be applied to the dedicated disposal site between October 30 and May 1 unless prior written authorization is obtained from the Executive Officer.
- (3) Sewage sludge disposed of at the storage lagoons and dedicated disposal site shall be limited to digested sewage sludge generated by the Discharger and sludge from North Marin Water District's water treatment facility unless an exception is authorized by the Executive Officer.
- (4) Disposal of sludge in the dedicated disposal site shall not adversely impact beneficial uses of the groundwater or Novato Creek.
- (5) The Discharger shall notify the Regional Water Board in writing of any significant changes in its sludge disposal practices.
- (6) The treatment, processing, storage, or disposal of sludge conducted by the Discharger shall not create a condition of pollution or nuisance as defined in CWC Section 13050(l) and (m).

- (7) The treatment, processing, storage, or disposal of sludge by the Discharger shall not cause waste material to be discharged to, or deposited in, waters of the State. Pondered water or runoff from the disposal area shall not be discharged to adjacent land or ditches discharging to surface waters. Sludge storage facilities shall be operated and maintained in such a manner as to provide adequate protection from surface runoff, erosion, or other conditions, which would cause drainage from the waste materials to escape from the storage facility sites.
- (8) Disposal of municipal wastewater solids by surface disposal and operation of a surface disposal site is regulated by USEPA under regulations at 40 CFR 503 (Standards for the Use and Disposal of Sewage Sludge.) Waste discharge requirements for sludge disposal are waived under the condition that the Discharger complies with all provisions of 40 CFR 503. As required by CWC Section 13269, the Regional Water Board finds this waiver is not against the public interest, as the activity is adequately regulated by federal regulations at 40 CFR 503.
- (9) The Discharger is required to submit an annual report to USEPA regarding its sewage sludge disposal practices in accordance with the requirements of 40 CFR 503. The Discharger shall submit a copy of this report to the Regional Water Board by February 28 for the previous calendar year.

**c. Sanitary Sewer Overflows and Sewer System Management Plan**

The Discharger's collection system is part of the facility that is subject to this Order. As such, the Discharger shall properly operate and maintain its collection system (Attachment D, Standard Provisions - Permit Compliance, subsection I.D). The Discharger shall report any noncompliance (Attachment D, Standard Provision - Reporting, subsections V.E.1 and V.E.2) and mitigate any discharge from the Discharger's collection system in violation of this Order (Attachment D, Standard Provisions - Permit Compliance, subsection I.C).

The General Waste Discharge Requirements for Collection System Agencies (Order No. 2006-0003 DWQ) has requirements for operation and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows. While the Discharger must comply with both the General Waste Discharge Requirements for Collection System Agencies (General Collection System WDRs) and this Order, the General Collection System WDRs more clearly and specifically stipulate requirements for operation and maintenance and for reporting and mitigating sanitary sewer overflows.

Implementation of the General Collection System WDRs requirements for proper operation and maintenance and mitigation of spills will satisfy the corresponding federal NPDES requirements specified in this Order. Notification and reporting requirements established by the General Collection System WDRs and the Regional Water Board's May 1, 2008 letter regarding notification requirements for SSOs will satisfy NPDES reporting requirements for sewage spills from the Discharger's collection system.

## 6. Other Special Provisions

### a. Copper Action Plan

The Discharger shall implement pretreatment, source control, and pollution prevention for copper in accordance with the following tasks and time schedule.

**Table 9. Copper Action Plan**

| Task   | Compliance Date   |
|--|---|
| <p><b>(1). Review Potential Copper Sources</b><br/>The Discharger shall submit an inventory of potential copper sources to the treatment plant.</p>  | <p>Within 90 days of Order adoption.</p>  |
| <p><b>(2). Implement Copper Control Program</b><br/>The Discharger shall submit a plan for and begin implementation of a program to reduce copper discharges identified in Task 1 consisting, at a minimum, of the following elements:</p> <ul style="list-style-type: none"> <li>a. Provide education and outreach to the public (e.g., focus on proper pool and spa maintenance and plumbers' roles in reducing corrosion).</li> <li>b. If corrosion is determined to be a significant copper source, work cooperatively with local water purveyors to reduce and control water corrosivity, as appropriate, and ensure that local plumbing contractors implement best management practices to reduce corrosion in pipes.</li> <li>c. Educate plumbers, designers, and maintenance contractors for pools and spas to encourage best management practices that minimize copper discharges.</li> </ul> | <p>February 28, 2011, with 2010 annual pollution prevention report.</p>                         |
| <p><b>(3). Implement Additional Measures</b><br/>If the Regional Water Board notifies the Discharger that the three-year rolling mean copper concentration of the receiving water exceeds 3.0 µg/L, the Discharger shall evaluate the effluent copper concentration trend. If the trend is increasing, within 90 days of the notification, the Discharger shall develop and begin implementation of additional measures to control copper discharges, and shall report annually on the progress and effectiveness of measures taken together with a schedule for measures to be taken in the next 12 months..</p>  | <p>With annual pollution prevention (P2) report with the report due after the notification.</p> |
| <p><b>(4). Studies to Reduce Copper Pollutant Impact Uncertainties.</b><br/>The Discharger shall conduct or cause to be conducted studies to investigate possible copper sediment toxicity and studies to investigate sublethal effects on salmonids. Specifically, the Discharger shall include the manner in which the above will be accomplished and describe the studies to be performed with an implementation schedule. To satisfy this requirement, dischargers may collaborate and conduct these studies as a group.</p>   | <p>With Annual P2 Report due February 28, 2011</p>  |
| <p><b>(5). Report Status of Copper Control Program</b><br/>Submit a report to the Regional Water Board documenting implementation of the copper control program.</p>   | <p>Annually with annual P2 reports due February 28.</p>   |

**b. Cyanide Action Plan**

The Discharger shall implement monitoring and surveillance, pretreatment, source control, and pollution prevention for cyanide in accordance with the following tasks and time schedule.

**Table 10. Cyanide Action Plan**

| Task  | Compliance Date   |
|---|---|
| <p><b>(1). Review Potential Cyanide Contributors</b><br/>The Discharger shall submit an inventory of potential sources of cyanide to the treatment plant (e.g., metal plating operations, hazardous waste recycling, etc.). If no sources of cyanide are identified, Tasks 2 and 3 are not required, unless the Discharger receives a request to discharge detectable levels of cyanide to its treatment plant. If so, the Discharger shall notify the Executive Officer and implement Tasks 2 and 3.</p>   | <p>Within 90 days of Order adoption</p>   |
| <p><b>(2). Implement Cyanide Control Program</b><br/>The Discharger shall submit a plan for and begin implementation of a program to minimize cyanide discharges to the sanitary sewer system consisting, at a minimum, of the following elements:</p> <ul style="list-style-type: none"> <li>a. Inspect each potential contributor to assess the need to include that contributing source in the control program.</li> <li>b. Inspect contributing sources included in the control program annually. Inspection elements may be based on USEPA guidance, such as Industrial User Inspection and Sampling Manual for POTWs (EPA 831-B-94-01).</li> <li>c. Develop and distribute educational materials to contributing sources and potential contributing sources regarding the need to prevent cyanide discharges.</li> <li>d. Prepare an emergency monitoring and response plan to be implemented if a significant cyanide discharge occurs.</li> </ul> | <p>February 28, 2011, with 2010 annual P2 report.</p>   |
| <p><b>(3). Studies to Reduce Cyanide Pollutant Impact Uncertainties</b><br/>If the Regional Water Board notifies the Discharger that ambient monitoring shows cyanide concentrations of 1.0 µg/L or higher in the main body of San Francisco Bay, then within 90 days of the notification, the Discharger shall commence with actions to identify and abate cyanide sources responsible for the elevated ambient concentrations and report annually the progress and effectiveness of actions taken together with a schedule for actions to be taken within the next 12 months.</p>   | <p>With annual pollution prevention (P2) report with the report due after the notification.</p> |
| <p><b>(4). Report Status of Cyanide Control Program</b><br/>Submit a report to the Regional Water Board documenting implementation of the cyanide control program.</p>  | <p>Annually with annual P2 reports due February 28.</p>   |

**VII.COMPLIANCE DETERMINATION**

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

**A. General**

Compliance with effluent limitations for reportable pollutants shall be determined using sample reporting protocols defined in the MRP and Attachment A of this Order. For purposes of reporting

and administrative enforcement by the Regional and State Water Boards, the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the reportable pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the Minimum Level (ML).

## **B. Multiple Sample Data**

When determining compliance with a measure of central tendency (arithmetic mean, geometric mean, median, etc.) of multiple sample analyses and the data set contains one or more reported determinations of “Detected, but Not Quantified” (DNQ) or “Not Detected” (ND), the Discharger shall compute median in place of the arithmetic mean in accordance with the following procedure.

1. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

## ATTACHMENT A – DEFINITIONS

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

Also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

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

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

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

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

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

### **Bioaccumulative**

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

### **Carcinogenic**

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

### **Coefficient of Variation (CV)**

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

### **Daily Discharge**

Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in this Order), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

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

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

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

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

### **Dilution Credit**

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

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

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

### **Enclosed Bays**

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

### **Estimated Chemical Concentration**

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

### **Estuaries**

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

### **Inland Surface Waters**

All surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

### **Instantaneous Maximum Effluent Limitation**

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

### **Instantaneous Minimum Effluent Limitation**

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

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

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

of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

### **Median**

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

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

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

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

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

### **Mixing Zone**

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

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

Sample results less than the laboratory's MDL.

### **Ocean Waters**

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

### **Persistent Pollutants**

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

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

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

### **Pollution Prevention**

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

### **Reporting Level (RL)**

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

### **Satellite Collection System**

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

### **Source of Drinking Water**

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

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

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

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

where:

x is the observed value;

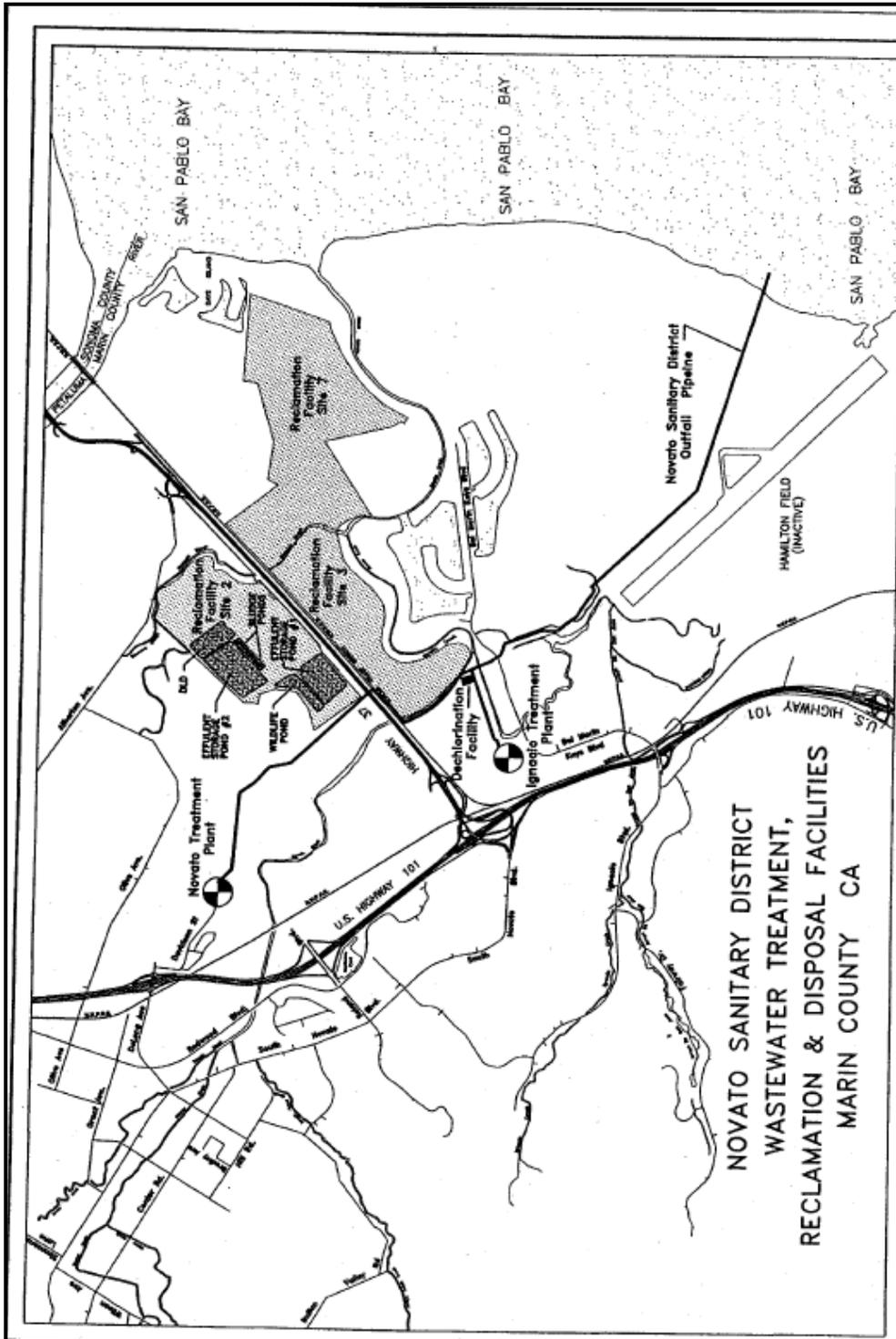
$\mu$  is the arithmetic mean of the observed values; and

n is the number of samples.

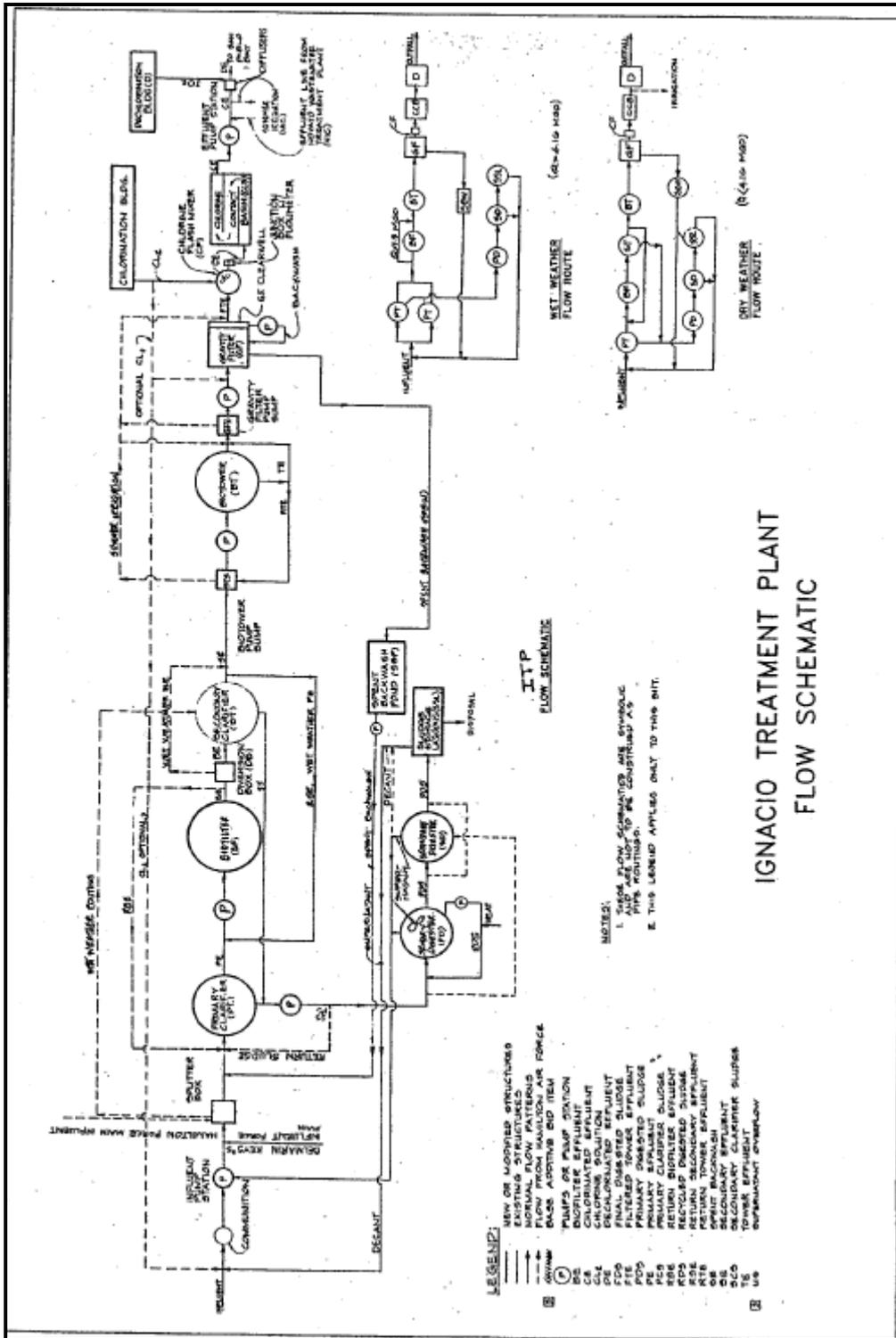
### **Toxicity Reduction Evaluation (TRE)**

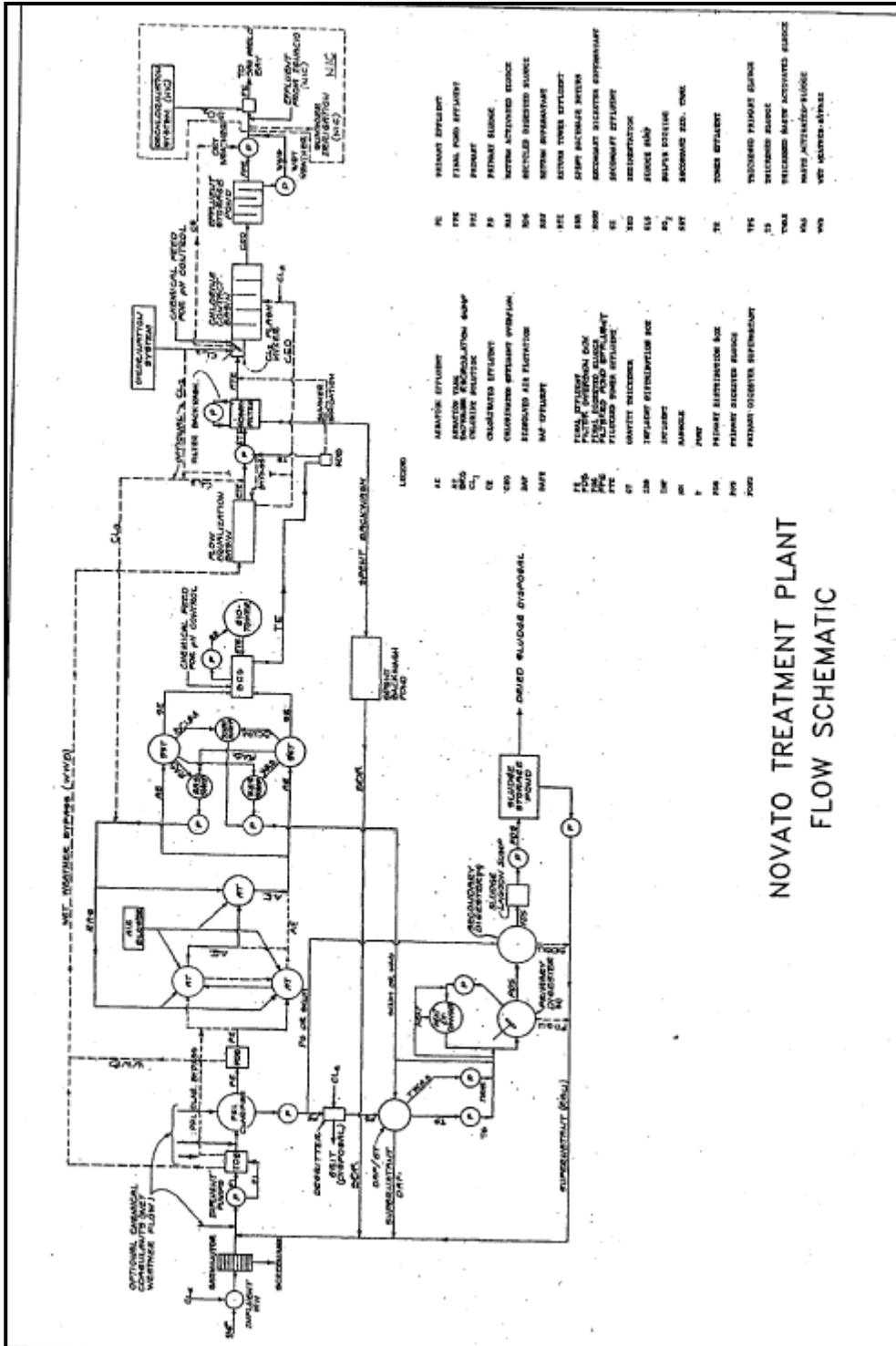
TRE is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection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

**ATTACHMENT B – FACILITY MAP**



ATTACHMENT C – PROCESS FLOW DIAGRAM





## **ATTACHMENT D –STANDARD PROVISIONS**

### **I. STANDARD PROVISIONS – PERMIT COMPLIANCE**

#### **A. Duty to Comply**

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 CFR 122.41(a)).
2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 CFR 122.41(a)(1)).

#### **B. Need to Halt or Reduce Activity Not a Defense**

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

#### **C. Duty to Mitigate**

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

#### **D. Proper Operation and Maintenance**

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

#### **E. Property Rights**

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 CFR 122.41(g).)
2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 CFR 122.5(c).)

## **F. Inspection and Entry**

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

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (40 CFR 122.41(i)(1));
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (40 CFR 122.41(i)(2));
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (40 CFR 122.41(i)(3)); and
4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (40 CFR 122.41(i)(4).)

## **G. Bypass**

1. Definitions
  - a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR 122.41(m)(1)(i).)
  - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR 122.41(m)(1)(ii).)
2. Bypass not exceeding limitations. The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 CFR 122.41(m)(2).)
3. Prohibition of bypass. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless (40 CFR 122.41(m)(4)(i)):
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 CFR 122.41(m)(4)(i)(A));
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment

- should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 CFR 122.41(m)(4)(i)(B)); and
- c. The Discharger submitted notice to the Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 CFR 122.41(m)(4)(i)(C).)
4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above. (40 CFR 122.41(m)(4)(ii).)
  5. Notice
    - a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass. (40 CFR 122.41(m)(3)(i).)
    - b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). (40 CFR 122.41(m)(3)(ii).)

## **H. Upset**

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

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 CFR 122.41(n)(2).)
2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 CFR 122.41(n)(3)):
  - a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 CFR 122.41(n)(3)(i));
  - b. The permitted facility was, at the time, being properly operated (40 CFR 122.41(n)(3)(ii));
  - c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (40 CFR 122.41(n)(3)(iii)); and

- d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 CFR 122.41(n)(3)(iv).)
3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 CFR 122.41(n)(4).)

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

### **A. General**

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

### **B. Duty to Reapply**

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

### **C. Transfers**

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of this Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 CFR 122.41(l)(3); 122.61.)

## **III. STANDARD PROVISIONS – MONITORING**

- A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 CFR 122.41(j)(1).)
- B. Monitoring results must be conducted according to test procedures under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503 unless other test procedures have been specified in this Order. (40 CFR 122.41(j)(4); 122.44(i)(1)(iv).)

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

- A. Except for records of monitoring information required by this Order related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by Part 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time. (40 CFR 122.41(j)(2).)
- B. Records of monitoring information shall include:
  1. The date, exact place, and time of sampling or measurements (40 CFR 122.41(j)(3)(i));

2. The individual(s) who performed the sampling or measurements (40 CFR 122.41(j)(3)(ii));
3. The date(s) analyses were performed (40 CFR 122.41(j)(3)(iii));
4. The individual(s) who performed the analyses (40 CFR 122.41(j)(3)(iv));
5. The analytical techniques or methods used (40 CFR 122.41(j)(3)(v)); and
6. The results of such analyses. (40 CFR 122.41(j)(3)(vi).)

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

1. The name and address of any permit applicant or Discharger (40 CFR 122.7(b)(1)); and
2. Permit applications and attachments, permits and effluent data. (40 CFR 122.7(b)(2).)

## V. STANDARD PROVISIONS – REPORTING

### A. Duty to Provide Information

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

### B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below. (40 CFR 122.41(k).)
2. All permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA). (40 CFR 122.22(a)(3).)
3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 CFR 122.22(b)(1));
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent

- responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 CFR 122.22(b)(2)); and
- c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 CFR 122.22(b)(3).)
  4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 CFR 122.22(c).)
  5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:

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

### **C. Monitoring Reports**

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 CFR 122.22(l)(4).)
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices. (40 CFR 122.41(l)(4)(i).)
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board. (40 CFR 122.41(l)(4)(ii).)
4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 CFR 122.41(l)(4)(iii).)

#### **D. Compliance Schedules**

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

#### **E. Twenty-Four Hour Reporting**

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. (40 CFR 122.41(l)(6)(i).)
2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 CFR 122.41(l)(6)(ii)):
  - a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 CFR 122.41(l)(6)(ii)(A).)
  - b. Any upset that exceeds any effluent limitation in this Order. (40 CFR 122.41(l)(6)(ii)(B).)
3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 CFR 122.41(l)(6)(iii).)

#### **F. Planned Changes**

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

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 CFR 122.41(l)(1)(i)); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (40 CFR 122.41(l)(1)(ii).)
3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 CFR 122.41(l)(1)(iii).)

### **G. Anticipated Noncompliance**

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

### **H. Other Noncompliance**

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

### **I. Other Information**

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

## **VI. STANDARD PROVISIONS – ENFORCEMENT**

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

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

### **A. Publicly-Owned Treatment Works (POTWs)**

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

1. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to sections 301 or 306 of the CWA if it were directly discharging those pollutants (40 CFR 122.42(b)(1)); and
2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of this Order. (40 CFR 122.42(b)(2).)
3. Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW. (40 CFR 122.42(b)(3).)

## ATTACHMENT E – MONITORING AND REPORTING PROGRAM

### Table of Contents

|   |      |
|---|------|
| I. General Monitoring Provisions .....                              | E-2  |
| II. Monitoring Locations .....                                      | E-2  |
| III. Influent Monitoring Requirements .....                         | E-3  |
| IV. Effluent Monitoring Requirements .....                          | E-3  |
| V. Whole Effluent Toxicity Testing Requirements .....               | E-6  |
| VI. Land Discharge Monitoring Requirements – Not Applicable.....    | E-8  |
| VII. Reclamation Monitoring Requirements – Not Applicable.....      | E-8  |
| VIII. Receiving Water Monitoring Requirements – Surface Water ..... | E-8  |
| A. Regional Monitoring Program (RMP) .....                          | E-8  |
| B. Receiving Water Monitoring Location RSW-001.....                 | E-8  |
| IX. Other Monitoring Requirements .....                             | E-9  |
| X. Reporting Requirements.....                                      | E-10 |
| A. General Monitoring and Reporting Requirements .....              | E-10 |
| B. Self Monitoring Reports (SMRs) .....                             | E-10 |
| C. Discharge Monitoring Reports (DMRs).....                         | E-12 |
| D. Other Reports .....  | E-13 |

### Tables

|  |      |
|--|------|
| Table E-1. Monitoring Station Locations .....                      | E-2  |
| Table E-2. Influent Monitoring – INF-001 .....                     | E-3  |
| Table E-3. Effluent Monitoring – EFF-001 .....                     | E-3  |
| Table E-4. Near-Field Receiving Water Monitoring Requirements..... | E-8  |
| Table E-5. Pretreatment and Biosolids Monitoring Requirements..... | E-9  |
| Table E-6. Monitoring Periods and Reporting Schedule .....         | E-10 |

## ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

40 CFR 122.48 requires that all NPDES permits specify monitoring and reporting requirements. California Water Code (CWC) sections 13267 and 13383 also authorize the Regional Water Board to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements that implement federal and California regulations.

### I. GENERAL MONITORING PROVISIONS

- A. The Discharger shall comply with the MRP for this Order as adopted by the Regional Water Board, and with all of the requirements contained in the Regional Standard Provisions (Attachment G). The Executive Officer may amend the MRP pursuant to 40 CFR 122.62, 122.63, and 124.5. If any discrepancies exist between the MRP and the Regional Standard Provisions, the MRP prevails.
- B. All analyses shall be conducted using current USEPA methods, or methods approved by the USEPA Regional Administrator pursuant to 40 CFR 136.4 and 40 CFR 136.5, or equivalent methods that are commercially and reasonably available and that provide quantification of sampling parameters and constituents sufficient to evaluate compliance with applicable effluent limits and to perform reasonable potential analysis. Equivalent methods must be more sensitive than those specified in 40 CFR 136, must be specified in the permit, and must be approved for use by the Executive Officer, following consultation with the State Water Board’s Quality Assurance Program.
- C. Sampling and analysis of additional constituents is required pursuant to the Regional Standard Provisions (Attachment G).
- D. Laboratories analyzing monitoring samples shall be certified by the Department of Public Health, in accordance with CWC section 13176 and must include quality assurance/quality control data with their reports.
- E. For compliance and reasonable potential monitoring, analyses shall be conducted using commercially available and reasonably achievable detection levels that are lower than the applicable WQC and the effluent limitations. Test methods and the corresponding Minimum Levels the Discharger may use for compliance are provided in the Regional Standard Provisions (Attachment G.)

### II. MONITORING LOCATIONS

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

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

| Type of Sampling Location | Monitoring Location Name | Monitoring Location Description   |
|---------------------------|--------------------------|---|
| Influent                  | INF-001                  | At any point in the Novato Plant headworks at which all waste tributary to the system is present and preceding any phase of treatment. Formerly A-002.                |
| Effluent                  | EFF-001                  | At a point in the outfall from the Novato Plant between the point of discharge and the point at which all waste tributary to that outfall is present. Formerly E-003. |

| Type of Sampling Location | Monitoring Location Name | Monitoring Location Description  |
|---------------------------|--------------------------|--|
| Receiving Water           | RSW-001                  | At an accessible near-field background location of San Pablo Bay beyond the influence of the discharge.. |

### III. INFLUENT MONITORING REQUIREMENTS

The Discharger shall monitor influent to the Novato Plant at INF-001 as follows.

**Table E-2. Influent Monitoring – INF-001**

| Parameter        | Units  | Sample Type | Minimum Sampling Frequency |
|------------------|--------|-------------|----------------------------|
| BOD <sub>5</sub> | mg/L   | C-24        | 2/Week                     |
|                  | kg/day | Calculate   | 2/Week                     |
| TSS              | mg/L   | C-24        | 3/Week                     |
|                  | kg/day | Calculate   | 3/Week                     |
| Cyanide          | µg/L   | Grab        | 1/month                    |

**Legend for Table E-2**

Unit Abbreviations:

mg/L = milligrams per liter  
kg/day = kilograms per day  
µg/L = micrograms per liter

Sample Type:

C-24 = 24-hour composite

Sampling Frequency:

2/Week = Two times per week  
3/Week = Three times per week  
1/month = once per month

### IV. EFFLUENT MONITORING REQUIREMENTS

The Discharger shall monitor treated effluent from the Novato Plant at EFF-001 as follows.

**Table E-3. Effluent Monitoring – EFF-001**

| Parameter                            | Units     | Sample Type | Minimum Sampling Frequency |
|--------------------------------------|-----------|-------------|----------------------------|
| Flow <sup>[1]</sup>                  | mgd/mg    | Cont/D      | Continuous                 |
| pH <sup>[2]</sup>                    | s.u.      | Grab        | 5/Week                     |
| BOD <sub>5</sub>                     | mg/L      | C-24        | 2/Week                     |
|                                      | kg/day    | Calculate   | 2/Week                     |
| TSS                                  | mg/L      | C-24        | 3/Week                     |
|                                      | kg/day    | Calculate   | 3/Week                     |
| BOD and TSS % Removal <sup>[3]</sup> | %         | Calculate   | 1/Month                    |
| Oil and Grease <sup>[4]</sup>        | mg/L      | C-24        | 1/Month                    |
|                                      | kg/day    | Grab        | 1/Month                    |
| Enterococcus Bacteria                | MPN/100mL | Grab        | 3/Week                     |

| Parameter                              | Units      | Sample Type    | Minimum Sampling Frequency |
|--|------------|----------------|----------------------------|
| Fecal Coliform Bacteria                | MPN/100 mL | Grab           | 3/Week                     |
| Temperature                            | °C         | Grab           | 5/Week                     |
| Total Chlorine Residual <sup>[6]</sup> | mg/L       | Cont/H         | 1/Hour                     |
|  | kg/day     | Calculate      | 1/Hour                     |
| Acute Toxicity <sup>[7]</sup>          | % Survival | Flow through   | 1/Month                    |
| Chronic Toxicity <sup>[8]</sup>        | TUc        | C-24           | 1/Quarter                  |
| Total Ammonia <sup>[5]</sup>           | mg/L as N  | C-24           | 1/Month                    |
| Unionized Ammonia                      | mg/L as N  | Calculate      | 1/Month                    |
| Copper                                 | µg/L       | C-24           | 1/Month                    |
| Lead                                   | µg/L       | C-24           | 1/Month                    |
| Cyanide                                | µg/L       | Grab           | 1/Month                    |
| Carbon tetrachloride                   | µg/L       | Grab           | 1/Month                    |
| Dioxin-TEQ                             | µg/L       | Grab           | 2/Year                     |
| Dieldrin                               | µg/L       | Grab           | 2/Year                     |
| Remaining Priority Pollutants          | µg/L       | <sup>[9]</sup> | 2/Year                     |
| Standard Observations <sup>[10]</sup>  | ---        | ---            | 1/week                     |

**Legend to Table E-3:**

Unit Abbreviations:

|            |  |
|------------|--|
| mgd        | = million gallons per day                  |
| mg         | = million gallons                          |
| s.u.       | = standard units                           |
| mg/L       | = milligrams per liter                     |
| kg/day     | = kilograms per day                        |
| %          | = percent                                  |
| TUc        | = chronic toxicity units                   |
| MPN/100 mL | = most probable number per 100 milliliters |
| µg/L       | = micrograms per liter                     |

Sample Type:

|        |   |
|--------|---|
| C-24   | = 24-hour composite                                       |
| Cont/D | = measured continuously, and recorded and reported daily  |
| Cont/H | = measured continuously, and recorded and reported hourly |

Sampling Frequency:

|           |                        |
|-----------|------------------------|
| 1/Week    | = Once per week        |
| 2/Week    | = Two times per week   |
| 3/Week    | = Three times per week |
| 5/Week    | = Five times per week  |
| 1/Month   | = Once per month       |
| 1/Hour    | = Once per hour        |
| 1/Quarter | = Once per quarter     |
| 2/Year    | = Twice per year       |

Footnotes to Table E-3:

[1] Flow Monitoring. Flow shall be monitored continuously, and the following information shall be reported in self-monitoring reports for each month:

- Daily average flow (mgd)
- Total daily flow (mg)
- Monthly average flow (mgd)
- Total monthly flow volume (mg)
- Maximum and minimum daily average flow rates (mgd) and time of occurrence

Discharge to storage ponds. If treated wastewater is diverted to the storage ponds other than reclamation purpose (reporting for diversion to storage ponds for reclamation is specified in Order No. 92-065), the Discharger shall report the following:

- Date of diversion
- Duration of diversion (hours and minutes)
- Total flow volume (mg) diverted
- Reason for diversion

Discharge from storage ponds. If wastewater from storage ponds is discharged through Discharge Point 001, the Discharger shall report the following:

- Date of discharge
- Duration of discharge (hours and minutes)
- Total flow volume (mg) discharged

- [2] pH. If pH is monitored continuously, the minimum and maximum pH values for each day shall be reported in monthly Self-Monitoring Reports (SMRs).
- [3] BOD and TSS % Removal. The percent removal for BOD and TSS shall be reported for each calendar month in accordance with Effluent Limitations IV.A. 1 and 2. Samples for BOD and TSS shall be collected simultaneously with influent samples.
- [4] Oil and Grease. Each oil and grease sample event shall consist of a composite sample comprised of three grab samples taken at equal intervals during the sampling date, with each grab sample being collected in a glass container. The grab samples shall be mixed in proportion to the instantaneous flow rates occurring at the time of each grab sample, within the accuracy of plus or minus 5%. Each glass container used for sample collection or mixing shall be thoroughly rinsed with solvent rinsings as soon as possible after use, and the solvent rinsings shall be added to the composite sample for extraction and analysis.
- [5] Total Ammonia. Monitoring for total ammonia shall occur concurrently with monitoring for temperature and pH, for determination of the unionized ammonia fraction.
- [6] Total Chlorine Residual. Effluent chlorine concentrations shall be measured continuously. Chlorine residual concentrations shall be monitored and reported for sampling points both before and after dechlorination. The Discharger shall report the maximum residual chlorine concentration observed following dechlorination on a daily basis. Total chlorine dosage (kg/day) shall be recorded on a daily basis.
- Alternatively, the Discharger may evaluate compliance with this requirement by recording discrete readings from the continuous monitoring every hour on the hour, or by collecting grab samples every hour, for a total of 24 readings or samples per day if the following conditions are met: (a) the Discharger shall retain continuous monitoring readings for at least three years; (b) the Discharger shall acknowledge in writing that the Regional Water Board reserves the right to use all other continuous monitoring data for discretionary enforcement; (c) the Discharger must provide in writing the brand name(s), model number(s), and serial number(s) of the equipment used to continuously monitor dechlorinated final effluent chlorine residual. If the identified equipment is replaced, the Discharger shall provide the Regional Water Board in writing, within 72 hours of the successful startup of the new equipment, the new equipment's brand name, model number, and serial number. The written notification identified in items (a) through (c) shall be in the form of a letter addressed to the Regional Water Board's Executive Officer with a certification statement as listed in the October 19, 2004, Regional Water Board letter re: *Chlorine Compliance Strategies for Dischargers Using Continuous Monitoring Devices*.
- [7] Acute toxicity. Acute bioassay tests shall be performed in accordance with Section V.A of this MRP.
- [8] Chronic toxicity. Critical life stage toxicity tests shall be performed and reported in accordance with the Chronic Toxicity Requirements of specified in Section V.B of this MRP.
- [9] Remaining priority pollutants. The sample type and analytical method should be as described in the Regional Standard Provisions (Attachment G) or as amended and subsequently approved by the Executive Officer.
- [10] Standard observations. Standard Observations are specified in the Regional Standard Provisions (Attachment G).
- [11] Effluent monitoring while water is released from storage ponds. The Discharger shall arrange routine monitoring during the days when largest amount of wastewater is released from storage ponds, if the storage ponds have previously received wastewater that has water quality concerns, e.g., discharge is diverted to the storage ponds because of treatment units shutdown, plant upset, abnormal appearance of wastewater, etc.

## V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

The Discharger shall monitor acute and chronic toxicity at EFF-001 as follows.

### A. Whole Effluent Acute Toxicity

1. Compliance with the acute toxicity effluent limitations of this Order shall be evaluated by measuring survival of test organisms exposed to 96-hour continuous flow-through bioassays.
2. Test organisms shall be fathead minnow (*Pimephales promelas*) unless the Executive Officer specifies otherwise in writing.
3. All bioassays shall be performed according to the most up-to-date protocols in 40 CFR 136, currently in *Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms*, 5<sup>th</sup> Edition.
4. If specific identifiable substances in the discharge can be demonstrated by the Discharger as being rapidly rendered harmless upon discharge to the receiving water, compliance with the acute toxicity limit may be determined after the test samples are adjusted to remove the influence of those substances. Written approval from the Executive Officer must be obtained to authorize such an adjustment.
5. Effluent used for fish bioassays must be dechlorinated prior to testing. Monitoring of the bioassay water shall include, on a daily basis, the following parameters: pH, dissolved oxygen, total ammonia, un-ionized ammonia (by calculation, if toxicity is observed), temperature, hardness, and alkalinity. These results shall be reported. If a violation of acute toxicity requirements occurs, the bioassay test shall be repeated with new fish as soon as practical and shall be repeated until a test fish survival rate of 90 percent or greater is observed. If the control fish survival rate is less than 90 percent, the bioassay test shall be restarted with new fish and shall continue as soon as practical until an acceptable test is completed (i.e., control fish survival rate is 90 percent or greater).

### B. Whole Effluent Chronic Toxicity

#### 1. Chronic Toxicity Monitoring Requirements

- a. **Sampling.** The Discharger shall collect 24-hour composite samples of the effluent at monitoring location EFF-001, for critical life stage toxicity testing as indicated below. For toxicity tests requiring renewals, 24-hour composite samples collected on consecutive days are required.
- b. **Test Species.** The test species shall be the water flea (*Ceriodaphnia dubia*.) The Discharger shall conduct a screening chronic toxicity test as described in Appendix E-1 following any significant change in the nature of the effluent or prior to application for permit renewal. The most sensitive species shall be used thereafter for routine chronic toxicity monitoring. The Executive Officer may change to another test species if data suggest that another test species is more sensitive to the discharge.

- c. Frequency.** The frequency of routine and accelerated chronic toxicity monitoring shall be as specified below.

- (1) Routine Monitoring: Quarterly
- (2) Accelerated Monitoring: Monthly

The Discharger shall accelerate monitoring to monthly after exceeding a three-sample median of 1 TUC or a single sample maximum of 2 TUC for discharges via Discharge Point 001, or as otherwise specified by the Executive Officer.

Monitoring conducted pursuant to a TIE/TRE effort shall satisfy the requirements for routine and accelerated monitoring while the TIE/TRE investigation is underway.

- d. Methodology.** Sample collection, handling, and preservation shall be in accordance with USEPA protocols. In addition, bioassays shall be conducted in compliance with the most recently promulgated test methods, as shown in Appendix E-1. These are *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, currently third edition (EPA-821-R-02-014), and *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, currently fourth Edition (EPA-821-R-02-013), with exceptions granted the Discharger by the Executive Officer and the Environmental Laboratory Accreditation Program (ELAP).
- e. Dilution Series.** The Discharger shall conduct tests with a control and five effluent concentrations (including 100% effluent) and using a dilution factor  $\geq 0.5$ . Test sample pH in each dilution in the series may be controlled to the level of the effluent sample as received prior to being salted up.

## 2. Chronic Toxicity Reporting Requirements

- a. Routine Reporting.** Toxicity test results for the current reporting period shall include, at a minimum, for each test:
- (1) Sample dates
  - (2) Test initiation date
  - (3) Test species
  - (4) End point values for each dilution (e.g., number of young, growth rate, percent survival)
  - (5) NOEC values in percent effluent
  - (6) IC<sub>15</sub>, IC<sub>25</sub>, IC<sub>40</sub>, and IC<sub>50</sub> values (or EC<sub>15</sub>, EC<sub>25</sub> ... etc.) as percent effluent
  - (7) TUC values (100/NOEC, 100/IC<sub>25</sub>, or 100/EC<sub>25</sub>)
  - (8) Mean percent mortality ( $\pm$ s.d.) after 96 hours in 100% effluent (if applicable)
  - (9) NOEC and LOEC values for reference toxicant tests

- (10) IC<sub>50</sub> or EC<sub>50</sub> values for reference toxicant tests
- (11) Available water quality measurements for each test (pH, dissolved oxygen, temperature, conductivity, hardness, salinity, ammonia)

**b. Compliance Summary.** The results of the chronic toxicity testing shall be provided in the self-monitoring report and shall include a summary table of chronic toxicity data from at least eleven of the most recent samples. The information in the table shall include items listed above under 2.a, specifically item numbers (1), (3), (5), (6) (IC<sub>25</sub> or EC<sub>25</sub>), (7), and (8).

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

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

**VIII. RECEIVING WATER MONITORING REQUIREMENTS**

**A. Regional Monitoring Program (RMP)**

The Discharger shall continue to participate in the RMP, which involves collection of data on pollutants and toxicity in water, sediment and biota of the San Francisco Bay. The Discharger’s participation and support of the RMP is used in consideration of the level of receiving water monitoring required by this Order.

**B. Receiving Water Monitoring Location RSW-001**

The Discharger shall monitor the near-field background receiving water at Monitoring Location RSW-001 as follows to determine ambient ammonia concentrations.

**Table E-4. Near-Field Receiving Water Monitoring Requirements**

| Parameter          | Units | Sample Type | Minimum Sampling Frequency |
|--------------------|-------|-------------|----------------------------|
| Total Ammonia      | mg/L  | Grab        | 1/month                    |
| Un-ionized ammonia | mg/L  | Calculated  | 1/month                    |
| pH                 | s.u.  | Grab        | 1/month                    |
| Temperature        | °C    | Grab        | 1/month                    |
| Salinity           | ppt   | Grab        | 1/month                    |

**Legend to Table E-4:**

Unit Abbreviations:

- mg/L = milligrams per liter
- s.u. = standard units
- °C = degrees Celsius
- ppt = parts per thousand

Sampling Frequency:

- 1/Month = One time per month

## IX. OTHER MONITORING REQUIREMENTS

### A. Pretreatment and Biosolids Monitoring Requirements

The Discharger shall comply with the pretreatment requirements specified in Table E-5 for influent (at Monitoring Location INF-001), effluent (at Monitoring Location EFF-001), and biosolids monitoring.

**Table E-5. Pretreatment and Biosolids Monitoring Requirements**

| Constituents                          | Sampling Frequency  |                                    |           | Sample Type <sup>[4]</sup>            |           |
|---------------------------------------|---------------------|------------------------------------|-----------|---------------------------------------|-----------|
|                                       | Influent<br>INF-001 | Effluent<br>EFF-001 <sup>[3]</sup> | Biosolids | INF-001 and<br>EFF-001                | Biosolids |
| VOC                                   | 2/Year              | 2/Year                             | ---       | Multiple<br>Grabs <sup>[4a]</sup>     | Grabs     |
| BNA                                   | 2/Year              | 2/Year                             | ---       | Multiple<br>Grabs <sup>[4a]</sup>     | Grabs     |
| Metals <sup>[1]</sup>                 | 1/Month             | 1/Month                            | 2/Year    | 24-hr<br>Composite <sup>[4b]</sup>    | Grabs     |
| Hexavalent<br>Chromium <sup>[2]</sup> | 1/Month             | 1/Month                            | 2/Year    | Multiple<br>Grabs <sup>[4a]</sup>     | Grabs     |
| Mercury                               | 1/Month             | 1/Month                            | 2/Year    | 24-hr<br>Composite <sup>[4b,4c]</sup> | Grabs     |
| Cyanide                               | 1/Month             | 1/Month                            | 2/Year    | Multiple<br>Grabs <sup>[4a]</sup>     | Grabs     |

**Legend for Table E-5:**

VOC = volatile organic compounds  
 BNA = base/neutral and acids extractable organic compounds  
 1/month = once per month  
 2/year = twice per year

**Footnotes for Table E-5:**

- [1] The parameters are arsenic, cadmium, copper, lead, nickel, silver, zinc, and selenium.
- [2] The Discharger may elect to run total chromium instead of hexavalent chromium. Sample collection for total chromium measurements may also use 24-hour composite sampling.
- [3] Effluent monitoring conducted in accordance with Table E-4 can be used to satisfy these pretreatment monitoring requirements.
- [4] Sample types:
  - a. Multiple grabs samples for VOC, BNA, hexavalent chromium, and cyanide, must be made up of a minimum of four (4) discrete grab samples, collected at equally spaced intervals over the course of a 24-hour period, with each grab analyzed separately and the results mathematically flow-weighted or with grab samples combined (volumetrically flow-weighted) prior to analysis.
  - b. 24-hour composite samples may be made up discrete grab samples and may be combined (volumetrically flow-weighted) prior to analysis, or they may be mathematically flow-weighted. If an automatic compositor is used, 24-hour composite samples must be obtained through flow-proportioned composite sampling.
  - c. Automatic compositors are allowed for mercury if either 1) the compositing equipment (hoses and containers) comply with ultraclean specifications, or 2) appropriate equipment blank samples demonstrate that the compositing equipment has not contaminated the sample. This direction is consistent with the Regional Water Board's October 22, 1999, letter on this subject.
  - d. Biosolids collection shall comply with those requirements for sludge monitoring specified in Attachment H, Appendix H-3, of this of the Order for sludge monitoring. The biosolids analyzed shall be a composite sample of the biosolids for final disposal. The Discharger shall also comply with biosolids monitoring requirements required by 40 CFR 503.

### B. Blending Event Monitoring Requirements

During blending events, 24-hour composite samples will be collected daily at EFF-001 and analyzed for TSS, and grab samples will be collected daily at EFF-001 and analyzed for Enterococcus bacteria. Samples shall be collected after the blending effluent reach the sampling

point. Samples adequate for analysis of other parameters with effluent limits shall be collected and preserved when TSS and enterococcus samples are being collected. If TSS or Enterococcus results exceed the limitations contained in Section IV.A of the Order, the Discharger shall sample daily for all constituents provided in Table E-3 until flow monitoring indicates there have been no bypass events for a 24-hour period.

## X. REPORTING REQUIREMENTS

### A. General Monitoring and Reporting Requirements

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

### B. Self Monitoring Reports (SMRs)

1. At any time during the term of this Order, the State or Regional Water Board may notify the Discharger to electronically submit SMRs using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). Until such notification is given, the Discharger shall submit hard copy SMRs. The CIWQS Web site will provide additional directions for SMR submittal in the event that there is a service interruption for electronic submittal.
2. The Discharger shall report in the SMR the results of all monitoring specified in this MRP under sections III through IX. The Discharger shall submit monthly SMRs, including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. Monthly SMRs shall be due 30 days after the end of each calendar month. If the Discharger monitors any pollutant more frequently than required by this Order, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR. Annual SMRs shall be due February 1 of each year, covering the previous calendar year. The report shall contain the items described in the Regional Standard Provisions (Attachment G).
3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

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

| Sampling Frequency                   | Monitoring Period Begins On... | Monitoring Period   |
|--------------------------------------|--------------------------------|---|
| Continuous                           | Permit effective date          | All   |
| 1/Hour                               | Permit effective date          | Every hour on the hour  |
| 1/Day                                | Permit effective date          | (Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling. |
| 1/Week<br>2/Week<br>3/Week<br>5/Week | Permit effective date          | Sunday through Saturday   |
| 1/Month                              | Permit effective date          | First day of calendar month through last day of calendar month  |

| Sampling Frequency | Monitoring Period Begins On... | Monitoring Period  |
|--------------------|--------------------------------|--|
| 1/Quarter          | Permit effective date          | Once during January 1 – March, April 1 – June 30, July 1 – September 30, and October 1-December 31                               |
| 2/Year             | Permit effective date          | Once during the wet season (typically November 1 – April 30) and once during the dry season (typically May 1 through October 31) |

4. The Discharger shall report with each sample result the applicable reported Minimum Level (ML) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR 136. The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:
- a. Sample results greater than or equal to the ML shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
  - b. Sample results less than the RL, but greater than or equal to the laboratory’s MDL, shall be reported as “Detected, but Not Quantified,” or DNQ. The estimated chemical concentration of the sample shall also be reported.

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

- c. Sample results less than the laboratory’s MDL shall be reported as “Not Detected,” or ND.
- d. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from *extrapolation* beyond the lowest point of the calibration curve.
- e. Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined above, in Attachment A. For purposes of reporting and administrative enforcement by the Regional and State Water Boards, the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reporting level (RL).
- f. When determining compliance with an AMEL (or AWEL) for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of “Detected, Not Quantified” (DNQ) or “Not Detected” (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:

- (1) The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
  - (2) The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.
5. The Discharger shall submit SMRs in accordance with the following requirements:

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

The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall (1) clearly identify violations of the WDRs, (2) discuss corrective actions taken or planned, and (3) propose a time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.

SMRs must be submitted to the Regional Water Board, signed and certified as required by the Federal Standard Provisions (Attachment D), to the address listed below:

Executive Officer  
California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612  
ATTN: NPDES Wastewater Division

### **C. Discharge Monitoring Reports (DMRs)**

1. As described in Section X.B.1 above, at any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit SMRs that will satisfy federal requirements for submittal of DMRs. Until such notification is given, the Discharger shall submit DMRs in accordance with the requirements described below.
2. DMRs must be signed and certified as required by the Standard Provisions (Attachment D). The Discharger shall submit the original DMR and one copy of the DMR to one of the addresses listed below:

| <b>Standard Mail</b>   | <b>FedEx/UPS/Other Private Carriers</b>  |
|--|--|
| State Water Resources Control Board<br>Division of Water Quality<br>c/o DMR Processing Center<br>PO Box 100<br>Sacramento, CA 95812-1000 | State Water Resources Control Board<br>Division of Water Quality<br>c/o DMR Processing Center<br>1001 I Street, 15 <sup>th</sup> Floor<br>Sacramento, CA 95814 |

3. All discharge monitoring results must be reported on the official USEPA pre-printed DMR forms (EPA Form 3320-1). Forms that are self-generated will not be accepted unless they follow the exact same format of EPA Form 3320-1.

**D. Other Reports**

In the first monthly SMR following the respective due dates, the Discharger shall report the results of any special studies, monitoring, and reporting required by Section VI.C.2 (Special Studies, Technical Reports, and Additional Monitoring Requirements) of this Order with the first monthly SMR following the respective due date.

**ATTACHMENT F - FACT**

**Table of Contents**

|      |   |      |
|------|---|------|
| I.   | Permit Information .....  | F-3  |
| II.  | Facility Description .....  | F-4  |
|      | A. Description of Wastewater and Biosolids Treatment .....                | F-4  |
|      | B. Discharge Point and Receiving Waters .....                             | F-6  |
|      | C. Summary of Existing Requirements and Self-Monitoring Report Data ..... | F-7  |
|      | D. Compliance Summary .....   | F-8  |
|      | E. Planned Changes .....  | F-11 |
| III. | Applicable Plans, Policies, and Regulations .....                         | F-11 |
|      | A. Legal Authorities .....  | F-11 |
|      | B. California Environmental Quality Act (CEQA) .....                      | F-11 |
|      | C. State and Federal Regulations, Policies, and Plans .....               | F-11 |
|      | D. Impaired Water Bodies on CWA 303(d) List .....                         | F-13 |
| IV.  | Rationale For Effluent Limitations and Discharge Specifications .....     | F-14 |
|      | A. Discharge Prohibitions .....   | F-14 |
|      | B. Shallow Water Discharge and Basin Plan Discharge Prohibition 1 .....   | F-16 |
|      | C. Technology-Based Effluent Limitations .....                            | F-18 |
|      | 1. Scope and Authority for Technology-Based Effluent Limitations .....    | F-18 |
|      | 2. Applicable Effluent Limitations .....                                  | F-18 |
|      | D. WQBELs .....   | F-20 |
|      | 1. Scope and Authority .....  | F-20 |
|      | 2. Applicable Beneficial Uses and WQOs .....                              | F-21 |
|      | 3. Determining the Need for WQBELs .....                                  | F-23 |
|      | 4. WQBEL Calculations .....   | F-30 |
|      | 5. Whole Effluent Acute Toxicity .....                                    | F-38 |
|      | 6. Whole Effluent Chronic Toxicity .....                                  | F-38 |
|      | 7. Anti-backsliding and Antidegradation .....                             | F-39 |
|      | E. Land Discharge Specifications .....                                    | F-39 |
|      | F. Reclamation Specifications .....                                       | F-40 |
| V.   | Rationale for Receiving Water Limitations .....                           | F-40 |
|      | A. Surface Water .....  | F-40 |
|      | B. Groundwater .....  | F-40 |
| VI.  | Rationale for Monitoring and Reporting Requirements .....                 | F-40 |
|      | A. Influent Monitoring .....  | F-41 |
|      | B. Effluent Monitoring .....  | F-41 |
|      | C. Whole Effluent Toxicity Testing Requirements .....                     | F-41 |
|      | D. Receiving Water Monitoring .....                                       | F-41 |
|      | E. Other Monitoring Requirements .....                                    | F-42 |
| VII. | Rationale for Provisions .....  | F-42 |
|      | A. Standard Provisions (Provision VI.A) .....                             | F-42 |
|      | B. MRP Requirements .....   | F-43 |
|      | C. Special Provisions .....   | F-43 |
|      | 1. Reopener Provisions .....  | F-43 |
|      | 2. Special Studies and Additional Monitoring Requirements .....           | F-43 |
|      | 4. Construction, Operation, and Maintenance Specifications .....          | F-44 |

|   |      |
|---|------|
| 5. Special Provisions for Municipal Facilities (POTWs Only) ..... | F-44 |
| VIII. Public Participation .....                                  | F-45 |
| A. Notification of Interested Parties .....                       | F-45 |
| B. Written Comments .....   | F-45 |
| C. Public Hearing .....   | F-45 |
| D. Waste Discharge Requirements Petitions .....                   | F-46 |
| E. Information and Copying .....                                  | F-46 |
| F. Register of Interested Persons .....                           | F-46 |
| G. Additional Information .....                                   | F-46 |

**List of Tables**

|   |      |
|---|------|
| Table F-1. Facility Information .....   | F-3  |
| Table F-2. Outfall Locations .....  | F-6  |
| Table F-3. Historic Effluent Limitations and Monitoring Data for Conventional and Non-<br>Conventional Pollutants (Novato Plant Effluent, Formerly E-002) ..... | F-7  |
| Table F-4. Historic Effluent Limitations and Monitoring Data for Toxic Pollutants .....   | F-8  |
| Table F-5. Numeric Effluent Limitation Exceedances .....  | F-8  |
| Table F-6. Compliance with Previous Order Provisions .....  | F-10 |
| Table F-7. Basin Plan Beneficial Uses .....   | F-12 |
| Table F-8. Secondary Treatment Requirements .....   | F-18 |
| Table F-10. Site-Specific Translators .....   | F-23 |
| Table F-11. Reasonable Potential Analysis Summary .....   | F-28 |
| Table F-12. Effluent Limitation Calculations .....  | F-37 |

## ATTACHMENT F – FACT SHEET

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

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

### I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

**Table F-1. Facility Information**

|   |   |
|---|---|
| <b>WDID</b>   | 2 215022001   |
| <b>CIWQS Place ID</b>                               | 244705  |
| <b>Discharger</b>                                   | Novato Sanitary District  |
| <b>Name of Facility</b>                             | Novato Wastewater Treatment Plant and its associated collection system  |
| <b>Facility Address</b>                             | 500 Davidson St., Novato CA 94945   |
|   | Marin County  |
| <b>Facility Contact, Title, Phone</b>               | Beverly James, Manager-Engineer, (415) 892-1694   |
| <b>Authorized Person to Sign and Submit Reports</b> | Same as above   |
| <b>Mailing Address</b>                              | 500 Davidson St., Novato CA 94945   |
| <b>Billing Address</b>                              | Same as Mailing Address   |
| <b>Type of Facility</b>                             | Publicly Owned Treatment Works (POTW)   |
| <b>Major or Minor Facility</b>                      | Major   |
| <b>Threat to Water Quality</b>                      | 2   |
| <b>Complexity</b>                                   | A   |
| <b>Pretreatment Program</b>                         | Yes   |
| <b>Reclamation Requirements</b>                     | Yes (Regional Water Board Order No. 92-065)   |
| <b>Mercury Discharge Requirements</b>               | Regional Water Board Order No. R2-2007-0077   |
| <b>Facility Permitted Flow</b>                      | 6.55 million gallons per day (mgd) (average daily dry weather flow); 7.05 mgd after tasks in Provision VI.C.4(c) are completed              |
| <b>Facility Design Flow</b>                         | Existing Novato Plant: 6.55 million gallons per day (mgd) (average dry weather flow), 9 mgd (peak wet weather flow)                         |
|   | Upgraded Novato Plant: 7.05 mgd (average dry weather flow) after tasks in Provision VI.C.4(c) are completed, 47 mgd (peak wet weather flow) |
| <b>Watershed</b>                                    | San Pablo Bay   |
| <b>Receiving Water</b>                              | San Pablo Bay   |
| <b>Receiving Water Type</b>                         | Estuarine   |
| <b>Service Area</b>                                 | City of Novato  |
| <b>Service Area Population</b>                      | 60,000  |

- A. The Novato Sanitary District (hereinafter, the Discharger) is the owner and operator of the Novato Wastewater Treatment Plant (Novato Plant) and its associated collection system, and the Ignacio Wastewater Treatment Plant (Ignacio Plant) and its associated collection system. The Ignacio Plant provides secondary treatment of wastewater, and the effluent from this facility flows to the Novato Plant, which provides secondary treatment of the combined influent wastewater, and discharges to San Pablo Bay. The plants treat wastewater from a primarily residential service area serving the City of Novato and adjacent areas with a current population of about 60,000.

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

- B. The discharge of treated wastewater from the Novato Plant to San Pablo Bay, a water of the State and the United States, was previously regulated by Order No. R2-2004-0093 (NPDES Permit No. CA0037851), which was adopted on September 15, 2004, became effective on December 1, 2004, and was amended by Order No. R2-2008-0026 on May 14, 2008. Order No. R2-2004-0093 expired on December 31, 2009 and has been administratively extended.
- C. The Discharger filed a Report of Waste Discharge and submitted a complete application for renewal of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit dated June 30, 2009.

## II. FACILITY DESCRIPTION

### A. Description of Wastewater and Biosolids Treatment

1. **Facility Description.** Treatment processes at the Novato Plant include influent pumping, influent screening, flow measurement and grit removal, primary clarification, activated sludge secondary treatment in the three existing circular aeration basins and two circular secondary clarifiers, ammonia removal through the existing bio-tower, chlorination (with sodium hypochlorite), and dechlorination (with sodium bisulfite) at a dechlorination facility about ½ mile east of the Ignacio Plant

The Discharger operates the Ignacio Plant, located at 445 Bel Marin Keys Blvd., Novato, as a roughing plant, which means treated wastewater from the Ignacio Plant is conveyed to the Novato Plant for further treatment. Treatment processes at the Ignacio Plant include primary clarification, biofiltration, subsequent clarification, nitrification, gravity filtration, and chlorine disinfection.

The Discharger’s wastewater collection system collects and transports wastewater flows to the Plants through a series of gravity sewers and interceptors, pump stations, and force mains, designed to handle peak wet weather flows. The Discharger’s wastewater collection systems include approximately 200 miles of sewer lines and 35 wastewater pump stations.

2. **Discharge Description.** The Novato Plant has an average dry weather flow (ADWF) design capacity of 6.55 mgd and can treat up to 9 mgd of peak wet weather with full secondary treatment. When influent flow exceeds the peak wet weather treatment capacity of the Novato Plant, flows above 9 mgd and up to 16 mgd receive primary treatment, gravity filtration and disinfection, and flow exceeding 16 mgd receive gravity filtration and chlorine disinfection.

These flows are blended with secondary treated wastewater prior to discharge. From January 2006 through April 2009, the average and maximum flow rates from the Novato plant were 5.3 and 22.96 mgd.

The Ignacio Plant has an ADWF design capacity of 2.02 mgd and a peak wet weather design flow capacity of 4.04 mgd. From January 2006 through March 2008, the average and maximum flow rates from the Ignacio Plant were 1.89 and 7.75 mgd.

The Discharger completed additional engineering analyses, an Environmental Impact Report, and an antidegradation analysis for facility construction to increase full secondary treatment capacity at the Novato Plant to 7.05 mgd (ADWF). This Order authorizes this capacity increase after the Discharger completes all construction and the tasks specified in Provision VI.C.4(c) of this Order. The facility improvements will result in all treatment occurring at the Novato Plant. The upgraded Novato Plant (discussed below) will provide secondary treatment for 47 mgd peak wet weather flow. There will be no blending at the new upgraded Novato Plant. When construction is complete, influent flows currently conveyed to the Ignacio Plant will be rerouted to the Novato plant, and the Ignacio Plant will be decommissioned.

- 3. Discharge Location.** Treated effluent is discharged from the Novato Plant to the intertidal zone of San Pablo Bay at Discharge Point 001 through a multiport diffuser located approximately 950 feet offshore. The diffuser is submerged at the +1 foot mean lower low water tidal elevation. At lower tidal elevations, the outfall is exposed, and the distance from the end of the diffuser to the San Pablo Bay water line can range from 1000 to 3500 feet. During these times of lower tidal elevation, the discharge does not receive an initial dilution of 10:1, and is therefore classified as a shallow water discharge.

In accordance with Basin Plan Table 4-1 shallow water discharges are prohibited. This Order therefore prohibits discharges at Discharge Point 001 to San Pablo Bay from June 1 through August 31. During this period, effluent is discharged to storage ponds until used for sprinkler irrigation of 820 acres of Discharger-controlled pasturelands used for beef cattle, grazing, and irrigated hay production. As described in section IV.B, this Order grants an exception to the discharge prohibition from September 1 through May 31.

- 4. Treatment Facilities Upgrade Project.** The Discharger is currently undergoing a major multi-year Treatment Facilities Upgrade Project, which it expects to be complete by 2011. The Upgrade project will result in all of the Discharger's wastewater treatment capabilities being consolidated at its Novato Plant. In the interim, the Discharger operates the existing Novato Plant as the main wastewater treatment plant, with its other treatment facility, the Ignacio Plant, being operated mainly as a roughing plant, pending the completion of the Upgrade Project and decommissioning of the Ignacio Plant.

In this interim operation mode, treated effluent from the Ignacio Plant is pumped up to the Novato Plant by the Ignacio Transfer Pump Station (ITPS) through the Ignacio Conveyance Force Main (ICFM). The construction of the ITPS and ICFM was completed about March 2008 as part of the Upgrade Project. The construction of the ITPS at the Ignacio Plant site included the construction of equalization capability for either treated effluent or raw influent and capability for a portion or all of the Ignacio Plant influent to be pumped directly to the Novato Plant.

As of January 2010, the construction of the Novato Plant upgrade is about 85% complete. The following treatment processes or units are completed and in service:

- Waste activated sludge thickening process with two gravity belt thickeners;
- New influent pump station;
- New headworks facility with two mechanical filter screens and a manual bar rack for influent screening, Parshall flumes for influent flow measurement, and two grit basins each with a mechanical grit vortex system; and
- New primary clarifier.

In addition, the new Influent Pump Station (IPS) that is a part of the Upgrade Project is also being brought on-line and is expected to be fully operational after all testing and start-up requirements are completed. Other new treatment units will include another new primary clarifier, four new rectangular aeration basins, two new circular secondary clarifiers, a new ultra-violet (UV) disinfection and effluent pumping facility, and new primary digester.

5. **Reclamation Activities.** The Discharger’s reclamation system includes two storage ponds with a combined storage capacity of 180 million gallons, a wildlife marsh pond, an irrigation pump station, and 820 acres of pasture. Regional Water Board Order No. 92-065 establishes limitations and conditions regarding the reclamation uses of treated wastewater in the reclamation system.
6. **Biosolids Management.** The solids handling at the Novato Plant includes the new gravity belt waste activated sludge thickening, anaerobic digestion of primary sludge and thickened waste activated sludge in the existing primary digester, and removal of digested sludge to storage at the sludge lagoons at the Discharger’s reclamation site. Sludge is treated at the Ignacio Plant through primary anaerobic digestion followed by thickening in storage ponds. Thickened sludge from both plants is land applied at a 14.4 acre dedicated land disposal site located near the reclamation area.
7. **Storm Water Discharge.** The Discharger is not required to be covered under the State Water Board’s statewide NPDES permit for storm water discharges associated with industrial activities (NPDES General Permit No. CAS000001) because all storm water flows in contact with equipment or sewage at the plants and the pump stations serving the plants is collected and directed to the headworks of the plants for treatment.

**B. Discharge Point and Receiving Waters**

The location of the discharge point and the receiving water are shown in Table F-2 below.

**Table F-2. Outfall Locations**

| Discharge Point | Effluent Description                   | Discharge Point Latitude | Discharge Point Longitude | Receiving Water |
|-----------------|--|--------------------------|---------------------------|-----------------|
| 001             | Secondary Treated Municipal Wastewater | 38° 03' 36" N            | 122° 29' 24" W            | San Pablo Bay   |

San Pablo Bay is located within the San Pablo watershed. The discharge to San Pablo Bay is a shallow water discharge because the discharge does not always receive 10:1 dilution.

### C. Summary of Existing Requirements and Self-Monitoring Report Data

Effluent limitations contained in the previous Order (Order No. R2-2004-0093, as amended by Order No. R2-2008-0026), and representative monitoring data from the term of the previous permit are presented in Tables F-3 and F-4, below.

**Table F-3. Historic Effluent Limitations and Monitoring Data for Conventional and Non-Conventional Pollutants (Novato Plant Effluent, Formerly E-002)**

| Parameter   | units      | Effluent Limitations  |                |               | Monitoring Data<br>(From 01/06 to 04/09) <sup>[1]</sup>                             |                        |                         |
|---|------------|---|----------------|---------------|---|------------------------|-------------------------|
|   |            | Monthly Average   | Weekly Average | Daily Maximum | Highest Monthly Average   | Highest Weekly Average | Highest Daily Discharge |
| <i>Wet Weather (November 1 – April 30)</i>          |            |   |                |               |   |                        |                         |
| 5-day Biochemical Oxygen Demand (BOD <sub>5</sub> ) | mg/L       | 30  | 45             | ---           | 18  | 28                     | 46                      |
| Total Suspended Solids (TSS)                        | mg/L       | 30  | 45             | ---           | 27.8  | 53                     | 112.4                   |
| Oil and Grease                                      | mg/L       | 10  | ---            | 20            | 2.8   | 2.8                    | 4.5                     |
| <i>Dry Weather (May 1 – October 31)</i>             |            |   |                |               |   |                        |                         |
| BOD <sub>5</sub>                                    | mg/L       | 15  | 30             | ---           | 14.9  | 28.5<br>(May 08)       | 36                      |
| TSS   | mg/L       | 10  | 20             | ---           | 9.25  | 10.3                   | 12                      |
| Oil and Grease                                      | mg/L       | 5   | ---            | 15            | <1.7  | <1.7                   | <1.7                    |
| <i>All Year</i>                                     |            |   |                |               |   |                        |                         |
| pH  | s.u.       | Within 6.5 – 8.5  |                |               | Minimum: 7<br>Maximum: 8.1  |                        |                         |
| Enterococcus bacteria                               | MPN/100 mL | 35 <sup>[2]</sup>   | ---            | 276           | 17.8 <sup>[2]</sup>   | ---                    | 2419.6                  |
| Chlorine residual                                   | mg/L       | ---   | ---            | 0.0           | ---   | ---                    | 2.1                     |
| Total ammonia                                       | mg/L       | 6.0<br>(combined effluent, E-003)                                       | ---            | ---           | 10.7  | ---                    | 21.7                    |
| Acute toxicity                                      | % Survival | 11-sample median: ≥ 90%<br>11-sample 90 <sup>th</sup> percentile: ≥ 70% |                |               | Minimum 11-sample median: 90%<br>Minimum 11-sample 90 <sup>th</sup> percentile: 95% |                        |                         |

**Legend to Table F-3:**

Unit Abbreviations:

- mg/L = milligrams per liter
- % = percent
- s.u. = standard units
- MPN/100 mL = Most Probable Number per 100 milliliters

Footnotes to Table F-3:

< = Non-Detect

<sup>[1]</sup> Data presented were collected from January 2006 through April 2009 at Monitoring Location E-002 or E-003, as described in the previous permit, because monitoring data collected at E-001, as described in the previous permit, were determined to be not representative of current effluent quality, as described in D, below.

<sup>[2]</sup> The Enterococcus limitation is expressed as a 30-day geometric mean.

**Table F-4. Historic Effluent Limitations and Monitoring Data for Toxic Pollutants**

| Parameter          | units | Effluent Limitations |               |                       |                         | Monitoring Data<br>(From 01/04 to 04/09) |                 |
|--------------------|-------|----------------------|---------------|-----------------------|-------------------------|--|-----------------|
|                    |       | Monthly Average      | Daily Maximum | Interim Daily Maximum | Interim Monthly Average | Highest Daily                            | Highest Monthly |
| Copper             | µg/L  | 12                   | 17            | ---                   | ---                     | 39                                       | 19.1            |
| Lead               | µg/L  | 3.5                  | 8.8           | ---                   | ---                     | 2.7                                      | 1.16            |
| Mercury            | µg/L  | ---                  | ---           | ---                   | 0.087                   | 0.066                                    | 0.043           |
| Nickel             | µg/L  | 21                   | 32            | ---                   | ---                     | 9.2                                      | 6.57            |
| Cyanide            | µg/L  | 1.1                  | 2.4           | ---                   | ---                     | 4.8                                      | 4.8             |
| 4,4'-DDE           | µg/L  | ---                  | ---           | 0.05                  | ---                     | <0.001                                   | <0.001          |
| 4,4'-DDD           | µg/L  | ---                  | ---           | 0.05                  | ---                     | <0.001                                   | <0.001          |
| Dieldrin           | µg/L  | ---                  | ---           | 0.01                  | ---                     | <0.002                                   | <0.002          |
| Heptachlor Epoxide | µg/L  | ---                  | ---           | 0.01                  | ---                     | <0.002                                   | <0.002          |

**Legend to Table F-4:**

Unit Abbreviations:

µg/L = micrograms per liter

Footnotes to Table F-4:

< = Non-Detect

Monitoring data are for the combined effluent at Monitoring Location E-003 (same as EFF-001).

**D. Compliance Summary**

- 1. Compliance with Numeric Effluent Limits.** Table F-5 lists effluent limitation violations that occurred during the term of the previous permit.

**Table F-5. Numeric Effluent Limitation Exceedances**

| Date of Violation | Exceeded Parameter | Location <sup>[1]</sup> | Units      | Effluent Limitation | Reported Concentration |
|-------------------|--------------------|-------------------------|------------|---------------------|------------------------|
| 02/18/05          | Chlorine Residual  | E-003                   | mg/L       | 0.0                 | 4.5                    |
| 03/21/05          | pH                 | E-001                   | s.u.       | 8.5                 | 8.8                    |
| 03/22/05          | Enterococcus       | E-002                   | MPN/100 mL | 276                 | 866.4                  |
| 03/23/05          | Enterococcus       | E-002                   | MPN/100 mL | 276                 | 517.2                  |
| 04/30/05          | TSS                | E-001                   | mg/L       | 30                  | 33.5                   |
| 04/30/05          | TSS                | E-001                   | % Removal  | Minimum 85          | 81.9                   |
| 04/30/05          | Oil and Grease     | E-001                   | mg/L       | 10                  | 16                     |
| 05/31/05          | Ammonia            | E-003                   | mg/L       | 6.0                 | 7.1                    |
| 12/18/05          | Enterococcus       | E-002                   | MPN/100 mL | 276                 | 2420                   |
| 12/19/05          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 1733                   |
| 12/28/05          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 2420                   |
| 12/31/05          | TSS                | E-001                   | mg/L       | 45                  | 53.6                   |
| 12/31/05          | Ammonia            | E-003                   | mg/L       | 6.0                 | 6.1                    |
| 01/03/06          | Enterococcus       | E-002                   | MPN/100 mL | 276                 | 727                    |
| 01/03/06          | Dieldrin           | E-003                   | µg/L       | 0.010               | 0.018                  |
| 01/4/06           | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 770                    |
| 01/14/06          | TSS                | E-001                   | mg/L       | 45                  | 50.9                   |
| 01/24/06          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 517.2                  |

| Date of Violation | Exceeded Parameter | Location <sup>[1]</sup> | Units      | Effluent Limitation | Reported Concentration |
|-------------------|--------------------|-------------------------|------------|---------------------|------------------------|
| 01/31/06          | TSS                | E-001                   | % Removal  | Minimum 85          | 81.1                   |
| 01/31/06          | Ammonia            | E-003                   | mg/L       | 6.0                 | 8.10                   |
| 02/27/06          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 2420                   |
| 02/28/06          | Ammonia            | E-003                   | mg/L       | 6.0                 | 9.45                   |
| 03/04/06          | TSS                | E-001                   | mg/L       | 45                  | 65.2                   |
| 03/04/06          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 2420                   |
| 03/24/06          | BOD                | E-001                   | mg/L       | 45                  | 53                     |
| 03/25/06          | TSS                | E-001                   | mg/L       | 45                  | 62.3                   |
| 03/31/06          | TSS                | E-001                   | mg/L       | 30                  | 37.3                   |
| 03/31/06          | TSS                | E-001                   | % Removal  | Minimum 85          | 76.3                   |
| 03/31/06          | BOD                | E-001                   | mg/L       | 30                  | 37                     |
| 03/31/06          | BOD                | E-001                   | % Removal  | Minimum 85          | 75.4                   |
| 03/31/06          | Ammonia            | E-003                   | mg/L       | 6.0                 | 6.4                    |
| 04/03/06          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 658.6                  |
| 04/04/06          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 2420                   |
| 04/08/06          | TSS                | E-001                   | mg/L       | 45                  | 56.9                   |
| 04/10/06          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 488.4                  |
| 04/11/06          | Enterococcus       | E-002                   | MPN/100 mL | 276                 | 2420                   |
| 04/27/06          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 2420                   |
| 04/29/06          | Enterococcus       | E-001                   | mg/L       | 45                  | 57.7                   |
| 04/30/06          | BOD                | E-001                   | % Removal  | Minimum 85          | 84.3                   |
| 04/30/06          | TSS                | E-001                   | mg/L       | 30                  | 38.6                   |
| 04/30/06          | TSS                | E-001                   | % Removal  | Minimum 85          | 75                     |
| 05/31/06          | Ammonia            | E-003                   | mg/L       | 6.0                 | 7.50                   |
| 11/07/06          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 2420                   |
| 11/11/06          | BOD                | E-001                   | mg/L       | 45                  | 49                     |
| 12/04/06          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 980.4                  |
| 12/07/06          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 866.4                  |
| 12/08/06          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 601.5                  |
| 12/12/06          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 2420                   |
| 12/12/06          | Enterococcus       | E-002                   | MPN/100 mL | 276                 | 1120                   |
| 12/31/06          | Enterococcus       | E-001                   | MPN/100 mL | 35                  | 94.9                   |
| 01/25/07          | Chlorine Residual  | E-003                   | mg/L       | 0.0                 | 2.1                    |
| 01/31/07          | Ammonia            | E-003                   | mg/L       | 6.0                 | 8.24                   |
| 02/09/07          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 365.4                  |
| 02/10/07          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 2420                   |
| 02/11/07          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 1046                   |
| 02/12/07          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 648.8                  |
| 02/15/07          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 416                    |
| 02/16/07          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 960.6                  |
| 02/27/09          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 686.7                  |
| 02/28/07          | Enterococcus       | E-001                   | MPN/100 mL | 35                  | 141.2                  |
| 02/28/07          | Ammonia            | E-003                   | mg/L       | 6.0                 | 8.9                    |
| 03/31/07          | TSS                | E-001                   | % Removal  | Minimum 85          | 80.8                   |
| 03/31/07          | Ammonia            | E-003                   | mg/L       | 6.0                 | 9.89                   |
| 04/30/07          | Ammonia            | E-003                   | mg/L       | 6.0                 | 10.7                   |
| 05/31/07          | Ammonia            | E-003                   | mg/L       | 6.0                 | 6.6                    |
| 01/05/08          | Copper             | E-003                   | µg/L       | 19                  | 39                     |
| 01/05/08          | TSS                | E-001                   | mg/L       | 45                  | 121                    |

| Date of Violation | Exceeded Parameter | Location <sup>[1]</sup> | Units      | Effluent Limitation | Reported Concentration |
|-------------------|--------------------|-------------------------|------------|---------------------|------------------------|
| 01/08/08          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | >2419.6                |
| 01/28/08          | Enterococcus       | E-002                   | MPN/100 mL | 276                 | 2419.6                 |
| 01/29/08          | Enterococcus       | E-002                   | MPN/100 mL | 276                 | >2419.6                |
| 01/31/08          | TSS                | E-001                   | % Removal  | Minimum 85          | 73.2                   |
| 01/31/08          | TSS                | E-001                   | mg/L       | 30                  | 48                     |
| 02/04/08          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 2419.6                 |
| 02/19/08          | Enterococcus       | E-001                   | MPN/100 mL | 276                 | 1229.7                 |
| 02/29/08          | TSS                | E-001                   | % Removal  | Minimum 85          | 72.6                   |
| 02/29/08          | TSS                | E-001                   | mg/L       | 30                  | 36                     |
| 02/29/08          | Enterococcus       | E-001                   | MPN/100 mL | 35                  | 58.1                   |
| 12/31/08          | Ammonia            | E-003                   | mg/L       | 6.0                 | 8.6                    |
| 03/07/09          | TSS                | E-001                   | mg/L       | 45                  | 53                     |

**Footnotes to Table F-5:**

[1] Locations: E-001: Ignacio Plant effluent; E-002: Novato Plant effluent; E-003: combined effluent at discharge outfall to San Pablo Bay.

The Regional Water Board adopted Order No. R2-2005-0050 to address effluent limitations violations of Order No. R2-2004-0093 and assess Mandatory Minimum Penalties for violations through May 31, 2005, and adopted Order No. R2-2007-0081 to address violations and assess Mandatory Minimum Penalties for violations that occurred through May 31, 2007. The Discharger chose to complete a supplemental environmental project in response to Order No. R2-2007-0081. State Water Board Order No. SWB 2008-2-0015 addressed violations that occurred from January 5, 2008 through December 31, 2008.

Most of the enterococcus, TSS, and BOD violations occurred at the Ignacio Plant (E-001), which is now only serving as a roughing treatment facility, and will be decommissioned in 2011. In 2001, the Discharger prepared a Strategic Plan that concluded that the Discharger needed treatment plant upgrades and expanded capacity to accommodate limited future growth in the service area and to reliably comply with BOD and TSS effluent limitations at the Ignacio Plant. In March 2008, the Discharger changed the treatment process scheme to continue treating influent flows at the Ignacio Plant, and then convey the treated effluent to the Novato Plant for further treatment to circumvent continuing effluent limitation violations at the Ignacio Plant. The schedule for remaining facility upgrades is discussed in II. E., below. In May 2008, the Regional Water Board adopted Cease and Desist Order No. R2-2008-0029, which required the Discharger to upgrade the Novato Plant and established a time schedule for completion of upgrades to address foreseeable violations of copper and cyanide effluent limitations established by Order No. R2-2008-0026 (amending Order No. R2-2004-0093).

2. **Compliance with Previous Permit Provisions.** A list of special activities required by the previous Orders and the status of those requirements are shown in Table F-6, below.

**Table F-6. Compliance with Previous Order Provisions**

| Provision Number | Requirement                                       | Status of Completion                                   |
|------------------|---|--|
| E.3              | Cyanide Compliance Schedule and Cyanide SSO Study | 1/30/2006, 10/26/2006, 2/1/2007, 12/4/2007, 12/29/2008 |
| E.9              | Bacteriological Study Final Study Report          | 6/21/2006  |
| E.10             | Reclamation Pond Operation                        | 12/20/2006, 12/22/2009                                 |

| Provision Number | Requirement  | Status of Completion |
|------------------|--|----------------------|
| E.11             | Compliance Schedule for Conventional Effluent Limitations at Ignacio Plant | 8/31/2006, 1/2/2008  |
| E.15             | Blending Monitoring Study  | 6/30/2006            |
| R2-2008-0026     | Copper Action Plan, Source Identification                                  | 8/26/2008            |
| R2-2008-0026     | Cyanide Action Plan, Source Identification                                 | 8/26/2008            |

### E. Planned Changes

The Discharger is currently undergoing facility upgrades that augment its treatment capacity at the Novato Plant. The Discharger has completed an Environmental Impact Report and an antidegradation analysis for facility construction to increase full secondary capacity to 7.05 mgd. The Novato Plant improvements include construction of the following new facilities: headworks, influent pump station, two primary clarifiers, two aeration basins, two secondary clarifiers, UV disinfection unit, gravity belt thickener, second digester, odor control facilities, and electrical facilities. Once construction is complete, the Ignacio Plant will be decommissioned and all influent flows will be routed to the Novato Plant. The remaining schedule of improvements is as follows:

- June 30, 2010            Complete Novato Plant aerations basins and one secondary clarifier
- December 31, 2010    Complete Novato Plant influent pump station, second primary and secondary clarifiers, UV disinfection unit, gravity belt thicken and second digester.
- June 30, 2011            Place treatment plant improvements into operation.

### III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

This Order’s requirements are based on the requirements and authorities described in this section.

#### A. Legal Authorities

This Order is issued pursuant to federal Clean Water Act (CWA) section 402 and implementing regulations adopted by the USEPA and chapter 5.5, division 7, of the California Water Code (CWC) or Water Code, commencing with section 13370. It shall serve as an NPDES permit for point source discharges from this facility to surface waters. This Order also serves as waste discharge requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the CWC (commencing with section 13260).

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

Under CWC section 13389, this action to issue an NPDES permit is exempt from the provisions of CEQA.

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

1. **Water Quality Control Plan.** The *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan) is the Regional Water Board’s master water quality control planning

document. It designates beneficial uses and water quality objectives (WQOs) for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve WQOs. The Basin Plan was adopted by the Regional Water Board and approved by the State Water Board, the Office of Administrative Law (OAL), and USEPA as required. Requirements of this Order implement the Basin Plan.

The Basin Plan identifies beneficial uses for the receiving water for this discharge, San Pablo Bay. State Water Board Resolution No. 88-63 established State policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply (MUN). Because of the marine influence in San Pablo Bay, total dissolved solids levels exceed 3,000 mg/L and thereby meet an exception for San Pablo Bay. The MUN designation therefore does not apply to San Pablo Bay.

The Basin Plan beneficial uses of San Pablo Bay are listed in Table F-7, below.

**Table F-7. Basin Plan Beneficial Uses**

| Discharge Point | Receiving Water Name | Beneficial Uses   |
|-----------------|----------------------|---|
| 001             | San Pablo Bay        | Industrial Service Supply (IND)<br>Ocean, Commercial, and Sport Fishing (COMM)<br>Shellfish Harvesting (SHELL)<br>Estuarine Habitat (EST)<br>Fish Migration (MIGR)<br>Preservation of Rare and Endangered Species (RARE)<br>Fish Spawning (SPWN)<br>Wildlife Habitat (WILD)<br>Water Contact Recreation (REC1)<br>Non-Contact Water Recreation (REC2)<br>Navigation (NAV) |

2. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, and amended it on May 4, 1995, and November 9, 1999. About 40 criteria in the NTR and apply in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that applied in the State. The CTR was amended on February 13, 2001. These rules contain water quality criteria (WQC) for priority toxic pollutants.
3. **State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated through the NTR and to the WQOs established in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria promulgated through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.

- 4. Compliance Schedules and Interim Requirements.** Section 2.1 of the SIP provides that, based on a discharger's request and demonstration that it is infeasible for an existing discharger to achieve immediate compliance with an effluent limitation derived from a CTR criterion, compliance schedules may be allowed in an NPDES permit. Unless an exception has been granted under SIP section 5.3, a compliance schedule may not exceed 5 years from the date that the permit is issued or reissued, nor may it extend beyond 10 years from the effective date of the SIP (or May 18, 2010).

The State Water Board adopted Resolution No. 2008-0025 on April 15, 2008, titled "Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits," which includes compliance schedule policies for pollutants not addressed by the SIP. USEPA and Office of Administrative Law approved this policy, and it became effective on August 27, 2008. This Order does not include compliance schedules or interim effluent limits.

- 5. Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes [65 Fed. Reg. 24641 (April 27, 2000), codified at 40 CFR 131.21]. Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.
- 6. Antidegradation Policy.** 40 CFR 131.12 requires that state WQS include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16, which incorporates the federal antidegradation policy where the federal policy applies under federal law and requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies.
- 6. Anti-Backsliding Requirements.** CWA Sections 402(o)(2) and 303(d)(4) and 40 CFR 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed.

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

In November 2006, the USEPA approved a revised list of impaired water bodies prepared by the State [the 303(d) list], prepared pursuant to CWA section 303(d), which requires identification of specific water bodies where it is expected that WQS will not be met after implementation of technology-based effluent limitations on point sources. Where it has not done so already, the Regional Water Board plans to adopt total maximum daily loads (TMDLs) for pollutants on the 303(d) list. TMDLs establish wasteload allocations for point sources and load allocations for non-point sources, and are established to achieve the WQS for the impaired waterbodies. The SIP requires that final effluent limitations for all 303(d)-listed pollutants be consistent with the TMDLs and associated wasteload allocations.

San Pablo Bay is 303(d) listed as impaired by chlordane, DDT, dieldrin, dioxin compounds, furan compounds, mercury, nickel, PCBs, dioxin-like PCBs, selenium, and exotic species. On

February 12, 2008, USEPA approved a mercury TMDL for San Pablo Bay, which is implemented by Regional Water Board Order No. R2-2007-0077; therefore, mercury is not regulated under this Order.

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

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations in the NPDES regulations: 40 CFR section 122.44(a) requires that permits include applicable technology-based limitations and standards; and section 122.44(d) requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative WQC to protect the beneficial uses of the receiving water. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, WQBELs must be established.

Several specific factors affecting the development of limitations and requirements in this Order are discussed as follows.

##### A. Discharge Prohibitions

1. **Discharge Prohibition III.A (No discharge other than that described in this Order):**  
This prohibition is the same as in the previous permit and is based on CWC section 13260, which requires filing a Report of Waste Discharge (ROWD) before discharges can occur. Discharges not described in the Report of Waste Discharge, and subsequently in this Order, are prohibited.
2. **Discharge Prohibition III.B (The bypass or overflow of untreated or partially treated wastewaters to waters of the U.S. is prohibited, except as provided for in Section I.G.2 of Attachment D):** Federal regulations prohibit bypasses, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless 40 CFR 122.41(m)(4)(i) conditions are met. This prohibition also approves bypass of peak wet weather flows above 9 mgd when recombined with secondary treatment flows and discharged in accordance with the conditions at 40 CFR 122.41(m)(4)(i)(A) – (C) (see Federal Standard Provisions, Attachment D, Section G) and is retained from the previous permit for the existing Novato Plant.

##### Background

During significant storm events, high influent flows can overwhelm certain parts of the wastewater treatment process and may cause damage or failure of the system. Operators of wastewater treatment plants must manage these high flows to both ensure the continued operation of the treatment process and to prevent backups and overflows of raw wastewater in basements or on city streets. USEPA recognizes that peak wet weather flow diversions around secondary treatment units (blending) at treatment plants serving separate sanitary sewer conveyance systems may be necessary in some circumstances. In December 2005, USEPA invited public comment on a proposed Peak Wet Weather Policy that interprets 40 CFR 122.41(m) to apply to wet weather diversions recombined with flow from secondary treatment, and provides guidance regarding when the Regional Water Board may approve

blending in an NPDES permit. The draft policy would require that dischargers meet all the requirements of NPDES permits and encourages municipalities to make investments in ongoing maintenance and capital improvements to improve their system's long-term performance. While USPEA has not formally adopted the draft policy, the proposal is a useful tool for Regional Water Board consideration.

**40 CFR 122.41(m)(4)(i)(A) – (C) Criteria**

If the criteria of 40 CFR 122.41(m)(4)(i)(A) – (C) are met, the Regional Water Board can approve wet weather diversions that are recombined with flow from secondary treatment. The 40 CFR 122.41(m)(4)(i) criteria are (A) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; (B) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and (C) the Discharger submitted notice to the Regional Water Board as required under Federal Standard Provision – Permit Compliance I.G.5 (Attachment D).

On February 23, 2010, the Discharger submitted a No Feasible Alternatives Analysis (NFAA) that addresses measures it has taken and plans to take to reduce and eliminate bypasses during wet weather events so that such bypasses can be approved under 40 CFR 122.41(m)(4).

The NFAA provides information about the existing treatment units at the Novato Plant. The existing aeration tanks, final clarifiers, and nitrification tower only have a secondary treatment capacity of 9 mgd, which limit the peak wet weather treatment capacity of the plant. On average, the Novato Plant experiences 2.6 wet weather diversions each year. The average duration is 55 hours and instantaneous plant flows can range as high as 24 MGD.

The NFAA also describes the \$90 million plant upgrade project. The upgrades have or will result in many new treatment units, including two new primary clarifiers, four new aeration basins, and two new secondary clarifiers, which all have a peak wet weather treatment capacity of 47 mgd. Therefore, once the plant upgrade project is completed, there will be no peak wet weather bypass.

In addition to upgrading the treatment plant, the Discharger has spent \$12 million on sewer system and pump station upgrades with \$27 million more to be expended over the next 5 years. The Discharger spends approximately \$2 million each year in repairing and maintaining the sanitary sewer collection system and associated pump stations. The Discharger also expects reductions in inflow and infiltration (I/I) over the next 10-15 years as the Discharger implements the various components of the State-mandated Sanitary Sewer Management Plan (SSMP) programs and continues to improve and upgrade the collection system.

The Discharger has satisfied 40 CFR 122.41(m)(4)(i)(A) – (C). Bypasses are necessary to prevent severe property damage when flows exceed the capacity of the secondary treatment process. The Discharger has analyzed alternatives to bypassing and has determined that no feasible alternatives to bypassing exist at this time. The Discharger has submitted notice to the Regional Water Board as required under Federal Standard Provision – Permit Compliance I.G.5.

3. **Discharge Prohibition III.C (Average dry weather flow not to exceed dry weather design capacity):** This prohibition is retained from the previous permit and is based on the design treatment capacity of the facility treatment system. Exceedance of the plant's average dry weather flow design capacity may result in lowering the reliability of achieving compliance with water quality requirements. Upon the completion of a submittal required by Special Provision VI.C.4(c), and Executive Officer approval of these submittals, the permitted dry weather flow capacity of 6.55 mgd will increase to 7.05 mgd.
4. **Discharge Prohibition III. D (No sanitary sewer overflows to waters of the United States):** Discharge Prohibition No. 15 from Basin Plan Table 4-1, and the CWA prohibit the discharge of wastewater to surface waters except as authorized under an NPDES permit. POTWs must achieve secondary treatment at a minimum and any more stringent limitations necessary to meet water quality standards. [33 U.S.C. § 1311 (b)(1)(B and C)] Therefore, a sanitary sewer overflow that results in the discharge of raw sewage, or sewage not meeting effluent limitations required by the Order, to surface waters is prohibited under the CWA and the Basin Plan.
5. **Discharge Prohibition III.E (Discharge to San Pablo Bay during the dry weather period of June 1 through August 31 is prohibited):** This prohibition is retained from the previous permit and is based on the Basin Plan. The Basin Plan prohibits discharges not receiving a minimum 10:1 initial dilution (Chapter 4, Discharge Prohibition 1). The Discharger does not always achieve an initial 10:1 dilution because the discharge is to the intertidal mudflats of San Pablo Bay, where at tidal elevations below the +1 foot mean lower low water tidal elevation, the outfall is not submerged. The discharge prohibition is maintained from June 1 through August 31, while an exception to discharge Prohibition 1 is granted for discharges during the wet weather period of November through April and the dry weather months of May, September and October, as described in IV.B, below.

The Discharger may also discharge during June and August under emergency situations if authorized by the Executive Officer. When making an emergency discharge request, the Discharger will need to demonstrate that the facility is running out of its storage capacity for treated wastewater. This exception is continued from the previous permit and is intended to protect the treatment facility from being flooded or occurrence of uncontrolled spills. This permit also allows that if an emergency discharge is due to heavy storms, the Discharger may notify the Regional Water Board case manager when a discharge is unavoidable, and discharge treated wastewater at its discretion, before approval from the Executive Officer.

## **B. Shallow Water Discharge and Basin Plan Discharge Prohibition 1**

The Basin Plan prohibits discharges not receiving a minimum 10:1 initial dilution or to dead end sloughs (Chapter 4, Discharge Prohibition 1). In accordance with the Basin Plan, this Order grants the Discharger an exception to the discharge prohibition for discharges to San Pablo Bay. The basis for allowing the exception is described below.

The Basin Plan states that exceptions to Prohibition 1 will be considered for discharges where:

- An inordinate burden would be placed on the discharger relative to the beneficial uses protected and an equivalent level of environmental protection can be achieved by

alternate means, such as an alternative discharge site, a higher level of treatment, and/or improved treatment reliability.

- A discharge is approved as part of a reclamation project; or
- It can be determined that net environmental benefits will be derived as a result of the discharge.

The Basin Plan further states:

Significant factors to be considered by the Regional Water Board in reviewing requests for exceptions will be the reliability of the discharger's system in preventing inadequately treated wastewater from being discharged to the receiving water and the environmental consequences of such discharges.

The Regional Water Board historically has granted an exception to Prohibition 1 from September 1 through May 31 for discharges to San Pablo Bay based on the Discharger's reclamation program and operation of a pond for wildlife habitat. This Order continues that exception and discharge prohibition based on the Discharger's reclamation program and significant capital improvements to enhance the Discharger's reliability in preventing inadequately treated wastewater from being discharged to the receiving water (see below).

1. The Discharger maintains and implements significant reclamation projects.
  - a. The older reclamation project includes a 15-acre wildlife pond, 180-million-gallon storage ponds, and 820 acres of irrigated pasture. The wildlife pond provides valuable habitat for migrating birdlife as well as indigenous bird and animal species. The storage ponds provide habitat for migrating as well as indigenous birdlife. The pasture lands are used for beef cattle grazing and irrigated hay crop production.
  - b. In addition to the above reclamation project, the Discharger also partners with the North Marin Water District (NMWD) to produce and distribute Title-22 recycled water. The Discharger and NMWD recently constructed and operate a 0.5 MGD Title 22 Recycled Water Facility that provides unrestricted reuse recycled water to the Stonetree Golf Course and one Novato Fire Protection District Fire Station. Additionally, the Discharger and the NMWD are cooperating on expanding the capacity of the facilities to serve more areas through a joint Recycled Water Master Plan. The Discharger and NMWD are active members of the North Bay Water Reuse Authority, through which the Discharger is exploring additional opportunities for water recycling in the North Bay.
  - c. To support the reclamation and water recycling activities, and consistent with NPDES permit requirements, the Discharger does not discharge to receiving waters between June 1 and August 31 of each year.
2. The Discharger has completed a significant portion of a major upgrade of its treatment facilities to provide enhanced reliability in preventing inadequately treated wastewater from being discharged to the receiving water. Upon completion of all construction by June 2011, treatment will be consolidated at the Novato Plant. This consolidation will allow for decommissioning of the Ignacio Plant, which is unable to attain secondary treatment

standards for BOD<sub>5</sub> and TSS during dry weather. The consolidated facility will provide standard secondary treatment to wet weather flows up to 47 MGD, thereby precluding the need for wet weather blending.

The Regional Water Board finds that the reclamation and recycling programs, as well as the significant treatment upgrade undertaken by the Discharger, qualify the Discharger for an exception to Basin plan Prohibition 1. This Order continues to grant the discharge prohibition exception from September 1 to May 31 of each year (and under emergency circumstances as described in Discharge Prohibition III.E), provided the Discharger continues its water reclamation/recycling efforts and completes its Upgrade Project as discussed earlier. This Order also requires a level of treatment, as discussed in IV.C below, greater than secondary treatment requirements for dry weather discharges in May, September, and October, thereby requiring a level of protection equivalent to adherence to the discharge prohibition. To address the Discharger’s treatment reliability, Provision VI.C.4(a) of the Order requires the Discharger to conduct routine analyses of its collection and treatment system with attention toward preventing discharges of inadequately treated wastewater.

### C. Technology-Based Effluent Limitations

#### 1. Scope and Authority for Technology-Based Effluent Limitations

CWA section 301(b) and 40 CFR 122.44 require that permits include conditions meeting technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order must meet minimum federal technology-based requirements based on Secondary Treatment Standards at 40 CFR 133. These Secondary Treatment Regulations include the following minimum requirements. The 30-day average percent removal for BOD<sub>5</sub> and TSS, by concentration, is not to be less than 85 percent.

**Table F-8. Secondary Treatment Requirements**

| Parameters                       | 30-Day Average | 7-Day Average |
|----------------------------------|----------------|---------------|
| BOD <sub>5</sub>                 | 30 mg/L        | 45 mg/L       |
| CBOD <sub>5</sub> <sup>[1]</sup> | 25 mg/L        | 40 mg/L       |
| TSS                              | 30 mg/L        | 45 mg/L       |
| pH                               | 6.0 – 9.0      |               |

**Footnotes for Table F-8:**

<sup>[1]</sup> At the option of the permitting authority, these effluent limitations for CBOD<sub>5</sub> may be substituted for limitations for BOD<sub>5</sub>.

#### 2. Applicable Effluent Limitations

This Order retains the effluent limitations for conventional and non-conventional pollutants from Order No. R2-2004-0093, as amended by Order No. R2-2008-0026. The basis for these limitations is detailed below.

- a. **BOD<sub>5</sub> and TSS.** The effluent limitations for BOD<sub>5</sub> and TSS, including the 85 percent removal requirement, are unchanged from Order No. R2-2004-0093, as amended by Order No. R2-2008-0026. Concentration-based effluent limitations applicable during wet

- weather months (November – April) are based on secondary treatment requirements. Concentration-based effluent limitations applicable during dry weather discharge months (May, September, and October), and emergency discharges during June-August, are more stringent than required by the secondary treatment standards, but effluent data show they are technologically feasible and they are required to demonstrate a level of equivalent protection, on which, in part, an exception is based.
- b. **Oil and Grease.** The effluent limitations established for oil and grease are unchanged from the previous permit and are required by Basin Plan Table 4-2 for all discharges to inland surface waters and enclosed bays and estuaries of the San Francisco Bay Region. The effluent limitations for oil and grease for dry weather discharges (May, September, and October), and emergency discharges during June-August are more stringent than required by Basin Plan Table 4-2, but effluent data show they are technologically feasible and they are required to demonstrate a level of equivalent protection, on which, in part, an exception is based.
  - c. **pH.** The pH limitation is retained from Order No. R2-2004-0093 and is required by Basin Plan Table 4-2 for shallow water discharges.
  - d. **Enterococcus Bacteria.** The 30-day geometric mean effluent limitation for enterococcus bacteria is unchanged from the previous Order; however, the single sample maximum limit of 276 colonies per 100 mL is not retained to be consistent with other recently adopted NPDES permits and USEPA criteria. Basin Plan Table 3-2 cites the 30-day geometric mean enterococcus bacteria limit based on the USEPA criteria established at 40 CFR 131.41 for coastal recreational waters, including coastal estuaries, in California. These water quality criteria became effective on December 16, 2004 [69 Fed. Register 67218 (November 16, 2006)].

Although USEPA also established single sample maximum criteria for enterococci bacteria, this Order implements only the geometric mean criterion of 35 colonies per 100 mL as an effluent limitation. When these water quality criteria were promulgated, USEPA expected that the single sample maximum values would be used for making beach notification and beach closure decisions. “Other than in the beach notification and closure decision context, the geometric mean is the more relevant value for assuring that appropriate actions are taken to protect and improve water quality because it is a more reliable measure, being less subject to random variation ...” [69 Fed Reg. 67224 (November 16, 2004)].

The removal of the daily maximum bacteria limit is consistent with an exception to the Clean Water Act’s backsliding provisions, expressed at CWA 402(o)(2)(B)(ii), for technical mistakes.

- e. **Fecal Coliform Bacteria.** The Order establishes effluent limitations for fecal coliform bacteria based on Table 3-1 of the Basin Plan to protect shellfish harvesting. The receiving water of San Pablo Bay has a beneficial use of shellfish harvesting and effluent limitations for *Enterococcus* may not be fully protective of this beneficial use because the effluent limitation for *Enterococcus* is established to be protective of recreation beneficial uses. The Discharger may conduct a study to determine whether the effluent limitation

for *Enterococcus* is fully protective of all receiving water beneficial uses, and then submit a report demonstrating the results of this study. Upon receipt of the study, and Executive Officer approval, the Regional Water Board may consider removing the fecal coliform limits in future permit issuances.

- f. **Total Chlorine Residual.** The effluent limitation for chlorine residual is based on Basin Plan Table 4-2. It is unchanged from the previous Order. The Discharger may use a continuous online monitoring system to measure flow, chlorine, and sodium bisulfite concentration and dosage to prove that chlorine residual exceedances are false positives. If convincing evidence is provided, Regional Water Board staff may conclude that false positives of chlorine residual exceedances are not violations of this limitation. Self-monitoring data show the Discharger can comply with this limitation.

## D. WQBELs

WQBELs have been derived to implement WQOs that protect beneficial uses. Both the beneficial uses and the WQOs have been approved pursuant to federal law. The procedures for calculating individual WQBELs are based on the SIP, which USEPA approved prior to May 1, 2001, or Basin Plan provisions approved by USEPA on May 29, 2000. Most beneficial uses and WQOs contained in the Basin Plan were approved under State law and submitted to and approved by USEPA prior to May 30, 2000. Any WQOs and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless “applicable water quality standards for purposes of the [Clean Water] Act” pursuant to 40 CFR 131.21(c)(1). Collectively, this Order’s restrictions on individual pollutants are no more stringent than the applicable water quality standards for purposes of the CWA.

### 1. Scope and Authority

- a. 40 CFR 122.44(d)(1)(i) mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an excursion of a WQS, including numeric and narrative objectives within a standard. As specified in 40 CFR 122.44(d)(1)(i), permits are required to include WQBELs for all pollutants “which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard.”

The process for determining “reasonable potential” and calculating WQBELs when necessary is intended to protect the designated beneficial uses of the receiving water as specified in the Basin Plan, and achieve applicable WQOs contained in other state plans and policies, and applicable WQC contained in the CTR and NTR.

- b. NPDES regulations and the SIP provide the basis to establish Maximum Daily Effluent Limitations (MDELs).

**(1) NPDES Regulations.** NPDES regulations at 40 CFR 122.45(d) state: “For continuous discharges all permit effluent limitations, standards, and prohibitions, including those necessary to achieve water quality standards, shall *unless impracticable* be stated as maximum daily and average monthly discharge limitations for all discharges other than publicly owned treatment works.”

- (2) **SIP.** The SIP (page 8, Section 1.4) requires WQBELs to be expressed as MDELs and average monthly effluent limitations (AMELs).
- c. MDELs are used in this Order to protect against acute water quality effects. The MDELs are necessary for preventing fish kills or mortality to aquatic organisms.

## 2. Applicable Beneficial Uses and WQOs

The WQOs applicable to the receiving water for this discharge are from the Basin Plan; the CTR, established by USEPA at 40 CFR 131.38; and the NTR, established by USEPA at 40 CFR 131.36. Some pollutants have WQOs established by more than one of these three sources.

- a. **Basin Plan.** The Basin Plan specifies numeric WQOs for 10 priority toxic pollutants, as well as narrative WQOs for toxicity and bioaccumulation in order to protect beneficial uses. The pollutants for which the Basin Plan specifies numeric objectives are arsenic, cadmium, chromium (VI), copper in marine and freshwater, lead, mercury, nickel, silver, zinc, and cyanide. The narrative toxicity objective states in part that “[a]ll waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms.” The bioaccumulation objective states in part that “[c]ontrollable water quality factors shall not cause a detrimental increase in concentrations of toxic substances found in bottom sediments or aquatic life. Effects on aquatic organisms, wildlife, and human health will be considered.” Effluent limitations and provisions contained in this Order are designed to implement these objectives, based on available information.
- b. **CTR.** The CTR specifies numeric aquatic life criteria for 23 priority toxic pollutants and numeric human health criteria for 57 priority toxic pollutants. These criteria apply to all inland surface waters and enclosed bays and estuaries of San Francisco Bay Region, although Basin Plan Tables 3-3 and 3-4 include numeric objectives for certain of these priority toxic pollutants that supersede CTR criteria (except in the South Bay south of the Dumbarton Bridge). Human health criteria are further identified as “water and organisms” and “organisms only.” The CTR criteria applicable to “organisms only” were used for the RPA because the receiving water is not a source of drinking water.
- c. **NTR.** The NTR establishes numeric aquatic life criteria for selenium and numeric human health criteria for 33 toxic organic pollutants for waters of San Francisco Bay upstream to and including Suisun Bay and the Sacramento River-San Joaquin River Delta. These NTR criteria apply to San Pablo Bay, the receiving water for this Discharger.
- d. **Technical Support Document for Water Quality-Based Toxics Controls.** Where numeric objectives have not been established or updated in the Basin Plan, NPDES regulations at 40 CFR 122.44(d) require that WQBELs be established based on USEPA criteria, supplemented where necessary by other relevant information, to attain and maintain narrative WQOs to fully protect designated beneficial uses. To determine the need for and, when necessary, establish WQBELs, the Regional Water Board has followed the requirements of applicable NPDES regulations, including 40 CFR 122 and 131; as well as guidance and requirements established by the Basin Plan; USEPA’s

*Technical Support Document for Water Quality-Based Toxics Control (the TSD, EPA/505/2-90-001, 1991); and the SIP.*

- e. **Basin Plan Receiving Water Salinity Policy.** The Basin Plan (like the CTR and the NTR) states that the salinity characteristics (i.e., freshwater vs. saltwater) of the receiving water are to be considered in determining the applicable WQC. Freshwater criteria apply to discharges to waters with salinities equal to or less than one part per thousand (ppt) at least 95 percent of the time. Saltwater criteria apply to discharges to waters with salinities equal to or greater than 10 ppt at least 95 percent of the time in a normal water year. For discharges to water with salinities in between these two categories, or tidally influenced freshwaters that support estuarine beneficial uses, the criteria are the lower of the salt or freshwater criteria (the latter calculated based on ambient hardness) for each substance.

The receiving water for this discharge is San Pablo Bay. Salinity data from the San Pablo Bay RMP monitoring station collected from March 1993 to August 2001 indicate that the salinity was less than 1 ppt in 2 percent of the samples and greater than 10 ppt in 63 percent of the samples. The waters of San Pablo Bay are therefore classified as estuarine, and the reasonable potential analysis (RPA) and effluent limitations in this Order are based on the more stringent of the fresh and saltwater objectives.

- f. **Receiving Water Hardness.** All available ambient hardness values were used to calculate freshwater WQOs that are hardness dependent. RMP data collected at the San Pablo Bay station (BD20) from February 1996 to August 2001 were used to determine the WQOs for this Order. To calculate WQOs for hardness dependent metals, the minimum value in the data set (138 mg/L) was used. All other results in the data set of 11 samples were censored for hardness values greater than 400 mg/L.
- g. **Site-Specific Metals Translators.** NPDES regulations at 40 CFR 122.45(c) require that effluent limitations for metals be expressed as total recoverable metal. Since applicable WQC for metals are typically expressed as dissolved metal, translators must be used to convert metals concentrations from dissolved to total recoverable and vice versa. The CTR includes default translators; however, site-specific conditions, such as water temperature, pH, suspended solids, and organic carbon greatly affect the form of metal (dissolved, non-filterable, or otherwise) present in the water and therefore available to cause toxicity. In general, the dissolved form of the metal is more available and more toxic to aquatic life than non-filterable forms. Site-specific translators can be developed to account for site-specific conditions, thereby preventing exceedingly stringent or under protective WQOs.

In this Order, site-specific translators for copper and nickel are based on data for dissolved and total metals from the Regional Monitoring Program (RMP) San Pablo Bay and Pinole Point stations, and data collected during a San Pablo Bay Copper and Nickel Study at Stations SJR-1 and SRJ-2. The following table shows these translators. More details are presented in the Discharger's July 23, 2004, *Novato Sanitary District Copper and Nickel Translator Calculation*.

**Table F-10. Site-Specific Translators**

| Pollutant | Site-Specific Translators |         |
|-----------|---------------------------|---------|
|           | Acute                     | Chronic |
| Copper    | 0.73                      | 0.39    |
| Nickel    | 0.65                      | 0.27    |

Default translators established by the USEPA at 40 CFR 131.38(b)(2), Table 2 were used to determine the need for and calculating WQBELs for all other metals.

### 3. Determining the Need for WQBELs

Assessing whether a pollutant has Reasonable Potential is the fundamental step in determining whether or not a WQBEL is required. Using the methods prescribed in SIP Section 1.3, effluent data were analyzed to determine if the discharge demonstrates Reasonable Potential. The Reasonable Potential Analysis (RPA) compares the effluent data with numeric and narrative WQOs in the Basin Plan, NTR, and CTR.

**a. Reasonable Potential Methodology.** The RPA identifies the observed maximum effluent concentration (MEC) for each pollutant based on effluent concentration data. There are three triggers in determining Reasonable Potential according to SIP Section 1.3.

- (1) The first trigger (Trigger 1) is activated if the MEC is greater than or equal to the lowest applicable WQO ( $MEC \geq WQO$ ), which has been adjusted, if appropriate, for pH, hardness, and translator data. If the MEC is greater than or equal to the adjusted WQO, then that pollutant has Reasonable Potential, and a WQBEL is required.
- (2) The second trigger (Trigger 2) is activated if the observed maximum ambient background concentration (B) is greater than the adjusted WQO ( $B > WQO$ ), and the pollutant is detected in any of the effluent samples.
- (3) The third trigger (Trigger 3) is activated if a review of other information determines that a WQBEL is required to protect beneficial uses, even though both MEC and B are less than the WQO.

#### **b. Effluent Data**

The Regional Water Board’s August 6, 2001, letter titled *Requirement for Monitoring of Pollutants in Effluent and Receiving Water to Implement New Statewide Regulations and Policy* (hereinafter referred to as the Regional Water Board’s August 6, 2001, Letter) formally required the Discharger to initiate or continue monitoring for the priority pollutants using analytical methods that provide the best detection limits reasonably feasible. Regional Water Board staff analyzed these effluent data and the nature of the Novato Sanitary District discharge facility to determine if the discharge has Reasonable Potential. The RPA is based on the effluent monitoring data collected from January 2004 to April 2009 for most pollutants and from April 2008 to April 2009 for total ammonia.

### **c. Ambient Background Data**

Ambient background values are typically used to determine reasonable potential and to calculate effluent limitations, when necessary. For the RPA, ambient background concentrations are the observed maximum detected water column concentrations. The SIP states that, for calculating WQBELs, ambient background concentrations are either the observed maximum ambient water column concentrations or, for criteria intended to protect human health from carcinogenic effects, the arithmetic mean of observed ambient water concentrations.

The RMP station located in San Pablo Bay is a far-field background station and has been monitored for most of the inorganic (CTR constituent numbers 1-15) and some of the organic (CTR constituent numbers 16-126) toxic pollutants, and these data were used as background data in performing the RPA for this discharge.

The RMP does not analyze all of the constituents listed in the CTR. These data gaps are addressed by the Board's August 6, 2001, Letter, which formally required dischargers to conduct ambient background monitoring and effluent monitoring for those constituents not currently monitored by the RMP and to provide this technical information to the Regional Water Board.

On May 15, 2003, a group of San Francisco Bay Region dischargers known as the Bay Area Clean Water Agencies (BACWA) submitted a collaborative receiving water study, entitled the *San Francisco Bay Ambient Water Monitoring Interim Report* (2003). This study includes monitoring results from sampling events in 2002 and 2003 for the remaining priority pollutants not monitored by the RMP. This study included the Yerba Buena monitoring station. BACWA provided additional data in *Ambient Water Monitoring: Final CTR Sampling Update Report*, dated June 15, 2004.

The RPA was conducted and the WQBELs were calculated using RMP data through 2001 for the San Pablo Bay RMP station for organics and inorganics, and additional data from the BACWA receiving water study for the Yerba Buena Island RMP station.

### **d. Reasonable Potential Analysis for Ammonia**

Ammonia is a toxic pollutant, but not a priority pollutant as defined by the CTR; therefore, the procedures outlined in the *Technical Support Document for Toxics Control* (TSD) (EPA/505/2-90-001, March 1991) were used to determine if ammonia in the discharge has a reasonable potential to cause water quality objectives to be exceeded in the receiving water.

#### **(1) TSD RPA Procedure**

The TSD allows using measured receiving water concentrations (RWC) or projected RWC from effluent data to perform an RPA. The following summarizes steps to determine reasonable potential for excursions above ambient criteria using effluent data:

- Step 1. Determine the number of total observations (n) for a set of effluent data and determine the highest value from that data set (the maximum effluent concentration or MEC).
- Step 2. Determine the coefficient of variation (CV) from the data set. For a data set where  $n < 10$ , the CV is estimated to equal 0.6. For a data set where  $n > 10$ , the CV is calculated as the standard deviation divided by the mean.
- Step 3. Determine an appropriate ratio for projecting a selected upper bound concentration (e.g., the 99th or 95th percentile) assuming a lognormal distribution.

To do this, the percentile represented by the MEC in a data set of “n” samples,  $p_n$ , needs to be determined based on the desired confidence interval, e.g., 95% or 99%.

$$p_n = (1 - \text{confidence interval})^{1/n}$$

Then concentrations based on two percentile values,  $C_{upper\ bound}$ , and  $C_{Pn}$  need to be calculated using the following equation.

$$C_p = \exp(Z_p \sigma - 0.5\sigma^2)$$

where  $\sigma = \ln(CV^2 + 1)$ ,  $p$  is the percentile (upper bound or  $p_n$ ), and  $Z_p$  is the standard normal distribution value for the percentile  $p$ .

The ratio,  $R$ , is then determined to be

$$R = \frac{C_{upper\ bound}}{C_{Pn}}$$

- Step 4. Multiply the MEC by the ratio,  $R$ , determined by Step 3. Use this value with the appropriate dilution to project the receiving water concentration (RWC) (this analysis assumes no dilution or dilution ratio = 1).

$$RWC = MEC \times R / \text{dilution ratio}$$

- Step 5. Compare the projected RWC to the applicable WQC (CCC, CMC, human health criteria, etc). If a RWC is greater than or equal to a criterion, then there is reasonable potential.

(2) TSD-based RPA for Ammonia

- i. *Ammonia WQOs*. The Basin Plan contains WQOs for un-ionized ammonia of 0.025 mg/L as an annual median and 0.16 mg/L as a maximum for San Pablo Bay.

- ii. *Ammonia Data Translation.* Effluent and receiving water monitoring data are available for total ammonia, not un-ionized ammonia, because (1) sampling and laboratory methods are not available to analyze for un-ionized ammonia; and (2) the fraction of total ammonia that exists in the toxic un-ionized form depends on the pH, salinity, and temperature of the water. Total ammonia concentrations were translated into un-ionized ammonia concentrations (as nitrogen) to compare with the Basin Plan un-ionized ammonia objectives based on the following equations [Ambient Water Quality Criteria for Ammonia (saltwater) – 1989, USEPA Publication 440/5-88-004, USEPA, 1989]:

$$\text{For salinity} > 10 \text{ ppt: fraction of NH}_3 = \frac{1}{1 + 10^{(pK - pH)}}$$

Where:

$$pK = 9.245 + 0.116*(I) + 0.0324*(298-T) + 0.0415*(P)/T$$

$$I = \text{the molal ionic strength of saltwater} = 19.9273*(S)/(1000-1.005109*S)$$

S = salinity (parts per thousand)

T = temperature in Kelvin

P = pressure (one atmosphere)

$$\text{For salinity} < 1 \text{ ppt: fraction of NH}_3 = \frac{1}{1 + 10^{(pK - pH)}}$$

Where:

$$pK = 0.09018 + 2729.92/T$$

T = temperature in Kelvin

For this calculation, no salinity data were available and staff assumed that the effluent is fresh; therefore, staff used the equation for waters of salinity <1 ppt.

- iii. *Ammonia Dilution.* For purposes of this discharge, no dilution was assumed for ammonia, i.e., dilution ratio=1; therefore, the RWC is the same as the projected upper bound concentration, i.e., RWC=MEC×R (see Step 4 under TSD RPA Procedure above).

iv. Two Approaches

According to the TSD, the RPA can be performed based on the projected RWC using effluent data (the steps summarized above) or measured receiving water concentrations. Both values may be compared directly with WQOs.

**(a) RPA Based on Effluent Data**

Effluent monitoring data for total ammonia, pH, and temperature from April 1, 2008 through April 30, 2009 (prior to April 1, 2008, only total ammonia effluent data were available for the final discharge, no pH or temperature were measured at the final discharge location) were used for the RPA based on effluent data. Un-

ionized ammonia concentrations were calculated using the pH and temperature data collected for the same samples. There were 90 data points (n=90). The MEC was 0.24 mg/L as un-ionized ammonia. The confidence interval was set at 95%. The percentile represented by the MEC is calculated to be:

$$p_n = (1-0.95)^{1/90} = 0.9672$$

For this analysis,  $C_{\text{upper bound}}$  is set at the 99<sup>th</sup> percentile.  $C_{P_n} = 2.72$ ,  $C_{\text{upper bound}} = 3.76$ , and the ratio of  $C_{\text{upper bound}}/C_{P_n} = 1.38$ . With no dilution (dilution ratio=1), the projected receiving water concentration is

$$\text{RWC} = \text{MEC} \times R / \text{dilution ratio} = 0.24 \times 1.38 = 0.33 \text{ mg/L}$$

This value is greater than the Basin Plan un-ionized ammonia acute objective of 0.16 mg/L, indicating reasonable potential to exceed this objective.

The median of the effluent data is appropriate for comparing with the chronic objective, which is expressed as an annual median. The 50<sup>th</sup> percentile un-ionized ammonia concentration was calculated from the effluent data and compared with the annual median objective. No projection is needed because the observed 50<sup>th</sup> percentile is generally very close to the population 50<sup>th</sup> percentile. The 50<sup>th</sup> percentile value is 0.031 mg/L, which is also greater than the annual median objective of 0.025 mg/L.

Therefore, there is reasonable potential based on projected receiving water concentration from the effluent data.

#### **(b) RPA Based on Receiving Water Data**

RPA can also be based on receiving water data if available. The Discharger, however, has not collected any near-field receiving water data so it is impossible to conduct an RPA based on receiving water data.

#### **d. RPA Determination for Priority Pollutants**

The MECs, most stringent applicable WQC, and background concentrations used in the RPA are presented in the following table, along with the RPA results (yes or no) for each pollutant analyzed. Reasonable Potential was not determined for all pollutants, because there are not applicable WQC for all pollutants, and monitoring data are not available for others. Based on a review of the effluent data collected during the previous permit term from January 2004 through April 2009, the pollutants that exhibit Reasonable Potential are copper, cyanide, dioxin-TEQ, carbon tetrachloride, dieldrin, and total ammonia by Trigger 1; and lead by Trigger 2.

**Table F-11. Reasonable Potential Analysis Summary**

| CTR #     | Priority Pollutants             | Governing WQO/WQC (µg/L) | MEC or Minimum DL <sup>[1][2]</sup> (µg/L) | Maximum Background or Minimum DL <sup>[1][2]</sup> (µg/L) | RPA Results <sup>[3]</sup> |
|-----------|---------------------------------|--------------------------|--|---|----------------------------|
| 1         | Antimony                        | 4300                     | <b>0.53</b>                                | 1.8   | No                         |
| 2         | Arsenic                         | 36                       | <b>1</b>                                   | 4.6   | No                         |
| 3         | Beryllium                       | No Criteria              | <0.006                                     | 0.215   | Ud                         |
| 4         | Cadmium                         | 1.5                      | <b>0.092</b>                               | 0.230   | No                         |
| 5a        | Chromium (III)                  | 269                      | <b>1.78</b>                                | 40.7  | No                         |
| 5b        | Chromium (VI)                   | 11                       | <b>0.9</b>                                 | Not Available   | No                         |
| <b>6</b>  | <b>Copper</b>                   | <b>13</b>                | <b>39</b>                                  | <b>14.3</b>   | <b>Yes</b>                 |
| <b>7</b>  | <b>Lead</b>                     | <b>4.8</b>               | <b>2.7</b>                                 | <b>6.46</b>   | <b>Yes</b>                 |
| <b>8</b>  | <b>Mercury (303d listed)</b>    | <b>0.025</b>             | <b>0.066</b>                               | <b>0.088</b>  | <b>Yes<sup>[4]</sup></b>   |
| 9         | Nickel (303d listed)            | 30                       | <b>9.2</b>                                 | 30.35   | No                         |
| 10        | Selenium (303d listed)          | 5.0                      | <b>0.95</b>                                | 0.33  | No                         |
| 11        | Silver                          | 2.2                      | <b>0.6</b>                                 | 0.059   | No                         |
| 12        | Thallium                        | 6.3                      | <b>0.094</b>                               | 0.21  | No                         |
| 13        | Zinc                            | 86                       | <b>40.5</b>                                | 35  | No                         |
| <b>14</b> | <b>Cyanide</b>                  | <b>2.9</b>               | <b>7</b>                                   | <b>&lt; 0.4</b>   | <b>Yes</b>                 |
| 15        | Asbestos                        | No Criteria              | Not Available                              | Not Available   | Ud                         |
| 16        | 2,3,7,8-TCDD (303d listed)      | 1.4E-08                  | <0.0000007                                 | 8.00E-09  | No                         |
|           | <b>Dioxin TEQ (303d listed)</b> | <b>1.4E-08</b>           | <b>5.0E-07</b>                             | <b>5.3E-08</b>  | <b>Yes</b>                 |
| 17        | Acrolein                        | 780                      | <0.56                                      | < 0.5   | No                         |
| 18        | Acrylonitrile                   | 0.66                     | <0.33                                      | 0.03  | No                         |
| 19        | Benzene                         | 71                       | <0.06                                      | < 0.05  | No                         |
| 20        | Bromoform                       | 360                      | <b>0.087</b>                               | < 0.5   | No                         |
| <b>21</b> | <b>Carbon Tetrachloride</b>     | <b>4.4</b>               | <b>7.6</b>                                 | <b>0.06</b>   | <b>Yes</b>                 |
| 22        | Chlorobenzene                   | 21000                    | <0.06                                      | < 0.5   | No                         |
| 23        | Chlorodibromomethane            | 34                       | <b>17.3</b>                                | < 0.05  | No                         |
| 24        | Chloroethane                    | No Criteria              | <0.07                                      | < 0.5   | Ud                         |
| 25        | 2-Chloroethylvinyl ether        | No Criteria              | <0.1                                       | < 0.5   | Ud                         |
| 26        | Chloroform                      | No Criteria              | <b>88</b>                                  | < 0.5   | Ud                         |
| 27        | Dichlorobromomethane            | 46                       | <b>7.5</b>                                 | < 0.05  | No                         |
| 28        | 1,1-Dichloroethane              | No Criteria              | <0.05                                      | < 0.05  | Ud                         |
| 29        | 1,2-Dichloroethane              | 99                       | <0.06                                      | 0.04  | No                         |
| 30        | 1,1-Dichloroethylene            | 3.2                      | <0.06                                      | < 0.5   | No                         |
| 31        | 1,2-Dichloropropane             | 39                       | <b>0.088</b>                               | < 0.05  | No                         |
| 32        | 1,3-Dichloropropylene           | 1700                     | <0.05                                      | Not Available   | No                         |
| 33        | Ethylbenzene                    | 29000                    | <0.06                                      | < 0.5   | No                         |
| 34        | Methyl Bromide                  | 4000                     | <0.05                                      | < 0.5   | No                         |
| 35        | Methyl Chloride                 | No Criteria              | <0.04                                      | < 0.5   | Ud                         |
| 36        | Methylene Chloride              | 1600                     | <b>0.38</b>                                | 22  | No                         |
| 37        | 1,1,2,2-Tetrachloroethane       | 11                       | <0.06                                      | < 0.05  | No                         |
| 38        | Tetrachloroethylene             | 8.9                      | <b>0.24</b>                                | < 0.5   | No                         |
| 39        | Toluene                         | 200000                   | <b>3.88</b>                                | < 0.3   | No                         |
| 40        | 1,2-Trans-Dichloroethylene      | 140000                   | <0.05                                      | < 0.5   | No                         |
| 41        | 1,1,1-Trichloroethane           | No Criteria              | <0.06                                      | < 0.5   | Ud                         |
| 42        | 1,1,2-Trichloroethane           | 42                       | <0.07                                      | < 0.05  | No                         |
| 43        | Trichloroethylene               | 81                       | <b>0.24</b>                                | < 0.5   | No                         |
| 44        | Vinyl Chloride                  | 525                      | <0.05                                      | < 0.5   | No                         |
| 45        | 2-Chlorophenol                  | 400                      | <0.4                                       | < 1.2   | No                         |
| 46        | 2,4-Dichlorophenol              | 790                      | <0.3                                       | < 1.3   | No                         |
| 47        | 2,4-Dimethylphenol              | 2300                     | <0.3                                       | < 1.3   | No                         |
| 48        | 2-Methyl- 4,6-Dinitrophenol     | 765                      | <0.3                                       | < 1.2   | No                         |
| 49        | 2,4-Dinitrophenol               | 14000                    | <0.3                                       | < 0.7   | No                         |

| CTR # | Priority Pollutants         | Governing WQO/WQC (µg/L) | MEC or Minimum DL <sup>[1][2]</sup> (µg/L) | Maximum Background or Minimum DL <sup>[1][2]</sup> (µg/L) | RPA Results <sup>[3]</sup> |
|-------|-----------------------------|--------------------------|--|---|----------------------------|
| 50    | 2-Nitrophenol               | No Criteria              | <0.3                                       | < 1.3   | Ud                         |
| 51    | 4-Nitrophenol               | No Criteria              | <0.2                                       | < 1.6   | Ud                         |
| 52    | 3-Methyl 4-Chlorophenol     | No Criteria              | <0.3                                       | < 1.1   | Ud                         |
| 53    | Pentachlorophenol           | 7.9                      | <0.3                                       | < 1   | No                         |
| 54    | Phenol                      | 4600000                  | <0.2                                       | < 1.3   | No                         |
| 55    | 2,4,6-Trichlorophenol       | 6.5                      | <b>0.7</b>                                 | < 1.3   | No                         |
| 56    | Acenaphthene                | 2700                     | <0.028                                     | 0.007   | No                         |
| 57    | Acenaphthylene              | No Criteria              | <b>0.02</b>                                | 0.00069   | Ud                         |
| 58    | Anthracene                  | 110000                   | <b>0.04</b>                                | 0.00230   | No                         |
| 59    | Benzidine                   | 0.00054                  | <0.3                                       | < 0.0015  | No                         |
| 60    | Benzo(a)Anthracene          | 0.049                    | <0.019                                     | 0.0064  | No                         |
| 61    | Benzo(a)Pyrene              | 0.049                    | <b>0.02</b>                                | 0.00940   | No                         |
| 62    | Benzo(b)Fluoranthene        | 0.049                    | <0.02                                      | 0.01838   | No                         |
| 63    | Benzo(ghi)Perylene          | No Criteria              | <0.06                                      | 0.0093  | Ud                         |
| 64    | Benzo(k)Fluoranthene        | 0.049                    | <0.02                                      | 0.00510   | No                         |
| 65    | Bis(2-Chloroethoxy)Methane  | No Criteria              | <0.3                                       | < 0.3   | Ud                         |
| 66    | Bis(2-Chloroethyl)Ether     | 1.4                      | <0.3                                       | < 0.3   | No                         |
| 67    | Bis(2-Chloroisopropyl)Ether | 170000                   | <0.4                                       | Not Available   | No                         |
| 68    | Bis(2-Ethylhexyl)Phthalate  | 5.9                      | <b>5.4</b>                                 | 0.091   | No                         |
| 69    | 4-Bromophenyl Phenyl Ether  | No Criteria              | <0.4                                       | < 0.23  | Ud                         |
| 70    | Butylbenzyl Phthalate       | 5200                     | <0.4                                       | 0.0056  | No                         |
| 71    | 2-Chloronaphthalene         | 4300                     | <0.3                                       | < 0.3   | No                         |
| 72    | 4-Chlorophenyl Phenyl Ether | No Criteria              | <0.4                                       | < 0.3   | Ud                         |
| 73    | Chrysene                    | 0.049                    | <0.02                                      | 0.0086  | No                         |
| 74    | Dibenzo(a,h)Anthracene      | 0.049                    | <0.028                                     | 0.0026  | No                         |
| 75    | 1,2-Dichlorobenzene         | 17000                    | <0.05                                      | < 0.8   | No                         |
| 76    | 1,3-Dichlorobenzene         | 2600                     | <0.07                                      | < 0.8   | No                         |
| 77    | 1,4-Dichlorobenzene         | 2600                     | <0.06                                      | < 0.8   | No                         |
| 78    | 3,3 Dichlorobenzidine       | 0.077                    | <0.3                                       | < 0.001   | No                         |
| 79    | Diethyl Phthalate           | 120000                   | <b>0.93</b>                                | < 0.24  | No                         |
| 80    | Dimethyl Phthalate          | 2900000                  | <0.4                                       | < 0.24  | No                         |
| 81    | Di-n-Butyl Phthalate        | 12000                    | <0.4                                       | 0.016   | No                         |
| 82    | 2,4-Dinitrotoluene          | 9.1                      | <0.3                                       | < 0.27  | No                         |
| 83    | 2,6-Dinitrotoluene          | No Criteria              | <0.3                                       | < 0.29  | Ud                         |
| 84    | Di-n-Octyl Phthalate        | No Criteria              | <0.4                                       | < 0.38  | Ud                         |
| 85    | 1,2-Diphenylhydrazine       | 0.54                     | <0.3                                       | 0.0037  | No                         |
| 86    | Fluoranthene                | 370                      | <b>0.04</b>                                | 0.0218  | No                         |
| 87    | Fluorene                    | 14000                    | <b>0.02</b>                                | 0.01  | No                         |
| 88    | Hexachlorobenzene           | 0.00077                  | <0.4                                       | 0.00007   | No                         |
| 89    | Hexachlorobutadiene         | 50                       | <0.2                                       | < 0.3   | No                         |
| 90    | Hexachlorocyclopentadiene   | 17000                    | <0.1                                       | < 0.31  | No                         |
| 91    | Hexachloroethane            | 8.9                      | <0.2                                       | < 0.2   | No                         |
| 92    | Indeno(1,2,3-cd)Pyrene      | 0.049                    | <0.02                                      | 0.0120  | No                         |
| 93    | Isophorone                  | 600                      | <0.3                                       | < 0.3   | No                         |
| 94    | Naphthalene                 | No Criteria              | <0.019                                     | 0.0016  | Ud                         |
| 95    | Nitrobenzene                | 1900                     | <0.3                                       | < 0.25  | No                         |
| 96    | N-Nitrosodimethylamine      | 8.1                      | <0.4                                       | < 0.3   | No                         |
| 97    | N-Nitrosodi-n-Propylamine   | 1.4                      | <0.4                                       | < 0.001   | No                         |
| 98    | N-Nitrosodiphenylamine      | 16                       | <0.4                                       | < 0.001   | No                         |
| 99    | Phenanthrene                | No Criteria              | <b>0.04</b>                                | 0.0078  | Ud                         |
| 100   | Pyrene                      | 11000                    | <0.02                                      | 0.0296  | No                         |
| 101   | 1,2,4-Trichlorobenzene      | No Criteria              | <0.3                                       | < 0.3   | Ud                         |
| 102   | Aldrin                      | 0.00014                  | <0.002                                     | 1.4E-07   | No                         |

| CTR #   | Priority Pollutants      | Governing WQO/WQC (µg/L) | MEC or Minimum DL <sup>[1][2]</sup> (µg/L) | Maximum Background or Minimum DL <sup>[1][2]</sup> (µg/L) | RPA Results <sup>[3]</sup> |
|---------|--------------------------|--------------------------|--|---|----------------------------|
| 103     | Alpha-BHC                | 0.013                    | <0.002                                     | 0.00080   | No                         |
| 104     | Beta-BHC                 | 0.046                    | <0.001                                     | 0.000635  | No                         |
| 105     | Gamma-BHC                | 0.063                    | <0.001                                     | 0.00079   | No                         |
| 106     | Delta-BHC                | No Criteria              | <0.001                                     | 0.00015   | Ud                         |
| 107     | Chlordane (303d listed)  | 0.00059                  | <0.003                                     | 0.00034   | No                         |
| 108     | 4,4'-DDT (303d listed)   | 0.00059                  | <0.001                                     | 0.000075  | No                         |
| 109     | 4,4'-DDE (linked to DDT) | 0.00059                  | <0.001                                     | 0.000693  | No                         |
| 110     | 4,4'-DDD                 | 0.00084                  | <0.001                                     | 0.000313  | No                         |
| 111     | Dieldrin (303d listed)   | 0.00014                  | <b>0.018</b>                               | 0.000237  | <b>Yes</b>                 |
| 112     | Alpha-Endosulfan         | 0.0087                   | <0.002                                     | 0.000035  | No                         |
| 113     | beta-Endosulfan          | 0.0087                   | <0.001                                     | 0.000059  | No                         |
| 114     | Endosulfan Sulfate       | 240                      | <0.001                                     | 0.000143  | No                         |
| 115     | Endrin                   | 0.0023                   | <0.002                                     | 0.000073  | No                         |
| 116     | Endrin Aldehyde          | 0.81                     | <0.002                                     | Not Available   | No                         |
| 117     | Heptachlor               | 0.00021                  | <0.003                                     | 0.00003   | No                         |
| 118     | Heptachlor Epoxide       | 0.00011                  | <0.002                                     | 0.000121  | No                         |
| 119-125 | PCBs sum (303d listed)   | 0.00017                  | <0.03                                      | 0.00334   | No                         |
| 126     | Toxaphene                | 0.0002                   | <0.15                                      | Not Available   | No                         |
|         | Tributyltin              | 0.0074                   | <0.0016                                    | 0.002   | No                         |
|         | Total PAHs               | 15                       | <b>0.18</b>                                | 0.144   | No                         |

- [1] The Maximum Effluent Concentration (MEC) and maximum background concentration are the actual detected concentrations unless preceded by a “<” sign, in which case the value shown is the minimum detection level (DL).
- [2] The MEC or maximum background concentration is “Not Available” when there are no monitoring data for the constituent.
- [3] RPA Results = Yes, if MEC > WQO/WQC, B > WQO/WQC and MEC is detected, or Trigger 3;  
= No, if MEC and B are < WQO/WQC or all effluent data are undetected;  
= Undetermined (Ud), if no criteria have been promulgated or there are insufficient data.
- [4] Mercury is addressed in the Regional Water Board Order No. R2-2007-0077.

**f. Constituents with limited data.** In some cases, Reasonable Potential cannot be determined because effluent data are limited, or ambient background concentrations are unavailable. The Discharger will continue to monitor for these constituents in the effluent using analytical methods that provide the best feasible detection limits. When additional data become available, further RPA will be conducted to determine whether numeric effluent limitations are necessary.

**g. Pollutants with No Reasonable Potential.** WQBELs are not included in this Order for constituents that do not demonstrate Reasonable Potential; however, monitoring for those pollutants is still required. If concentrations of these constituents are found to have increased significantly, the Discharger will be required to investigate the sources of the increases. Remedial measures are required if the increases pose a threat to receiving water quality.

#### 4. WQBEL Calculations

**a. Pollutants with Reasonable Potential.** WQBELs were developed for the toxic and priority pollutants determined to have reasonable potential to cause or contribute to exceedances of the WQOs. The WQBELs were calculated based on appropriate WQOs and the appropriate procedures specified in SIP Section 1.4. The WQOs used for each pollutant with reasonable potential are discussed below.

- b. Shallow/Deep Water Discharge.** The discharge from the Novato Plant does not achieve 10:1 dilution at all times because the diffuser is located in the intertidal mudflats of San Pablo Bay and is therefore viewed as a shallow water discharge.
- c. Dilution Credit.** The SIP provides the basis for any dilution credit. The discharge diffuser is located in the intertidal zone of San Pablo Bay and is submerged at the +1 foot Mean Lower Low Water (MLLW) tidal elevation and above. At lower tidal elevations, the outfall is exposed and the distance from the end of the diffuser to San Pablo Bay water line can range from 1000 to 3500 feet. Because it does not receive an initial dilution of 10:1, the discharge is classified as shallow water and no dilution credit is provided for most of the toxic pollutants, with the exception of cyanide. Because cyanide is a non-persistent pollutant that quickly disperses and degrades, the Basin Plan grants a dilution credit of 3.25:1 ( $D=2.25$ ) in calculating WQBELs for cyanide.
- d. Development of WQBELs for Specific Pollutants**

**(1) Copper**

- (a) Copper WQC.** The chronic and acute marine WQC for copper from the Basin Plan are 6.0 and 9.4 micrograms per liter ( $\mu\text{g/L}$ ), respectively, expressed as dissolved metal. These WQC were converted to total recoverable metal using the site-specific translators of 0.39 (chronic) and 0.73 (acute), as described in IV.D.2.g, above. The resulting acute water quality criterion of 13  $\mu\text{g/L}$  and chronic water quality criterion of 15  $\mu\text{g/L}$  were used to perform the RPA.
- (b) RPA Results.** This Order establishes effluent limitations for copper because the MEC (39  $\mu\text{g/L}$ ) exceeds the governing WQC (13  $\mu\text{g/L}$ ) for copper, demonstrating Reasonable Potential by Trigger 1.
- (c) Copper WQBELs.** WQBELs for copper calculated according to SIP procedures with an effluent data coefficient of variation (CV) of 0.52, are an AMEL of 6.9  $\mu\text{g/L}$  and an MDEL of 13  $\mu\text{g/L}$ . The previous permit included an AMEL of 9.4  $\mu\text{g/L}$  and an MDEL of 14  $\mu\text{g/L}$ . The newly calculated WQBELs are therefore more stringent.
- (d) Immediate Compliance Infeasible.** Statistical analysis of effluent data for copper, collected over the period of January 2004 to April 2009 (ranging from 3.8 – 39  $\mu\text{g/L}$ ), shows that the 95<sup>th</sup> percentile (20  $\mu\text{g/L}$ ) is greater than the AMEL (6.9  $\mu\text{g/L}$ ), the 99<sup>th</sup> percentile (37  $\mu\text{g/L}$ ) is greater than the MDEL (13  $\mu\text{g/L}$ ), and the mean (9.8  $\mu\text{g/L}$ ) is greater than the long term average of the projected lognormal distribution of the effluent data set after accounting for effluent variability (4.6  $\mu\text{g/L}$ ). Based on this analysis, the Discharger cannot immediately comply with these copper WQBELs.<sup>1</sup>

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<sup>1</sup> The statistical feasibility analysis consisted of the following steps:

- Use statistical software (MiniTab) to fit a statistical distribution of the effluent data.
- Calculate the mean, 95<sup>th</sup>, and 99<sup>th</sup> percentiles of the effluent data for each constituent considered (using the fitted distribution for percentiles calculation).

- (e) **Need for Cease and Desist Order.** Cease and Desist Order No. R2-2008-0029 was adopted concurrently with Order No. R2-2008-0026, the amendment to Order No. R2-2004-0093, and included an interim maximum daily effluent limit of 19 µg/L for copper. Because the Discharger may violate or threatens to violate this Order's copper WQBELs, a cease and desist order is still appropriate. The Regional Water Board will consider an updated cease and desist order following the adoption of this Order.
- (f) **Antibacksliding.** Antibacksliding requirements are satisfied because the newly calculated limits for copper are more stringent than those in the previous permit.

## (2) Lead

- (a) **Lead WQC.** The Basin Plan contains the most stringent applicable WQC for lead for protection of freshwater aquatic life, 123 µg/L and 4.8 µg/L, acute and chronic, respectively, based on a hardness value of 138 mg/L.
- (b) **RPA Results.** This Order establishes effluent limitations for lead because the maximum background concentration (6.5 µg/L) exceeds the applicable WQC for this pollutant (4.8 µg/L), and lead was detected in the effluent, demonstrating Reasonable Potential by Trigger 2.
- (c) **Lead WQBELs.** WQBELs for lead, calculated according to SIP procedures with an effluent CV of 0.9 and no dilution credit, are an AMEL of 3.6 µg/L and an MDEL of 8.6 µg/L. The previous permit included an AMEL for lead of 3.5 µg/L and an MDEL of 8.8 µg/L, which are more stringent because the AMEL is more stringent and it will keep the long term effluent concentrations at a lower level. Therefore, the previous permit WQBELs are retained.
- (d) **Immediate Compliance Feasible.** Statistical analysis of effluent data for lead collected over the period of January 2004 to April 2009 (ranging from 0.16 - 2.7 µg/L) shows that the 95<sup>th</sup> percentile (0.96 µg/L) is less than the AMEL (3.5 µg/L), the 99<sup>th</sup> percentile (1.4 µg/L) is less than the MDEL (8.8 µg/L), and the mean (0.47 µg/L) is less than the long term average of the projected lognormal distribution of the effluent data set after accounting for effluent variability (2.0 µg/L). Therefore, immediate compliance with these lead WQBELs is feasible.
- (e) **Antibacksliding.** Antibacksliding requirements are satisfied because the WQBELs remain the same.

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- Compare the mean, 95<sup>th</sup>, and 99<sup>th</sup> percentile values with the long-term average (LTA), AMEL, and MDEL calculated using the SIP procedure, respectively.
  - If any of the LTA, AMEL, and MDEL exceeds the mean, 95<sup>th</sup> percentile, or 99<sup>th</sup> percentile, it may be infeasible for the Discharger to immediately comply with WQBELs.
  - Where the 95<sup>th</sup> and 99<sup>th</sup> percentile values cannot be estimated due to too few data or too many data being non-detect, the determination was based on staff judgment after examination of the raw data, such as direct comparison of the MEC with the AMEL. If MEC > AMEL, it may be infeasible for the Discharger to immediately comply with WQBELs.

### (3) Cyanide

- (a) **Cyanide WQC.** The most stringent applicable WQC for cyanide are an acute criterion of 9.4 µg/L and a chronic criterion of 2.9 µg/L and are from the Basin Plan for protection of marine aquatic life in San Francisco Bay (cyanide site-specific objectives).
- (b) **RPA Results.** This Order establishes effluent limitations for cyanide because the MEC (7.0 µg/l) exceeds the governing WQC (2.9 µg/L), demonstrating Reasonable Potential by Trigger 1.
- (c) **Cyanide WQBELs.** WQBELs for cyanide, calculated according to SIP procedures with an effluent CV of 0.77 and a dilution credit of 2.25 (dilution ratio = 3.25:1), are an AMEL of 6.6 µg/L and an MDEL of 15 µg/L.
- (d) **Immediate Compliance Feasible.** Statistical analysis of effluent data for cyanide collected over the period of January 2004 to April 2009 (ranging from 0.08 – 7.0 µg/L) shows that the 95<sup>th</sup> percentile (4.9 µg/L) is less than the AMEL (6.6 µg/L), the 99<sup>th</sup> percentile (6.1 µg/L) is less than the MDEL (15 µg/L), and the mean (2.2 µg/L) is less than the long term average of the projected lognormal distribution of the effluent data set after accounting for effluent variability (3.8 µg/L). Therefore, immediate compliance with these cyanide WQBELs is feasible.
- (e) **Antibacksliding.** The previous permit, as amended, contained effluent limitations for cyanide of 6.8 µg/L as an AMEL and 15 µg/L as an MDEL. The new cyanide WQBELs are more stringent than the previous permit limits; therefore, antibacksliding requirements are satisfied.

### (5) Dioxin – TEQ

- (a) **Dioxin-TEQ WQC.** The Basin Plan narrative WQO for bioaccumulative substances states, “[M]any pollutants can accumulate on particulates, in sediments, or bioaccumulate in fish and other aquatic organisms. Controllable water quality factors shall not cause a detrimental increase in concentrations of toxic substances found in bottom sediments or aquatic life. Effects on aquatic organisms, wildlife, and human health will be considered.”

Because it is the consensus of the scientific community that dioxins and furans associate with particulates, accumulate in sediments, and bioaccumulate in the fatty tissue of fish and other organisms, the Basin Plan’s narrative bioaccumulation WQO is applicable to these pollutants. Elevated levels of dioxins and furans in fish tissue in San Francisco Bay demonstrate that the narrative bioaccumulation WQO is not being met. USEPA has therefore included San Pablo Bay as impaired by dioxin and furan compounds in the current 303 (d) listing of receiving waters, where water quality objectives are not being met after imposition of applicable technology-based requirements.

The CTR establishes a numeric WQO for 2,3,7,8-tetrachlorinated dibenzo-p-dioxin (2,3,7,8-TCDD) of  $1.4 \times 10^{-8}$   $\mu\text{g/L}$  for the protection of human health, when aquatic organisms are consumed. When the CTR was promulgated, USEPA stated its support of the regulation of other dioxin and dioxin-like compounds through the use of toxicity equivalencies (TEQs) in NPDES permits. For California waters, USEPA stated specifically, “if the discharge of dioxin or dioxin-like compounds has reasonable potential to cause or contribute to a violation of a narrative criterion, numeric WQBELs for dioxin or dioxin-like compounds should be included in NPDES permits and should be expressed using a TEQ scheme.” [65 Fed. Reg. 31682, 31695 (2000)]

This Order uses a TEQ scheme based on a set of toxicity equivalency factors (TEFs) the World Health Organization (WHO) developed in 1998, and a set of bioaccumulation equivalency factors (BEFs) USEPA developed for the Great Lakes region (40 CFR132, Appendix F) to convert the concentration of any congener of dioxin or furan into an equivalent concentration of 2,3,7,8-TCDD. The CTR criterion is used as a criterion for dioxin-TEQ because dioxin-TEQ represents a toxicity weighted concentration equivalent to 2,3,7,8-TCDD, thus translating the narrative bioaccumulation objective into a numeric criterion appropriate for the RPA.

To determine if the discharge of dioxin or dioxin-like compounds has reasonable potential to cause or contribute to a violation of the Basin Plan’s narrative bioaccumulation WQO, TEFs and BEFs were used to express the measured concentrations of 16 dioxin congeners in effluent and background samples as 2,3,7,8-TCDD. These “equivalent” concentrations were then compared to the CTR numeric criterion for 2,3,7,8-TCDD ( $1.4 \times 10^{-8}$   $\mu\text{g/L}$ ). Although the 1998 WHO scheme includes TEFs for dioxin-like PCBs, they are not included in this Order’s TEQ scheme. The CTR has established a specific water quality standard for PCBs, and dioxin-like PCBs are included in the analysis of total PCBs.

- (b) **RPA Results.** This Order establishes effluent limitations for dioxin-TEQ because the MEC ( $5.0 \times 10^{-7}$   $\mu\text{g/L}$  using both TEFs and BEFs for calculation) exceeds the applicable water quality criterion ( $1.4 \times 10^{-8}$   $\mu\text{g/L}$ ), demonstrating Reasonable Potential by Trigger 1.
- (c) **Dioxin-TEQ WQBELs.** WQBELs for dioxin-TEQ, calculated according to SIP procedures with a default CV of 0.6, and no dilution credit, are an AMEL of  $1.4 \times 10^{-8}$   $\mu\text{g/L}$  and an MDEL of  $2.8 \times 10^{-8}$   $\mu\text{g/L}$ .
- (d) **Immediate Compliance Feasible.** The Discharger’s monitoring data from January 2004 to December 2008 include 12 samples for the dioxin and furan congeners. All measurements were below their respective minimum levels. Therefore, dioxin-TEQ values calculated only using reliable data above minimum levels are zero and are obviously below the WQBELs. Therefore, the Discharger is expected to be able to comply with these dioxin-TEQ WQBELs.

- (e) **Antibacksliding.** Antibacksliding requirements are satisfied because the previous permit did not include final effluent limitations for dioxin-TEQ.

## (6) Carbon Tetrachloride

- (a) **Carbon Tetrachloride WQC.** The most stringent applicable WQC for carbon tetrachloride is the CTR criterion for protection of human health of 4.4 µg/L.
- (b) **RPA Results.** This Order finds reasonable potential and thus establishes effluent limitations for carbon tetrachloride because the MEC (7.6 µg/L) exceeds the most stringent applicable criterion (4.4 µg/L), demonstrating reasonable potential by Trigger 1.
- (c) **Carbon Tetrachloride WQBELs.** WQBELs for carbon tetrachloride, calculated according to SIP procedures with a default CV of 0.60 and no dilution credit, are an AMEL of 4.4 µg/L and an MDEL of 8.8 µg/L.
- (d) **Immediate Compliance Infeasible.** With insufficient data to determine the distribution of the data set or to calculate a mean and standard deviation, feasibility to comply with these effluent limitations is determined by comparing the MEC (7.6 µg/L) to the AMEL (4.4 µg/L). Based on this comparison, immediate compliance with these WQBELs is infeasible.
- (e) **Need for Cease and Desist Order.** Pursuant to State Water Board Order WQ 2007-0004, compliance schedules are allowed for pollutants with CTR criteria under the SIP until May 18, 2010; however, compliance with final effluent limitations for carbon tetrachloride is not anticipated within this abbreviated timeframe. Therefore, the Regional Water Board will consider a cease and desist Order following the adoption of this Order .
- (f) **Antibacksliding.** Antibacksliding requirements are satisfied because there were no carbon tetrachloride effluent limits in the previous permit.

## (7) Dieldrin

- (a) **Dieldrin WQC.** The most stringent applicable WQC for dieldrin is the CTR criterion for protection of human health of 0.00014 µg/L.
- (b) **RPA Results.** This Order finds reasonable potential and thus establishes effluent limitations for dieldrin because the MEC (0.018 µg/L) exceeds the most stringent applicable criterion (0.00014 µg/L), demonstrating reasonable potential by Trigger 1.
- (c) **Dieldrin WQBELs.** WQBELs for dieldrin, calculated according to SIP procedures with a default CV of 0.60 and no dilution credit, are an AMEL of 0.00014 µg/L and an MDEL of 0.00028 µg/L.
- (d) **Immediate Compliance Infeasible.** With insufficient data to determine the distribution of the data set or to calculate a mean and standard deviation,

feasibility to comply with these effluent limitations is determined by comparing the MEC (0.018 µg/L) to the AMEL (0.00014 µg/L). Based on this comparison, immediate compliance with these WQBELs is infeasible.

- (e) **Need for Cease and Desist Order.** Pursuant to State Water Board Order WQ 2007-0004, a maximum of 5-year compliance schedule is allowed for pollutants with CTR criteria under the SIP but shall not go beyond May 18, 2010. The previous permit contained a compliance schedule for dieldrin until January 31, 2010. Therefore, no more compliance schedule can be granted for dieldrin. Even if a compliance schedule can be extended until May 18, 2010, compliance with dieldrin WQBELs is not anticipated within this abbreviated timeframe. The Regional Water Board will consider a cease and desist Order following the adoption of this Order.
- (f) **Antibacksliding.** Antibacksliding requirements are satisfied because these dieldrin WQBELs are more stringent than the previous interim effluent of 0.01 µg/L.

#### (8) Ammonia

- (a) **Ammonia WQOs.** The Basin Plan contains WQOs for un-ionized ammonia of 0.025 mg/L as an annual median and 0.16 mg/L as a daily maximum for San Pablo Bay.
- (b) **RPA Results.** This Order finds reasonable potential for total ammonia based on the ammonia RPA detailed in Section IV.D.3 above.
- (c) **Ammonia WQBELs.** The WQBELs for total ammonia, based on translated total ammonia objectives, 1.3 mg/L as an annual median and 4.7 mg/L as a daily maximum, and based on an effluent CV of 0.91, are an AMEL of 1.3 mg/L and an MDEL of 4.7 mg/L.
- (d) **Immediate Compliance Infeasible.** Statistical analysis of total ammonia effluent data collected over the period of April 2008 to April 2009 (ranging from 0.25–21.7 mg/L) shows that the 95<sup>th</sup> percentile (12 mg/L) is greater than the AMEL (1.3 mg/L), the 99<sup>th</sup> percentile (23 mg/L) is greater than the MDEL (4.7 mg/L), and the mean (4.1 mg/L) is greater than the long term average of the projected lognormal distribution of the effluent data set after accounting for effluent variability (1.0 mg/L). Therefore, immediate compliance with these WQBELs is infeasible.
- (e) **Need for Cease and Desist Order.** Because it is infeasible for the Discharger to immediately comply with the ammonia WQBELs, the Regional Water Board will consider a cease and desist order following the adoption of this Order.
- (f) **Antibacksliding.** Antibacksliding requirements are satisfied because the new WQBELs are more stringent than the previous permit effluent limit of 6 mg/L, expressed as an AMEL (this limit is not a water quality-based effluent limit) .

**e. Effluent Limit Calculations**

The following table shows the WQBEL calculations for copper, lead, cyanide, dioxin-TEQ, carbon tetrachloride, dieldrin, and total ammonia.

**Table F-12. Effluent Limitation Calculations**

| Priority Pollutants   | Copper  | Lead               | Cyanide | Dioxin-TEQ   | Carbon Tetrachloride | Dieldrin | Total Ammonia (acute)   | Total Ammonia (chronic) |
|---|---------|--------------------|---------|--------------|----------------------|----------|-------------------------|-------------------------|
| Units   | ug/L    | ug/L               | ug/L    | ug/L         | ug/L                 | ug/L     | mg/L N                  | mg/L N                  |
| Basis and Criteria type   | BP SSOs | BP FW Aquatic Life | BP SSOs | BP Narrative | CTR HH               | CTR HH   | Basin Plan Aquatic Life | Basin Plan Aquatic Life |
| Criteria -Acute   | -----   | 123                | -----   | -----        | -----                | -----    | -----                   | -----                   |
| Criteria -Chronic   | -----   | 4.8                | -----   | -----        | -----                | -----    | -----                   | -----                   |
| Acute   | 9.4     | -----              | 9.4     | -----        | -----                | -----    | -----                   | -----                   |
| Chronic   | 6       | -----              | 2.9     | -----        | -----                | -----    | -----                   | -----                   |
| Lowest WQO  | 6.0     | 4.8                | 2.9     | 1.4E-08      | 4.4                  | 0.0      | 4.70                    | 1.30                    |
| Site Specific Translator - MDEL   | 0.73    | -----              | -----   | -----        | -----                | -----    | -----                   | -----                   |
| Site Specific Translator - AMEL   | 0.39    | -----              | -----   | -----        | -----                | -----    | -----                   | -----                   |
| Dilution Factor (D) (if applicable)                                       | 0       | 0                  | 2.25    | 0            | 0                    | 0        | 0                       | 0                       |
| No. of samples per month  | 4       | 4                  | 4       | 4            | 4                    | 4        | 4                       | 30                      |
| Aquatic life criteria analysis required? (Y/N)                            | Y       | Y                  | Y       | N            | N                    | N        | Y                       | Y                       |
| HH criteria analysis required? (Y/N)                                      | N       | N                  | Y       | Y            | Y                    | Y        | N                       | N                       |
| Applicable Acute WQO  | 13      | 123                | 9.4     |              |                      |          | 4.70                    |                         |
| Applicable Chronic WQO  | 15      | 4.8                | 2.9     |              |                      |          |                         | 1.30                    |
| HH criteria   | -----   | ----               | 220000  | 1.4E-08      | 4.4                  | 0.00014  |                         |                         |
| Background (Maximum Conc for Aquatic Life calc)                           | 14.3    | 6.5                | 0.4     |              |                      |          | 0.16                    | 0.07                    |
| Background (Average Conc for Human Health calc)                           | -----   | ----               | 0.4     | 5.3E-08      | 0.06                 |          |                         |                         |
| Is the pollutant on the 303d list (Y/N)?                                  | N       | N                  | N       | Y            | N                    | Y        | N                       | N                       |
| ECA acute   | 13      | 123                | 30      |              |                      |          | 4.7                     |                         |
| ECA chronic   | 15      | 4.8                | 9       |              |                      |          |                         | 1.3                     |
| ECA HH  |         |                    | 714999  | 1.4E-08      | 4.4                  | 0.00014  |                         |                         |
| No. of data points <10 or at least 80% of data reported non detect? (Y/N) | N       | N                  | N       | Y            | Y                    | Y        | N                       | N                       |
| Avg of effluent data points   | 9.8     | 0.47               | 2.2     |              |                      |          | 4.1                     | 4.1                     |
| Std Dev of effluent data points   | 5.1     | 0.40               | 1.7     |              |                      |          | 3.7                     | 3.7                     |
| CV calculated   | 0.52    | 0.9                | 0.77    | N/A          | N/A                  | N/A      | 0.91                    | 0.91                    |
| CV (Selected) - Final   | 0.52    | 0.9                | 0.77    | 0.6          | 0.6                  | 0.6      | 0.91                    | 0.91                    |
| ECA acute mult99  | 0.36    | 0.24               | 0.26    |              |                      |          | 0.22                    |                         |
| ECA chronic mult99  | 0.57    | 0.42               | 0.45    |              |                      |          |                         | 0.90                    |
| LTA acute   | 4.6     | 29.0               | 7.6     |              |                      |          | 1.04                    |                         |
| LTA chronic   | 9       | 2.0                | 3.8     |              |                      |          |                         | 1.2                     |
| minimum of LTAs   | 4.6     | 2.0                | 3.8     |              |                      |          | 1.04                    | 1.04                    |

| Priority Pollutants                      | Copper | Lead | Cyanide | Dioxin-TEQ | Carbon Tetrachloride | Dieldrin | Total Ammonia (acute) | Total Ammonia (chronic) |
|--|--------|------|---------|------------|----------------------|----------|-----------------------|-------------------------|
| AMEL mult95                              | 1.5    | 1.8  | 1.7     | 1.6        | 1.6                  | 1.6      | 1.86                  | 1.30                    |
| MDEL mult99                              | 2.8    | 4.2  | 3.9     | 3.1        | 3.1                  | 3.1      | 4.52                  | 4.52                    |
| AMEL (aq life)                           | 7      | 3.6  | 6.6     |            |                      |          | 1.94                  | 1.35                    |
| MDEL(aq life)                            | 13     | 8.6  | 14.9    |            |                      |          | 4.70                  | 4.70                    |
|  |        |      |         |            |                      |          |                       |                         |
| MDEL/AMEL Multiplier                     | 1.88   | 2.36 | 2.26    | 2.01       | 2.01                 | 2.01     | 2.43                  | 3.49                    |
| AMEL (human hlth)                        |        |      | 714999  | 1.4E-08    | 4.4                  | 0.00014  |                       |                         |
| MDEL (human hlth)                        |        |      | 1612782 | 2.8E-08    | 8.8                  | 0.00028  |                       |                         |
|  |        |      |         |            |                      |          |                       |                         |
| minimum of AMEL for Aq. life vs HH       | 7      | 3.6  | 6.61    | 1.4E-08    | 4.4                  | 0.00014  | 1.9                   | 1.3                     |
| minimum of MDEL for Aq. Life vs HH       | 13     | 8.6  | 14.92   | 2.8E-08    | 8.8                  | 0.00028  | 4.7                   | 4.7                     |
| Current limit in permit (30-day average) | 9.4    | 3.5  | 6.8     | -----      | -----                | -----    | 6.0                   | 6.0                     |
| Current limit in permit (daily)          | 14     | 8.8  | 15      | -----      | -----                | -----    | -----                 | -----                   |
|  |        |      |         |            |                      |          |                       |                         |
| Final limit - AMEL                       | 6.9    | 3.6  | 6.6     | 1.4E-08    | 4.4                  | 0.00014  | -----                 | 1.3                     |
| Final limit - MDEL                       | 13     | 8.6  | 15      | 2.8E-08    | 8.8                  | 0.00028  | -----                 | 4.7                     |
| Max Effl Conc (MEC)                      | 39     | 2.7  | 7.0     | 5.0E-07    | 7.6                  | 0.0      | 21.7                  | 21.7                    |

## 5. Whole Effluent Acute Toxicity

This Order includes effluent limitations for whole effluent acute toxicity that are based on Basin Plan Table 4-3 and are unchanged from the previous permit. All bioassays are to be performed according to the USEPA approved method in 40 CFR 136, currently *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 5<sup>th</sup> Edition. The approved test species is the fathead minnow. The approved test species currently specified in the Monitoring and Reporting Program (Attachment E) is the fathead minnow.

The Discharger’s acute toxicity monitoring data show that bioassay results from January 2005 through April 2009 were a minimum of 90% survival as an 11-sample median, and a minimum 95% survival as a 11-sample 90<sup>th</sup> percentile. There have been no acute toxicity effluent limitations violations.

## 6. Whole Effluent Chronic Toxicity

- a. **Toxicity Objective.** Basin Plan section 3.3.18 states, “There shall be no chronic toxicity in ambient waters. Chronic toxicity is a detrimental biological effect on growth rate, reproduction, fertilization success, larval development, population abundance, community composition, or any other relevant measure of the health of an organism, population, or community.”
- b. **Reasonable Potential Analysis.** The Discharger’s chronic toxicity monitoring data (including screening study) from November 2005 – May 2009 showed one exceedance of the single sample maximum trigger with a result of 8.1 TUc and four exceedances of the three-sample median with either 2 TUc and 2.1 TUc. Based on the data summarized

above, there is reasonable potential for chronic toxicity in the effluent to cause or contribute to chronic toxicity in the receiving waters. The SIP, therefore, requires chronic toxicity limits.

- c. Permit Requirements.** The Order establishes a narrative effluent limitation for chronic toxicity based on the narrative Basin Plan objective. In addition, this Order retains the previous permit requirements to implement the chronic toxicity narrative objective, including numeric triggers for accelerated monitoring. These triggers are based on Basin Plan Table 4-5.
- d. Screening Phase Study.** The Discharger is required to conduct a chronic toxicity screening phase study, as described in Appendix E-1 of the MRP (Attachment E), prior to the next permit issuance.

## 7. Anti-backsliding and Antidegradation

Effluent limitations in this Order that are less stringent than those in the previous permit or are not retained from the previous permit comply with antibacksliding and antidegradation requirements for the reasons explained below.

- The single sample maximum effluent limitation for enterococcus is not retained. As stated under Section C.2.d above, the removal of this limit complies with anti-backsliding requirements and is not expected to cause degradation of water quality because imposing it in the past was a mistake and the 30-day geometric mean will hold the Discharger to its current performance.
- The previous permit contained final effluent limitations for nickel and interim effluent limitations for 4,4'-DDE, 4,4'-DDD, and heptachlor epoxide; however, the RPA shows that the discharge no longer demonstrates reasonable potential for these pollutants to cause or contribute to exceedances of applicable WQC. Therefore this Order does not retain these limitations. Elimination of the interim and final limitations for these pollutants is consistent with State Water Board Order No. WQ 2001-16 and degradation is not expected because the Discharger will maintain and improve its current level of treatment during the permit term.
- The previous permit included an interim effluent limitation for mercury that is not retained by this Order because discharges of mercury to San Francisco Bay are now regulated by Regional Water Board Order No. R2-2007-0077, which became effective March 1, 2008. Order No. R2-2007-0077 is a watershed permit that implements the San Francisco Bay Mercury TMDL, which contains wasteload allocations for industrial and municipal wastewater mercury discharges. Order No. R2-2007-0077 complied with anti-backsliding and antidegradation requirements.

## E. Land Discharge Specifications

Not Applicable.

## **F. Reclamation Specifications**

Water reclamation requirements for this Discharger are established by Regional Water Board Order No. 92-065.

## **V. RATIONALE FOR RECEIVING WATER LIMITATIONS**

### **A. Surface Water**

Receiving water limitations V.A.1 and V.A.2 are based on the narrative and numeric objectives contained in Basin Plan Chapter 3.

Receiving water limitation V.A.3 is retained from the previous permit and requires compliance with federal and State water quality standards.

### **B. Groundwater**

Not Applicable.

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

40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. CWC sections 13267 and 13383 authorize the Regional Water Board to require technical and monitoring reports. The MRP (Attachment E) establishes monitoring and reporting requirements to implement federal and State requirements.

The principal purposes of a monitoring program are to:

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

The Monitoring and Reporting Program is a standard requirement in almost all NPDES permits the Regional Water Board issues, including this Order. It contains definitions of terms, specifies general sampling and analytical protocols, and sets out requirements for reporting of spills, violations, and routine monitoring data in accordance with NPDES regulations, the CWC, and Regional Water Board policies. The MRP also defines the sampling stations and frequency, the pollutants to be monitored, and additional reporting requirements. Pollutants to be monitored include all parameters for which effluent limitations are specified. Monitoring for additional constituents, for which no effluent limitations are established, is also required to provide data for future completion of RPAs.

The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this facility.

### **A. Influent Monitoring**

Influent monitoring requirements for BOD<sub>5</sub> and TSS are unchanged from the previous permit, as amended, to allow determination of compliance with this Order's 85% removal requirement. Cyanide influent monitoring is required by the Basin Plan with implementation of the cyanide site-specific objectives.

### **B. Effluent Monitoring**

The MRP retains most effluent monitoring requirements from the previous permit, as amended. Changes in effluent monitoring are summarized as follows.

- The MRP establishes routine monitoring for toxic pollutants with effluent limitations (copper, lead, cyanide, carbon tetrachloride, dieldrin, total ammonia, and dioxin-TEQ.) Monitoring for all other priority toxic pollutants must be conducted in accordance with Regional Standard Provisions (Attachment G).
- Routine monitoring is not retained for nickel, 4,4'-DDE, 4,4'-DDD, and heptachlor epoxide because these pollutants no longer demonstrate reasonable potential.
- Routine monitoring for mercury is not retained because this pollutant is now regulated under a separate Order (Order No. R2-2007-0077.)
- Routine effluent monitoring is to be arranged during discharge of treated wastewater from reclamation ponds to San Pablo Bay at EFF-003, if the ponds previously received effluent diversions due to effluent quality concern. This is to ensure that final discharge to the Bay meet effluent limits specified in this Order.

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

1. **Acute Toxicity.** Monthly 96-hour bioassay testing is required to demonstrate compliance with the effluent limitation for acute toxicity. The MRP requires the use of fathead minnow as the bioassay test species.
2. **Chronic Toxicity.** This Order requires the Discharger to conduct quarterly chronic toxicity testing. The Discharger conducted an effluent toxicity screening study during the previous permit term that indicated that the water flea, *Ceriodaphnia dubia*, is the most sensitive species for chronic toxicity testing. The Discharger shall re-screen in accordance with Appendix E-1 of the MRP (Attachment E) after any significant change in the nature of the effluent or prior to 180 days prior to the expiration of this Order.

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

1. **Regional Monitoring Program (RMP).** On April 15, 1992, the Regional Water Board adopted Resolution No. 92-043 directing the Executive Officer to implement the RMP for

San Francisco Bay. Subsequent to a public hearing and various meetings, Regional Water Board staff requested major permit holders in this Region, under authority of CWC section 13267, to report on the water quality of the estuary. These permit holders responded to this request by participating in a collaborative effort through the San Francisco Estuary Institute. This effort has come to be known as the San Francisco Bay RMP for Trace Substances. This Order specifies that the Discharger shall continue to participate in the RMP, which involves collection of data on pollutants and toxicity in water, sediment, and biota of the estuary.

2. **Near-field Receiving Water Monitoring.** The MRP (Attachment E) establishes monitoring location RSW-001 for monitoring the near-field receiving water for total ammonia. Monitoring for pH, temperature, and salinity is also required to determine the unionized fraction of ammonia present. Near-field ammonia monitoring is necessary for future ammonia RPA using receiving water data.

#### **E. Other Monitoring Requirements**

**Pretreatment and Biosolids Monitoring.** Pretreatment monitoring requirements for the influent, effluent, and biosolids are retained from the previous permit, and are required to assess compliance with the Discharger's USEPA-approved pretreatment program. Biosolids monitoring is required pursuant to 40 CFR Part 503.

This Order specifies the sampling type for pretreatment monitoring. Specifically, this Order requires multiple grabs (instead of 24-hour composites for BNA and most metals, or grabs for VOCs, cyanide, and hexavalent chromium) to make the requirement consistent both with the federal pretreatment requirements in 40 CFR 403.12, which require 24-hour composites, and with proper sample handling for these parameters (summarized in the Regional Standard Provisions [Attachment G]). Composites made up of discrete grabs for these parameters are necessary because of potential loss of the constituents during automatic compositing. Hexavalent chromium is chemically unstable. It, cyanide, and BNAs are also somewhat volatile. For these same reasons, discrete analyses are also necessary since constituents are subject to loss during compositing at the laboratory.

### **VII. RATIONALE FOR PROVISIONS**

#### **A. Standard Provisions (Provision VI.A)**

Standard Provisions, which, in accordance with 40 CFR 122.41 and 122.42 apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D of this Order. The Discharger must comply with all standard provisions and with those additional conditions that apply under 40 CFR 122.42

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

also modifies the Federal Standard Provisions to impose more stringent requirements as set forth in the Regional Standard Provisions (Attachment G).

## **B. MRP Requirements**

The Discharger is required to monitor the permitted discharges to evaluate compliance with permit conditions. The MRP includes (Attachment E) includes monitoring requirements and the Regional Standard Provisions (Attachment G) of this Order. This provision requires compliance with these documents and is based on 40 CFR 122.63.

## **C. Special Provisions**

### **1. Reopener Provisions**

These provisions are based on 40 CFR 123 and allow future modification of this Order and its effluent limitations as necessary to respond to updated information.

### **2. Special Studies and Additional Monitoring Requirements**

- a. **Effluent Characterization Study.** This Order does not include effluent limitations for priority pollutants that do not demonstrate Reasonable Potential, but this provision requires the Discharger to continue monitoring for these pollutants as described in the Regional Standard Provisions (Attachment G) and as specified in the MRP (Attachment E). If concentrations of these constituents increase significantly, the Discharger must investigate the source of the increases and establish remedial measures if the increases result in reasonable potential to cause or contribute to an excursion above the applicable WQC. This provision is based on the SIP and is retained from the previous permit.
- b. **Ambient Background Receiving Water Study.** This provision is based on the Basin Plan, the SIP, and the Regional Standard Provisions (Attachment G). As indicated in this Order, this requirement may be met by participating in the collaborative BACWA study. This provision is retained from the previous permit.
- c. **Chronic Toxicity Reduction Evaluation (TRE).** These general TIE/TRE requirements establish guidelines for TIE/TRE evaluations and are unchanged from the previous permit.
- d. **Reclamation Pond Operation.** This provision is unchanged from the previous permit and specifies when wastewater stored in the reclamation ponds may be discharged to San Pablo Bay.

### **3. Best Management Practices and Pollution Minimization Program**

This provision for a Pollutant Minimization Program is based on Basin Plan Chapter 4 (Section 4.13.2) and SIP Chapter 2 (section 2.4.5).

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

- a. **Reliability Report.** This provision is established by this Order and is required to support the Discharger's request for an exception to Basin Plan discharge Prohibition 1.
- b. **Ignacio Plant Operation.** This provision is based on the Basin Plan and 40 CFR 122.
- c. **Plant Capacity Increase.** This Provision is based on 40 CFR 122.41(l) (reporting requirements).

#### 5. Special Provisions for Municipal Facilities (POTWs Only)

- a. **Pretreatment Program.** This provision is based on 40 CFR 403 (General Pretreatment Regulations for Existing and New Sources of Pollution) and is retained from the previous permit.
- b. **Biosolids Management Practices Requirements.** This provision is based on the Basin Plan (Chapter 4, section 4.17) and 40 CFR Parts 257 and 503, and is retained from the previous permit.
- c. **Sanitary Sewer and Sewer System Management Plan.** This provision is to explain the Order's requirements as they relate to the Discharger's collection system, and to promote consistency with the State Water Board-adopted General Collection System WDRs (General Order, Order No. 2006-0003-DWQ).

The General Order requires public agencies that own or operate sanitary sewer systems with greater than one mile of pipes or sewer lines to enroll for coverage under the General Order. The General Order requires agencies to develop sanitary sewer management plans and report all sanitary sewer overflows, among other requirements and prohibitions. Furthermore, the General Order contains requirements for operation and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows. Inasmuch that the Discharger's collection system is part of the system that is subject to this Order, certain standard provisions are applicable as specified in Provisions, Section VI.C.5. For instance, the 24-hour reporting requirements in this Order are not included in the General Order. The Discharger must comply with both the General Order and this Order. The Discharger and public agencies that are discharging wastewater into the facility were required to obtain enrollment for regulation under the General Order by December 1, 2006.

The State Water Board amended the General Order on February 20, 2008 in Order No. WQ 2008-0002-EXEC, to strengthen the notification and reporting requirements for sanitary sewer overflows. The Regional Water Board issued a 13267 letter on May 1, 2008, requiring dischargers to comply with the new notification requirements for sanitary sewer overflows, and to comply with similar notification and reporting requirements for spills from wastewater treatment facilities.

## 6. Other Special Provisions

- a. **Copper Action Plan.** This Order requires the Discharger to implement monitoring and surveillance, pretreatment, source control, and pollution prevention for copper in accordance with the Basin Plan. The Basin Plan contains site-specific water quality objectives for copper in all San Francisco Bay segments, which are a 4-day average concentration of 6.0 µg/L and a 1-hour average concentration of 9.4 µg/L for San Pablo Bay. The Basin Plan includes an implementation plan that requires a Copper Action Plan to ensure no degradation of water quality.
- b. **Cyanide Action Plan.** This Order requires the Discharger to implement monitoring and surveillance, pretreatment, source control, and pollution prevention for cyanide in accordance with the Basin Plan. The Basin Plan contains site-specific water quality objectives for cyanide in all San Francisco Bay segments, which are a 4-day average concentration of 2.9 µg/L and a 1-hour average concentration of 9.4 µg/L. The Basin Plan includes an implementation plan that requires a Cyanide Action Plan to ensure no degradation of water quality. Additionally, because a dilution credit has been granted in establishing effluent limitations for cyanide, source control efforts are necessary for the continued exception to the Basin Plan prohibition regarding shallow water dischargers.

## VIII. PUBLIC PARTICIPATION

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

### A. Notification of Interested Parties

The Regional Water Board has notified the Dischargers 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. Notification was provided through the Marin Independent-Journal on March 9, 2010.

### B. Written Comments

Staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person or by mail to the Executive Office at the Regional Water Board at the address provided on the cover page of this Order, to the Attention of Tong Yin.

To receive full consideration and a written response, written comments must be received at the Regional Water Board offices by 5:00 p.m. on April 7, 2010.

### C. Public Hearing

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

Date: May 12, 2010  
Time: 9:00 am  
Location: Elihu Harris State Office Building  
1515 Clay Street, 1<sup>st</sup> Floor Auditorium  
Oakland, CA 94612

Contact: Tong Yin, (510) 622-2418, email [TYin@waterboards.ca.gov](mailto:TYin@waterboards.ca.gov)

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

Dates and venues may change. The Regional Water Board web address is <http://www.waterboards.ca.gov/sanfranciscobay> where one can access the current agenda for changes in dates and locations.

#### **D. Waste Discharge Requirements Petitions**

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

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

#### **E. Information and Copying**

The Report of Waste Discharge, related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:45 a.m. and 5:00 p.m., Monday through Thursday for the first three weeks of a month, and Monday through Friday for the rest of the month. Copying of documents may be arranged by calling 510-622-2300.

#### **F. Register of Interested Persons**

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

#### **G. Additional Information**

Requests for additional information or questions regarding this order should be directed to Tong Yin at 510-622-2418 or e-mail at [TYin@waterboards.ca.gov](mailto:TYin@waterboards.ca.gov).

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

**ATTACHMENT G**  
REGIONAL STANDARD PROVISIONS, AND MONITORING  
AND REPORTING REQUIREMENTS  
(SUPPLEMENT TO ATTACHMENT D)

For

NPDES WASTEWATER DISCHARGE PERMITS

March 2010

## Table of Contents

|      |   |      |
|------|---|------|
| I.   | STANDARD PROVISIONS - PERMIT COMPLIANCE .....                                   | G-1  |
| A.   | Duty to Comply.....   | G-1  |
| B.   | Need to Halt or Reduce Activity Not a Defense.....                              | G-1  |
| C.   | Duty to Mitigate.....   | G-1  |
| 1.   | Contingency Plan.....   | G-1  |
| 2.   | Spill Prevention Plan.....  | G-2  |
| D.   | Proper Operation & Maintenance.....   | G-2  |
| 1.   | Operation and Maintenance (O&M) Manual.....                                     | G-2  |
| 2.   | Wastewater Facilities Status Report .....                                       | G-2  |
| 3.   | Proper Supervision and Operation of Publicly Owned Treatment Works (POTWs)..... | G-3  |
| E.   | Property Rights .....   | G-3  |
| F.   | Inspection and Entry .....  | G-3  |
| G.   | Bypass.....   | G-3  |
| H.   | Upset.....  | G-3  |
| I.   | Other .....   | G-3  |
| J.   | Storm Water.....  | G-3  |
| 1.   | Storm Water Pollution Prevention Plan (SWPP Plan).....                          | G-3  |
| 2.   | Source Identification.....  | G-4  |
| 3.   | Storm Water Management Controls .....   | G-5  |
| 4.   | Annual Verification of SWPP Plan.....   | G-6  |
| K.   | Biosolids Management.....   | G-6  |
| II.  | STANDARD PROVISIONS – PERMIT ACTION .....                                       | G-7  |
| III. | STANDARD PROVISIONS – MONITORING .....  | G-7  |
| A.   | Sampling and Analyses.....  | G-7  |
| 1.   | Use of Certified Laboratories.....  | G-7  |
| 2.   | Use of Appropriate Minimum Levels.....  | G-7  |
| 3.   | Frequency of Monitoring .....   | G-7  |
| B.   | Biosolids Monitoring .....  | G-10 |
| 1.   | Biosolids Monitoring Frequency .....  | G-10 |
| 2.   | Biosolids Pollutants to Monitor .....   | G-11 |
| C.   | Standard Observations .....   | G-11 |
| 1.   | Receiving Water Observations .....  | G-11 |
| 2.   | Wastewater Effluent Observations .....  | G-11 |
| 3.   | Beach and Shoreline Observations .....  | G-12 |
| 4.   | Land Retention or Disposal Area Observations.....                               | G-12 |
| 5.   | Periphery of Waste Treatment and/or Disposal Facilities Observations .....      | G-12 |
| IV.  | STANDARD PROVISIONS – RECORDS.....  | G-12 |
| A.   | Records to be Maintained .....  | G-12 |
| B.   | Records of monitoring information shall include .....                           | G-13 |
| 1.   | Analytical Information.....   | G-13 |
| 2.   | Flow Monitoring Data.....   | G-13 |
| 3.   | Wastewater Treatment Process Solids .....                                       | G-13 |
| 4.   | Disinfection Process.....   | G-13 |

5. Treatment Process Bypasses ..... G-14

6. Treatment Facility Overflows ..... G-14

V. STANDARD PROVISIONS – REPORTING ..... G-14

    A. Duty to Provide Information ..... G-14

    B. Signatory and Certification Requirements ..... G-14

    C. Monitoring Reports ..... G-15

        1. Self Monitoring Reports ..... G-15

    D. Compliance Schedules ..... G-19

    E. Twenty-Four Hour Reporting ..... G-19

        1. Spill of Oil or Other Hazardous Material Reports ..... G-19

        2. Unauthorized Discharges from Municipal Wastewater Treatment Plants ..... G-20

    F. Planned Changes ..... G-23

    G. Anticipated Noncompliance ..... G-23

    H. Other Noncompliance ..... G-23

    I. Other Information ..... G-23

VI. STANDARD PROVISIONS – ENFORCEMENT ..... G-23

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS ..... G-23

VIII. DEFINITIONS – This section is an addition to Standard Provisions (Attachment D) ..... G-23

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**REGIONAL STANDARD PROVISIONS, AND MONITORING AND  
REPORTING REQUIREMENTS  
(SUPPLEMENT TO ATTACHMENT D)**

**FOR**

**NPDES WASTEWATER DISCHARGE PERMITS**

**APPLICABILITY**

This document applies to dischargers covered by a National Pollutant Discharge Elimination System (NPDES) permit. This document does not apply to Municipal Separate Storm Sewer System (MS4) NPDES permits.

The purpose of this document is to supplement the requirements of Attachment D, Standard Provisions. The requirements in this supplemental document are designed to ensure permit compliance through preventative planning, monitoring, recordkeeping, and reporting. In addition, this document requires proper characterization of issues as they arise, and timely and full responses to problems encountered. To provide clarity on which sections of Attachment D this document supplements, this document is arranged in the same format as Attachment D.

**I. STANDARD PROVISIONS - PERMIT COMPLIANCE**

**A. Duty to Comply – Not Supplemented**

**B. Need to Halt or Reduce Activity Not a Defense – Not Supplemented**

**C. Duty to Mitigate – This supplements I.C. of Standard Provisions (Attachment D)**

- 1. Contingency Plan** - The Discharger shall maintain a Contingency Plan as originally required by Regional Water Board Resolution 74-10 and as prudent in accordance with current municipal facility emergency planning. The Contingency Plan shall describe procedures to ensure that existing facilities remain in, or are rapidly returned to, operation in the event of a process failure or emergency incident, such as employee strike, strike by suppliers of chemicals or maintenance services, power outage, vandalism, earthquake, or fire. The Discharger may combine the Contingency Plan and Spill Prevention Plan into one document. Discharge in violation of the permit where the Discharger has failed to develop and implement a Contingency Plan as described below will be the basis for considering the discharge a willful and negligent violation of the permit pursuant to California Water Code Section 13387. The Contingency Plan shall, at a minimum, contain the provisions of a. through g. below.

- a. Provision of personnel for continued operation and maintenance of sewerage facilities during employee strikes or strikes against contractors providing services.

- b. Maintenance of adequate chemicals or other supplies and spare parts necessary for continued operations of sewerage facilities.
  - c. Provisions of emergency standby power.
  - d. Protection against vandalism.
  - e. Expeditious action to repair failures of, or damage to, equipment and sewer lines.
  - f. Report of spills and discharges of untreated or inadequately treated wastes, including measures taken to clean up the effects of such discharges.
  - g. Programs for maintenance, replacement, and surveillance of physical condition of equipment, facilities, and sewer lines.
2. **Spill Prevention Plan** - The Discharger shall maintain a Spill Prevention Plan to prevent accidental discharges and minimize the effects of such events. The Spill Prevention Plan shall:
- a. Identify the possible sources of accidental discharge, untreated or partially treated waste bypass, and polluted drainage;
  - b. Evaluate the effectiveness of present facilities and procedures, and state when they became operational; and
  - c. Predict the effectiveness of the proposed facilities and procedures, and provide an implementation schedule containing interim and final dates when they will be constructed, implemented, or operational.

This Regional Water Board, after review of the Contingency and Spill Prevention Plans or their updated revisions, may establish conditions it deems necessary to control accidental discharges and to minimize the effects of such events. Such conditions may be incorporated as part of the permit upon notice to the Discharger.

**D. Proper Operation & Maintenance – This supplements I.D of Standard Provisions (Attachment D)**

- 1. **Operation and Maintenance (O&M) Manual** - The Discharger shall maintain an O&M Manual to provide the plant and regulatory personnel with a source of information describing all equipment, recommended operational strategies, process control monitoring, and maintenance activities. To remain a useful and relevant document, the O&M Manual shall be kept updated to reflect significant changes in treatment facility equipment and operational practices. The O&M Manual shall be maintained in usable condition and be available for reference and use by all relevant personnel and Regional Water Board staff.
- 2. **Wastewater Facilities Status Report** - The Discharger shall regularly review, revise, or update, as necessary, its Wastewater Facilities Status Report. This report shall document how the Discharger operates and maintains its wastewater collection, treatment, and disposal facilities to ensure that all facilities are adequately staffed, supervised, financed, operated,

maintained, repaired, and upgraded as necessary to provide adequate and reliable transport, treatment, and disposal of all wastewater from both existing and planned future wastewater sources under the Discharger's service responsibilities.

3. **Proper Supervision and Operation of Publicly Owned Treatment Works (POTWs) -** POTWs shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Division 4, Chapter 14, Title 23 of the California Code of Regulations.

**E. Property Rights – Not Supplemented**

**F. Inspection and Entry – Not Supplemented**

**G. Bypass – Not Supplemented**

**H. Upset – Not Supplemented**

**I. Other – This section is an addition to Standard Provisions (Attachment D)**

1. Neither the treatment nor the discharge of pollutants shall create pollution, contamination, or nuisance as defined by California Water Code Section 13050.
2. Collection, treatment, storage, and disposal systems shall be operated in a manner that precludes public contact with wastewater, except in cases where excluding the public is infeasible, such as private property. If public contact with wastewater could reasonably occur on public property, warning signs shall be posted.
3. If the Discharger submits a timely and complete Report of Waste Discharge for permit reissuance, this permit continues in force and effect until a new permit is issued or the Regional Water Board rescinds the permit.

**J. Storm Water – This section is an addition to Standard Provisions (Attachment D)**

These provisions apply to facilities that do not direct all storm water flows from the facility to the wastewater treatment plant headworks.

**1. Storm Water Pollution Prevention Plan (SWPP Plan)**

The SWPP Plan shall be designed in accordance with good engineering practices and shall address the following objectives:

- a. To identify pollutant sources that may affect the quality of storm water discharges; and
- b. To identify, assign, and implement control measures and management practices to reduce pollutants in storm water discharges.

The SWPP Plan may be combined with the existing Spill Prevention Plan as required in accordance with Section C.2. The SWPP Plan shall be retained on-site and made available upon request of a representative of the Regional Water Board.

## 2. Source Identification

The SWPP Plan shall provide a description of potential sources that may be expected to add significant quantities of pollutants to storm water discharges, or may result in non-storm water discharges from the facility. The SWPP Plan shall include, at a minimum, the following items:

- a. A topographical map (or other acceptable map if a topographical map is unavailable), extending one-quarter mile beyond the property boundaries of the facility, showing the wastewater treatment facility process areas, surface water bodies (including springs and wells), and discharge point(s) where the facility's storm water discharges to a municipal storm drain system or other points of discharge to waters of the State. The requirements of this paragraph may be included in the site map required under the following paragraph if appropriate.
- b. A site map showing the following:
  - 1) Storm water conveyance, drainage, and discharge structures;
  - 2) An outline of the storm water drainage areas for each storm water discharge point;
  - 3) Paved areas and buildings;
  - 4) Areas of actual or potential pollutant contact with storm water or release to storm water, including but not limited to outdoor storage and process areas; material loading, unloading, and access areas; and waste treatment, storage, and disposal areas;
  - 5) Location of existing storm water structural control measures (i.e., berms, coverings, etc.);
  - 6) Surface water locations, including springs and wetlands; and
  - 7) Vehicle service areas.
- c. A narrative description of the following:
  - 1) Wastewater treatment process activity areas;
  - 2) Materials, equipment, and vehicle management practices employed to minimize contact of significant materials of concern with storm water discharges;
  - 3) Material storage, loading, unloading, and access areas;
  - 4) Existing structural and non-structural control measures (if any) to reduce pollutants in storm water discharges; and
  - 5) Methods of on-site storage and disposal of significant materials.

- d. A list of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities.

### 3. Storm Water Management Controls

The SWPP Plan shall describe the storm water management controls appropriate for the facility and a time schedule for fully implementing such controls. The appropriateness and priorities of controls in the SWPP Plan shall reflect identified potential sources of pollutants. The description of storm water management controls to be implemented shall include, as appropriate:

- a. Storm water pollution prevention personnel

Identify specific individuals (and job titles) that are responsible for developing, implementing, and reviewing the SWPP Plan.

- b. Good housekeeping

Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm drain conveyance system.

- c. Spill prevention and response

Identify areas where significant materials can spill into or otherwise enter storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, and cleanup equipment and procedures shall be identified, as appropriate. The necessary equipment to implement a cleanup shall be available, and personnel shall be trained in proper response, containment, and cleanup of spills. Internal reporting procedures for spills of significant materials shall be established.

- d. Source control

Source controls include, for example, elimination or reduction of the use of toxic pollutants, covering of pollutant source areas, sweeping of paved areas, containment of potential pollutants, labeling of all storm drain inlets with “No Dumping” signs, isolation or separation of industrial and non-industrial pollutant sources so that runoff from these areas does not mix, etc.

- e. Storm water management practices

Storm water management practices are practices other than those that control the sources of pollutants. Such practices include treatment or conveyance structures, such as drop inlets, channels, retention and detention basins, treatment vaults, infiltration galleries, filters, oil/water separators, etc. Based on assessment of the potential of various sources to contribute pollutants to storm water discharges in significant quantities, additional storm water management practices to remove pollutants from storm water discharges shall be implemented and design criteria shall be described.

f. Sediment and erosion control

Measures to minimize erosion around the storm water drainage and discharge points, such as riprap, revegetation, slope stabilization, etc., shall be described.

g. Employee training

Employee training programs shall inform all personnel responsible for implementing the SWPP Plan. Training shall address spill response, good housekeeping, and material management practices. New employee and refresher training schedules shall be identified.

h. Inspections

All inspections shall be done by trained personnel. Material handling areas shall be inspected for evidence of, or the potential for, pollutants entering storm water discharges. A tracking or follow up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded. Inspection records shall be retained for five years.

i. Records

A tracking and follow-up procedure shall be described to ensure that adequate response and corrective actions have been taken in response to inspections.

**4. Annual Verification of SWPP Plan**

An annual facility inspection shall be conducted to verify that all elements of the SWPP Plan are accurate and up-to-date. The results of this review shall be reported in the Annual Report to the Regional Water Board described in Section V.C.f.

**K. Biosolids Management – This section is an addition to Standard Provisions (Attachment D)**

Biosolids must meet the following requirements prior to land application. The Discharger must either demonstrate compliance or, if it sends the biosolids to another party for further treatment or distribution, must give the recipient the information necessary to ensure compliance.

1. Exceptional quality biosolids meet the pollutant concentration limits in Table III of 40 CFR Part 503.13, Class A pathogen limits, and one of the vector attraction reduction requirements in 503.33(b)(1)-(b)(8). Such biosolids do not have to be tracked further for compliance with general requirements (503.12) and management practices (503.14).
2. Biosolids used for agricultural land, forest, or reclamation shall meet the pollutant limits in Table I (ceiling concentrations) and Table II or Table III (cumulative loadings or pollutant concentration limits) of 503.13. They shall also meet the general requirements (503.12) and management practices (503.14) (if not exceptional quality biosolids) for Class A or Class B pathogen levels with associated access restrictions (503.32) and one of the 10 vector attraction reduction requirements in 503.33(b)(1)-(b)(10).
3. Biosolids used for lawn or home gardens must meet exceptional quality biosolids limits.

4. Biosolids sold or given away in a bag or other container must meet the pollutant limits in either Table III or Table IV (pollutant concentration limits or annual pollutant loading rate limits) of 503.13. If Table IV is used, a label or information sheet must be attached to the biosolids packing that explains Table IV (see 503.14). The biosolids must also meet the Class A pathogen limits and one of the vector attraction reduction requirements in 503.33(b)(1)-(b)(8).

## **II. STANDARD PROVISIONS – PERMIT ACTION – Not Supplemented**

## **III. STANDARD PROVISIONS – MONITORING**

### **A. Sampling and Analyses – This section is a supplement to III.A and III.B of Standard Provisions (Attachment D)**

#### **1. Use of Certified Laboratories**

Water and waste analyses shall be performed by a laboratory certified for these analyses in accordance with California Water Code Section 13176.

#### **2. Use of Appropriate Minimum Levels**

Table C lists the suggested analytical methods for the 126 priority pollutants and other toxic pollutants that should be used, unless a particular method or minimum level (ML) is required in the MRP.

For priority pollutant monitoring, when there is more than one ML value for a given substance, the Discharger may select any one of the analytical methods cited in Table C for compliance determination, or any other method described in 40 CFR part 136 or approved by USEPA (such as the 1600 series) if authorized by the Regional Water Board. However, the ML must be below the effluent limitation and water quality objective. If no ML value is below the effluent limitation and water quality objective, then the method must achieve an ML no greater than the lowest ML value indicated in Table C. All monitoring instruments and equipment shall be properly calibrated and maintained to ensure accuracy of measurements.

#### **3. Frequency of Monitoring**

The minimum schedule of sampling analysis is specified in the MRP portion of the permit.

##### **a. Timing of Sample Collection**

- 1) The Discharger shall collect samples of influent on varying days selected at random and shall not include any plant recirculation or other sidestream wastes, unless otherwise stipulated by the MRP.
- 2) The Discharger shall collect samples of effluent on days coincident with influent sampling unless otherwise stipulated by the MRP or the Executive Officer. The Executive Officer may approve an alternative sampling plan if it is demonstrated to be representative of plant discharge flow and in compliance with all other permit requirements.

- 3) The Discharger shall collect grab samples of effluent during periods of day-time maximum peak effluent flows (or peak flows through secondary treatment units for facilities that recycle effluent flows).
  - 4) Effluent sampling for conventional pollutants shall occur on at least one day of any multiple-day bioassay test the MRP requires. During the course of the test, on at least one day, the Discharger shall collect and retain samples of the discharge. In the event a bioassay test does not comply with permit limits, the Discharger shall analyze these retained samples for pollutants that could be toxic to aquatic life and for which it has effluent limits.
    - i. The Discharger shall perform bioassay tests on final effluent samples; when chlorine is used for disinfection, bioassay tests shall be performed on effluent after chlorination-dechlorination; and
    - ii. The Discharger shall analyze for total ammonia nitrogen and calculate the amount of un-ionized ammonia whenever test results fail to meet the percent survival specified in the permit.
- b. Conditions Triggering Accelerated Monitoring
- 1) If the results from two consecutive samples of a constituent monitored in a 30-day period exceed the monthly average limit for any parameter (or if the required sampling frequency is once per month and the monthly sample exceeds the monthly average limit), the Discharger shall, within 24 hours after the results are received, increase its sampling frequency to daily until the results from the additional sampling show that the parameter is in compliance with the monthly average limit.
  - 2) If any maximum daily limit is exceeded, the Discharger shall increase its sampling frequency to daily within 24 hours after the results are received that indicate the exceedance of the maximum daily limit until two samples collected on consecutive days show compliance with the maximum daily limit.
  - 3) If final or intermediate results of an acute bioassay test indicate a violation or threatened violation (e.g., the percentage of surviving test organisms of any single acute bioassay test is less than 70 percent), the Discharger shall initiate a new test as soon as practical, and the Discharger shall investigate the cause of the mortalities and report its findings in the next self monitoring report (SMR).
  - 4) The Discharger shall calibrate chlorine residual analyzers against grab samples as frequently as necessary to maintain accurate control and reliable operation. If an effluent violation is detected, the Discharger shall collect grab samples at least every 30 minutes until compliance with the limit is achieved, unless the Discharger monitors chlorine residual continuously. In such cases, the Discharger shall continue to conduct continuous monitoring as required by its permit.
  - 5) When a bypass occurs (except one subject to provision III.A.3.b.6 below), the Discharger shall monitor flows and collect samples on a daily basis for all constituents at affected discharge points that have effluent limits for the duration of

the bypass (including acute toxicity using static renewals), except chronic toxicity, unless otherwise stipulated by the MRP.

- 6) Unless otherwise stipulated by the MRP, when a bypass approved pursuant to Attachment D, Standard Provisions, Sections I.G.2 or I.G.4, occurs, the Discharger shall monitor flows and, using appropriate procedures as specified in the MRP, collect and retain samples for affected discharge points on a daily basis for the duration of the bypass. The Discharger shall analyze for total suspended solids (TSS) using 24-hour composites (or more frequent increments) and for bacteria indicators with effluent limits using grab samples. If TSS exceeds 45 mg/L in any composite sample, the Discharger shall also analyze the retained samples for that discharge for all other constituents that have effluent limits, except oil and grease, mercury, dioxin-TEQ, and acute and chronic toxicity. Additionally, at least once each year, the Discharger shall analyze the retained samples for one approved bypass discharge event for all other constituents that have effluent limits, except oil and grease, mercury, dioxin-TEQ, and acute and chronic toxicity. This monitoring shall be in addition to the minimum monitoring specified in the MRP.

c. Storm Water Monitoring

The requirements of this section only apply to facilities that are not covered by an NPDES permit for storm water discharges and where not all site storm drainage from process areas (i.e., areas of the treatment facility where chemicals or wastewater could come in contact with storm water) is directed to the headworks. For storm water not directed to the headworks during the wet season (October 1 to April 30), the Discharger shall:

- 1) Conduct visual observations of the storm water discharge locations during daylight hours at least once per month during a storm event that produces significant storm water discharge to observe the presence of floating and suspended materials, oil and grease, discoloration, turbidity, and odor, etc.
- 2) Measure (or estimate) the total volume of storm water discharge, collect grab samples of storm water discharge from at least two storm events that produce significant storm water discharge, and analyze the samples for oil and grease, pH, TSS, and specific conductance.

The grab samples shall be taken during the first 30 minutes of the discharge. If collection of the grab samples during the first 30 minutes is impracticable, grab samples may be taken during the first hour of the discharge, and the Discharger shall explain in the Annual Report why the grab sample(s) could not be taken in the first 30 minutes.

- 3) Testing for the presence of non-storm water discharges shall be conducted no less than twice during the dry season (May 1 to September 30) at all storm water discharge locations. Tests may include visual observations of flows, stains, sludges, odors, and other abnormal conditions; dye tests; TV line surveys; or analysis and validation of accurate piping schematics. Records shall be maintained describing the method used, date of testing, locations observed, and test results.

- 4) Samples shall be collected from all locations where storm water is discharged. Samples shall represent the quality and quantity of storm water discharged from the facility. If a facility discharges storm water at multiple locations, the Discharger may sample a reduced number of locations if it establishes and documents through the monitoring program that storm water discharges from different locations are substantially identical.
- 5) Records of all storm water monitoring information and copies of all reports required by the permit shall be retained for a period of at least three years from the date of sample, observation, or report.

d. Receiving Water Monitoring

The requirements of this section only apply when the MRP requires receiving water sampling.

- 1) Receiving water samples shall be collected on days coincident with effluent sampling for conventional pollutants.
- 2) Receiving water samples shall be collected at each station on each sampling day during the period within one hour following low slack water. Where sampling during lower slack water is impractical, sampling shall be performed during higher slack water. Samples shall be collected within the discharge plume and down current of the discharge point so as to be representative, unless otherwise stipulated in the MRP.
- 3) Samples shall be collected within one foot of the surface of the receiving water, unless otherwise stipulated in the MRP.

**B. Biosolids Monitoring – This section supplements III.B of Standard Provisions (Attachment D)**

When biosolids are sent to a landfill, sent to a surface disposal site, or applied to land as a soil amendment, they must be monitored as follows:

**1. Biosolids Monitoring Frequency**

Biosolids disposal must be monitored at the following frequency:

| <b>Metric tons biosolids/365 days</b> | <b>Frequency</b>   |
|---------------------------------------|--------------------|
| 0-290                                 | Once per year      |
| 290-1500                              | Quarterly          |
| 1500-15,000                           | Six times per year |
| Over 15,000                           | Once per month     |

(Metric tons are on a dry weight basis)

## 2. Biosolids Pollutants to Monitor

Biosolids shall be monitored for the following constituents:

Land Application: arsenic, cadmium, copper, mercury, molybdenum, nickel, lead, selenium, and zinc

Municipal Landfill: Paint filter test (pursuant to 40 CFR 258)

Biosolids-only Landfill or Surface Disposal Site (if no liner and leachate system): arsenic, chromium, and nickel

## C. Standard Observations – This section is an addition to III of Standard Provisions (Attachment D)

### 1. Receiving Water Observations

The requirements of this section only apply when the MRP requires standard observations of the receiving water. Standard observations shall include the following:

- a. *Floating and suspended materials* (e.g., oil, grease, algae, and other macroscopic particulate matter): presence or absence, source, and size of affected area.
- b. *Discoloration and turbidity*: description of color, source, and size of affected area.
- c. *Odor*: presence or absence, characterization, source, distance of travel, and wind direction.
- d. *Beneficial water use*: presence of water-associated waterfowl or wildlife, fisherpeople, and other recreational activities in the vicinity of each sampling station.
- e. *Hydrographic condition*: time and height of corrected high and low tides (corrected to nearest National Oceanic and Atmospheric Administration location for the sampling date and time of sample collection).
- f. *Weather conditions*:
  - 1) Air temperature; and
  - 2) Total precipitation during the five days prior to observation.

### 2. Wastewater Effluent Observations

The requirements of this section only apply when the MRP requires wastewater effluent standard observations. Standard observations shall include the following:

- a. *Floating and suspended material of wastewater origin* (e.g., oil, grease, algae, and other macroscopic particulate matter): presence or absence.
- b. *Odor*: presence or absence, characterization, source, distance of travel, and wind direction.

### 3. Beach and Shoreline Observations

The requirements of this section only apply when the MRP requires beach and shoreline standard observations. Standard observations shall include the following:

- a. *Material of wastewater origin*: presence or absence, description of material, estimated size of affected area, and source.
- b. *Beneficial use*: estimate number of people participating in recreational water contact, non-water contact, or fishing activities.

### 4. Land Retention or Disposal Area Observations

The requirements of this section only apply to facilities with on-site surface impoundments or disposal areas that are in use. This section applies to both liquid and solid wastes, whether confined or unconfined. The Discharger shall conduct the following for each impoundment:

- a. Determine the amount of freeboard at the lowest point of dikes confining liquid wastes.
- b. Report evidence of leaching liquid from area of confinement and estimated size of affected area. Show affected area on a sketch and volume of flow (e.g., gallons per minute [gpm]).
- c. Regarding odor, describe presence or absence, characterization, source, distance of travel, and wind direction.
- d. Estimate number of waterfowl and other water-associated birds in the disposal area and vicinity.

### 5. Periphery of Waste Treatment and/or Disposal Facilities Observations

The requirements of this section only apply when the MRP specifies periphery standard observations. Standard observations shall include the following:

- a. *Odor*: presence or absence, characterization, source, and distance of travel.
- b. *Weather conditions*: wind direction and estimated velocity.

## IV. STANDARD PROVISIONS – RECORDS

### A. Records to be Maintained – This supplements IV.A of Standard Provisions (Attachment D)

The Discharger shall maintain records in a manner and at a location (e.g., wastewater treatment plant or Discharger offices) such that the records are accessible to Regional Water Board staff. The minimum period of retention specified in Section IV, Records, of the Federal Standard Provisions shall be extended during the course of any unresolved litigation regarding the subject discharge, or when requested by the Regional Water Board or Regional Administrator of USEPA, Region IX.

A copy of the permit shall be maintained at the discharge facility and be available at all times to operating personnel.

**B. Records of monitoring information shall include – This supplements IV.B of Standard Provision (Attachment D)**

**1. Analytical Information**

Records shall include analytical method detection limits, minimum levels, reporting levels, and related quantification parameters.

**2. Flow Monitoring Data**

For all required flow monitoring (e.g., influent and effluent flows), the additional records shall include the following, unless otherwise stipulated by the MRP:

- a. Total volume for each day; and
- b. Maximum, minimum, and average daily flows for each calendar month.

**3. Wastewater Treatment Process Solids**

- a. For each treatment unit process that involves solids removal from the wastewater stream, records shall include the following:
  - 1) Total volume or mass of solids removed from each collection unit (e.g., grit, skimmings, undigested biosolids, or combination) for each calendar month or other time period as appropriate, but not to exceed annually; and
  - 2) Final disposition of such solids (e.g., landfill, other subsequent treatment unit).
- b. For final dewatered biosolids from the treatment plant as a whole, records shall include the following:
  - 1) Total volume or mass of dewatered biosolids for each calendar month;
  - 2) Solids content of the dewatered biosolids; and
  - 3) Final disposition of dewatered biosolids (disposal location and disposal method).

**4. Disinfection Process**

For the disinfection process, these additional records shall be maintained documenting process operation and performance:

- a. For bacteriological analyses:
  - 1) Wastewater flow rate at the time of sample collection; and

- 2) Required statistical parameters for cumulative bacterial values (e.g., moving median or geometric mean for the number of samples or sampling period identified in this Order).
- b. For the chlorination process, when chlorine is used for disinfection, at least daily average values for the following:
    - 1) Chlorine residual of treated wastewater as it enters the contact basin (mg/L);
    - 2) Chlorine dosage (kg/day); and
    - 3) Dechlorination chemical dosage (kg/day).

#### **5. Treatment Process Bypasses**

A chronological log of all treatment process bypasses, including wet weather blending, shall include the following:

- a. Identification of the treatment process bypassed;
- b. Dates and times of bypass beginning and end;
- c. Total bypass duration;
- d. Estimated total bypass volume; and
- e. Description of, or reference to other reports describing, the bypass event, the cause, the corrective actions taken (except for wet weather blending that is in compliance with permit conditions), and any additional monitoring conducted.

#### **6. Treatment Facility Overflows**

This section applies to records for overflows at the treatment facility. This includes the headworks and all units and appurtenances downstream. The Discharger shall retain a chronological log of overflows at the treatment facility and records supporting the information provided in section V.E.2.

#### **C. Claims of Confidentiality – Not Supplemented**

### **V. STANDARD PROVISIONS – REPORTING**

#### **A. Duty to Provide Information – Not Supplemented**

#### **B. Signatory and Certification Requirements – Not Supplemented**

**C. Monitoring Reports – This section supplements V.C of Standard Provisions (Attachment D)**

**1. Self Monitoring Reports**

For each reporting period established in the MRP, the Discharger shall submit an SMR to the Regional Water Board in accordance with the requirements listed in this document and at the frequency the MRP specifies. The purpose of the SMR is to document treatment performance, effluent quality, and compliance with the waste discharge requirements of this Order.

a. Transmittal letter

Each SMR shall be submitted with a transmittal letter. This letter shall include the following:

- 1) Identification of all violations of effluent limits or other waste discharge requirements found during the reporting period;
- 2) Details regarding violations: parameters, magnitude, test results, frequency, and dates;
- 3) Causes of violations;
- 4) Discussion of corrective actions taken or planned to resolve violations and prevent recurrences, and dates or time schedule of action implementation (if previous reports have been submitted that address corrective actions, reference to the earlier reports is satisfactory);
- 5) Data invalidation (Data should not be submitted in an SMR if it does not meet quality assurance/quality control standards. However, if the Discharger wishes to invalidate any measurement after it was submitted in an SMR, a letter shall identify the measurement suspected to be invalid and state the Discharger's intent to submit, within 60 days, a formal request to invalidate the measurement. This request shall include the original measurement in question, the reason for invalidating the measurement, all relevant documentation that supports invalidation [e.g., laboratory sheet, log entry, test results, etc.], and discussion of the corrective actions taken or planned [with a time schedule for completion] to prevent recurrence of the sampling or measurement problem.);
- 6) If the Discharger blends, the letter shall describe the duration of blending events and certify whether blended effluent was in compliance with the conditions for blending; and
- 7) Signature (The transmittal letter shall be signed according to Section V.B of this Order, Attachment D – Standard Provisions.).

b. Compliance evaluation summary

Each report shall include a compliance evaluation summary. This summary shall include each parameter for which the permit specifies effluent limits, the number of

samples taken during the monitoring period, and the number of samples that exceed applicable effluent limits.

c. Results of analyses and observations

- 1) Tabulations of all required analyses and observations, including parameter, date, time, sample station, type of sample, test result, method detection limit, method minimum level, and method reporting level, if applicable, signed by the laboratory director or other responsible official.
- 2) When determining compliance with an average monthly effluent limitation and more than one sample result is available in a month, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of detected but not quantified (DNQ) or nondetect (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:
  - i. The data set shall be ranked from low to high, reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
  - ii. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

If a sample result, or the arithmetic mean or median of multiple sample results, is below the reporting limit, and there is evidence that the priority pollutant is present in the effluent above an effluent limitation and the Discharger conducts a Pollutant Minimization Program, the Discharger shall not be deemed out of compliance.

- 3) Dioxin-TEQ Reporting: The Discharger shall report for each dioxin and furan congener the analytical results of effluent monitoring, including the quantifiable limit (reporting level), the method detection limit, and the measured concentration. The Discharger shall report all measured values of individual congeners, including data qualifiers. When calculating dioxin-TEQ, the Discharger shall set congener concentrations below the minimum levels (ML) to zero. The Discharger shall calculate and report dioxin-TEQs using the following formula, where the MLs, toxicity equivalency factors (TEFs), and bioaccumulation equivalency factors (BEFs) are as provided in Table A:

$$\text{Dioxin-TEQ} = \Sigma (C_x \times \text{TEF}_x \times \text{BEF}_x)$$

where:  $C_x$  = measured or estimated concentration of congener  $x$   
 $\text{TEF}_x$  = toxicity equivalency factor for congener  $x$   
 $\text{BEF}_x$  = bioaccumulation equivalency factor for congener  $x$

**Table A**

Minimum Levels, Toxicity Equivalency Factors,  
and Bioaccumulation Equivalency Factors

| <b>Dioxin or Furan Congener</b> | <b>Minimum Level (pg/L)</b> | <b>1998 Toxicity Equivalency Factor (TEF)</b> | <b>Bioaccumulation Equivalency Factor (BEF)</b> |
|---------------------------------|-----------------------------|---|---|
| 2,3,7,8-TCDD                    | 10                          | 1.0   | 1.0   |
| 1,2,3,7,8-PeCDD                 | 50                          | 1.0   | 0.9   |
| 1,2,3,4,7,8-HxCDD               | 50                          | 0.1   | 0.3   |
| 1,2,3,6,7,8-HxCDD               | 50                          | 0.1   | 0.1   |
| 1,2,3,7,8,9-HxCDD               | 50                          | 0.1   | 0.1   |
| 1,2,3,4,6,7,8-HpCDD             | 50                          | 0.01  | 0.05  |
| OCDD                            | 100                         | 0.0001  | 0.01  |
| 2,3,7,8-TCDF                    | 10                          | 0.1   | 0.8   |
| 1,2,3,7,8-PeCDF                 | 50                          | 0.05  | 0.2   |
| 2,3,4,7,8-PeCDF                 | 50                          | 0.5   | 1.6   |
| 1,2,3,4,7,8-HxCDF               | 50                          | 0.1   | 0.08  |
| 1,2,3,6,7,8-HxCDF               | 50                          | 0.1   | 0.2   |
| 1,2,3,7,8,9-HxCDF               | 50                          | 0.1   | 0.6   |
| 2,3,4,6,7,8-HxCDF               | 50                          | 0.1   | 0.7   |
| 1,2,3,4,6,7,8-HpCDF             | 50                          | 0.01  | 0.01  |
| 1,2,3,4,7,8,9-HpCDF             | 50                          | 0.01  | 0.4   |
| OCDF                            | 100                         | 0.0001  | 0.02  |

d. Data reporting for results not yet available

The Discharger shall make all reasonable efforts to obtain analytical data for required parameter sampling in a timely manner. Certain analyses require additional time to complete analytical processes and report results. For cases where required monitoring parameters require additional time to complete analytical processes and reports, and results are not available in time to be included in the SMR for the subject monitoring period, the Discharger shall describe such circumstances in the SMR and include the data for these parameters and relevant discussions of any observed exceedances in the next SMR due after the results are available.

e. Flow data

The Discharger shall provide flow data tabulation pursuant to Section IV.B.2.

f. Annual self monitoring report requirements

By the date specified in the MRP, the Discharger shall submit an annual report to the Regional Water Board covering the previous calendar year. The report shall contain the following:

- 1) Annual compliance summary table of treatment plant performance, including documentation of any blending events;
- 2) Comprehensive discussion of treatment plant performance and compliance with the permit (This discussion shall include any corrective actions taken or planned, such as changes to facility equipment or operation practices that may be needed to achieve compliance, and any other actions taken or planned that are intended to improve performance and reliability of the Discharger's wastewater collection, treatment, or disposal practices.);
- 3) Both tabular and graphical summaries of the monitoring data for the previous year if parameters are monitored at a frequency of monthly or greater;
- 4) List of approved analyses, including the following:
  - (i) List of analyses for which the Discharger is certified;
  - (ii) List of analyses performed for the Discharger by a separate certified laboratory (copies of reports signed by the laboratory director of that laboratory shall not be submitted but be retained onsite); and
  - (iii) List of "waived" analyses, as approved;
- 5) Plan view drawing or map showing the Discharger's facility, flow routing, and sampling and observation station locations;
- 6) Results of annual facility inspection to verify that all elements of the SWPP Plan are accurate and up to date (only required if the Discharger does not route all storm water to the headworks of its wastewater treatment plant); and
- 7) Results of facility report reviews (The Discharger shall regularly review, revise, and update, as necessary, the O&M Manual, the Contingency Plan, the Spill Prevention Plan, and Wastewater Facilities Status Report so that these documents remain useful and relevant to current practices. At a minimum, reviews shall be conducted annually. The Discharger shall include, in each Annual Report, a description or summary of review and evaluation procedures, recommended or planned actions, and an estimated time schedule for implementing these actions. The Discharger shall complete changes to these documents to ensure they are up-to-date.).

g. Report submittal

The Discharger shall submit SMRs to:

California Regional Water Quality Control Board  
 San Francisco Bay Region  
 1515 Clay Street, Suite 1400  
 Oakland, CA 94612  
 Attn: NPDES Wastewater Division

h. Reporting data in electronic format

The Discharger has the option to submit all monitoring results in an electronic reporting format approved by the Executive Officer. If the Discharger chooses to submit SMRs electronically, the following shall apply:

- 1) *Reporting Method*: The Discharger shall submit SMRs electronically via a process approved by the Executive Officer (see, for example, the letter dated December 17, 1999, "Official Implementation of Electronic Reporting System [ERS]" and the progress report letter dated December 17, 2000).
- 2) *Monthly or Quarterly Reporting Requirements*: For each reporting period (monthly or quarterly as specified in the MRP), the Discharger shall submit an electronic SMR to the Regional Water Board in accordance with the provisions of Section V.C.1.a-e, except for requirements under Section V.C.1.c(1) where ERS does not have fields for dischargers to input certain information (e.g., sample time). However, until USEPA approves the electronic signature or other signature technologies, Dischargers that use ERS shall submit a hard copy of the original transmittal letter, an ERS printout of the data sheet, and a violation report (a receipt of the electronic transmittal shall be retained by the Discharger). This electronic SMR submittal suffices for the signed tabulations specified under Section V.C.1.c(1).
- 3) *Annual Reporting Requirements*: Dischargers who have submitted data using the ERS for at least one calendar year are exempt from submitting the portion of the annual report required under Section V.C.1.f(1) and (3).

**D. Compliance Schedules – Not supplemented**

**E. Twenty-Four Hour Reporting – This section supplements V.E of Standard Provision (Attachment D)**

**1. Spill of Oil or Other Hazardous Material Reports**

- a. Within 24 hours of becoming aware of a spill of oil or other hazardous material that is not contained onsite and completely cleaned up, the Discharger shall report by telephone to the Regional Water Board at (510) 622-2369.
- b. The Discharger shall also report such spills to the State Office of Emergency Services [telephone (800) 852-7550] only when the spills are in accordance with applicable reporting quantities for hazardous materials.
- c. The Discharger shall submit a written report to the Regional Water Board within five working days following telephone notification unless directed otherwise by Regional Water Board staff. A report submitted electronically is acceptable. The written report shall include the following:
  - 1) Date and time of spill, and duration if known;
  - 2) Location of spill (street address or description of location);

- 3) Nature of material spilled;
- 4) Quantity of material involved;
- 5) Receiving water body affected, if any;
- 6) Cause of spill;
- 7) Estimated size of affected area;
- 8) Observed impacts to receiving waters (e.g., oil sheen, fish kill, water discoloration);
- 9) Corrective actions taken to contain, minimize, or clean up the spill;
- 10) Future corrective actions planned to be taken to prevent recurrence, and schedule of implementation; and
- 11) Persons or agencies notified.

## 2. **Unauthorized Discharges from Municipal Wastewater Treatment Plants**<sup>1</sup>

The following requirements apply to municipal wastewater treatment plants that experience an unauthorized discharge at their treatment facilities and are consistent with and supercede requirements imposed on the Discharger by the Executive Officer by letter of May 1, 2008, issued pursuant to California Water Code Section 13383.

### a. Two (2)-Hour Notification

For any unauthorized discharges that result in a discharge to a drainage channel or a surface water, the Discharger shall, as soon as possible, but not later than two (2) hours after becoming aware of the discharge, notify the State Office of Emergency Services (telephone 800-852-7550), the local health officers or directors of environmental health with jurisdiction over the affected water bodies, and the Regional Water Board. The notification to the Regional Water Board shall be via the Regional Water Board's online reporting system at [www.wbers.net](http://www.wbers.net), and shall include the following:

- 1) Incident description and cause;
- 2) Location of threatened or involved waterway(s) or storm drains;
- 3) Date and time the unauthorized discharge started;
- 4) Estimated quantity and duration of the unauthorized discharge (to the extent known), and the estimated amount recovered;

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<sup>1</sup> California Code of Regulations, Title 23, Section 2250(b), defines an unauthorized discharge to be a discharge, not regulated by waste discharge requirements, of treated, partially treated, or untreated wastewater resulting from the intentional or unintentional diversion of wastewater from a collection, treatment or disposal system.

- 5) Level of treatment prior to discharge (e.g., raw wastewater, primary treated, undisinfected secondary treated, and so on); and
- 6) Identity of the person reporting the unauthorized discharge.

b. 24-hour Certification

Within 24 hours, the Discharger shall certify to the Regional Water Board, at [www.wbers.net](http://www.wbers.net), that the State Office of Emergency Services and the local health officers or directors of environmental health with jurisdiction over the affected water bodies have been notified of the unauthorized discharge.

c. 5-Day Written Report

Within five business days, the Discharger shall submit a written report, via the Regional Water Board's online reporting system at [www.wbers.net](http://www.wbers.net), that includes, in addition to the information required above, the following:

- 1) Methods used to delineate the geographical extent of the unauthorized discharge within receiving waters;
- 2) Efforts implemented to minimize public exposure to the unauthorized discharge;
- 3) Visual observations of the impacts (if any) noted in the receiving waters (e.g., fish kill, discoloration of water) and the extent of sampling if conducted;
- 4) Corrective measures taken to minimize the impact of the unauthorized discharge;
- 5) Measures to be taken to minimize the chances of a similar unauthorized discharge occurring in the future;
- 6) Summary of Spill Prevention Plan or O&M Manual modifications to be made, if necessary, to minimize the chances of future unauthorized discharges; and
- 7) Quantity and duration of the unauthorized discharge, and the amount recovered.

d. Communication Protocol

To clarify the multiple levels of notification, certification, and reporting, the current communication requirements for unauthorized discharges from municipal wastewater treatment plants are summarized in Table B that follows.

**Table B**

Summary of Communication Requirements for Unauthorized Discharges<sup>1</sup> from  
Municipal Wastewater Treatment Plants

| <b>Discharger is required to:</b> | <b>Agency Receiving Information</b>              | <b>Time frame</b>   | <b>Method for Contact</b>   |
|-----------------------------------|--|---|---|
| 1. Notify                         | California Emergency Management Agency (Cal EMA) | As soon as possible, but not later than <b>2 hours</b> after becoming aware of the unauthorized discharge.  | Telephone – (800) 852-7550 (obtain a control number from Cal EMA)           |
|                                   | Local health department                          | As soon as possible, but not later than <b>2 hours</b> after becoming aware of the unauthorized discharge.  | Depends on local health department  |
|                                   | Regional Water Board                             | As soon as possible, but not later than <b>2 hours</b> after becoming aware of the unauthorized discharge.  | Electronic <sup>2</sup><br><a href="http://www.wbers.net">www.wbers.net</a> |
| 2. Certify                        | Regional Water Board                             | As soon as possible, but not later than <b>24 hours</b> after becoming aware of the unauthorized discharge. | Electronic <sup>3</sup><br><a href="http://www.wbers.net">www.wbers.net</a> |
| 3. Report                         | Regional Water Board                             | Within <b>5 business days</b> of becoming aware of the unauthorized discharge.                              | Electronic <sup>4</sup><br><a href="http://www.wbers.net">www.wbers.net</a> |

- <sup>1</sup> California Code of Regulations, Title 23, Section 2250(b), defines an unauthorized discharge to be a discharge, not regulated by waste discharge requirements, of treated, partially treated, or untreated wastewater resulting from the intentional or unintentional diversion of wastewater from a collection, treatment or disposal system.
- <sup>2</sup> In the event that the Discharger is unable to provide online notification within 2 hours of becoming aware of an unauthorized discharge, it shall phone the Regional Water Board's spill hotline at (510) 622-2369 and convey the same information contained in the notification form. In addition, within 3 business days of becoming aware of the unauthorized discharge, the Discharger shall enter the notification information into the Regional Water Board's online system in electronic format.
- <sup>3</sup> In most instances, the 2-hour notification will also satisfy 24-hour certification requirements. This is because the notification form includes fields for documenting that OES and the local health department have been contacted. In other words, if the Discharger is able to complete all the fields in the notification form within 2 hours, certification requirements are also satisfied. In the event that the Discharger is unable to provide online certification within 24 hours of becoming aware of an unauthorized discharge, it shall phone the Regional Water Board's spill hotline at (510) 622-2369 and convey the same information contained in the certification form. In addition, within 3 business days of becoming aware of the unauthorized discharge, the Discharger shall enter the certification information into the Regional Water Board's online system in electronic format.
- <sup>4</sup> If the Discharger cannot satisfy the 5-day reporting requirements via the Regional Water Board's online reporting system, it shall submit a written report (preferably electronically in pdf) to the appropriate Regional Water Board case manager. In cases where the Discharger cannot satisfy the 5-day reporting requirements via the online reporting system, it must still complete the Regional Water Board's online reporting requirements within 15 calendar days of becoming aware of the unauthorized discharge.

**F. Planned Changes – Not supplemented****G. Anticipated Noncompliance – Not supplemented****H. Other Noncompliance – Not supplemented****I. Other Information – Not supplemented****VI. STANDARD PROVISIONS – ENFORCEMENT – Not Supplemented****VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS – Not Supplemented****VIII. DEFINITIONS – This section is an addition to Standard Provisions (Attachment D)**

More definitions can be found in Attachment A of this NPDES Permit.

1. Arithmetic Calculations

- a. Geometric mean is the antilog of the log mean or the back-transformed mean of the logarithmically transformed variables, which is equivalent to the multiplication of the antilogarithms. The geometric mean can be calculated with either of the following equations:

$$\text{Geometric Mean} = \text{Anti log} \left( \frac{1}{N} \sum_{i=1}^N \text{Log}(C_i) \right)$$

or

$$\text{Geometric Mean} = (C_1 * C_2 * \dots * C_N)^{1/N}$$

Where “N” is the number of data points for the period analyzed and “C” is the concentration for each of the “N” data points.

- b. Mass emission rate is obtained from the following calculation for any calendar day:

$$\text{Mass emission rate (lb/day)} = \frac{8.345}{N} \sum_{i=1}^N Q_i C_i$$

$$\text{Mass emission rate (kg/day)} = \frac{3.785}{N} \sum_{i=1}^N Q_i C_i$$

In which “N” is the number of samples analyzed in any calendar day and “Q<sub>i</sub>” and “C<sub>i</sub>” are the flow rate (MGD) and the constituent concentration (mg/L) associated with each of the “N” grab samples that may be taken in any calendar day. 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 the samples are composited. The daily concentration of a constituent measured over any calendar day shall be determined from the flow-weighted average of the same constituent in the combined waste streams as follows:

$$C_d = \text{Average daily concentration} = \frac{1}{Q_t} \sum_{i=1}^N Q_i C_i$$

In which “N” is the number of component waste streams and “Q” and “C” are the flow rate (MGD) and the constituent concentration (mg/L) associated with each of the “N” waste streams. “Q<sub>t</sub>” is the total flow rate of the combined waste streams.

- c. Maximum allowable mass emission rate, whether for a 24-hour, weekly 7-day, monthly 30-day, or 6-month period, is a limitation expressed as a daily rate determined with the formulas in the paragraph above, using the effluent concentration limit specified in the permit for the period and the specified allowable flow.
- d. POTW removal efficiency is the ratio of pollutants removed by the treatment facilities to pollutants entering the treatment facilities (expressed as a percentage). The Discharger shall determine removal efficiencies using monthly averages (by calendar month unless otherwise specified) of pollutant concentration of influent and effluent samples collected at about the same time and using the following equation (or its equivalent):

$$\text{Removal Efficiency (\%)} = 100 \times [1 - (\text{Effluent Concentration} / \text{Influent Concentration})]$$

2. Biosolids means the solids, semi-liquid suspensions of solids, residues, screenings, grit, scum, and precipitates separated from or created in wastewater by the unit processes of a treatment system. It also includes, but is not limited to, all supernatant, filtrate, centrate, decantate, and thickener overflow and underflow in the solids handling parts of the wastewater treatment system.
3. Blending is the practice of recombining wastewater that has been biologically treated with wastewater that has bypassed around biological treatment units.
4. Bottom sediment sample is (1) a separate grab sample taken at each sampling station for the determination of selected physical-chemical parameters, or (2) four grab samples collected from different locations in the immediate vicinity of a sampling station while the boat is anchored and analyzed separately for macroinvertebrates.
5. Composite sample is a sample composed of individual grab samples collected manually or by an automatic sampling device on the basis of time or flow as specified in the MRP. For flow-based composites, the proportion of each grab sample included in the composite sample shall be within plus or minus five percent (+/-5%) of the representative flow rate of the waste stream being measured at the time of grab sample collection. Alternatively, equal volume grab samples may be individually analyzed with the flow-weighted average calculated by averaging flow-weighted ratios of each grab sample analytical result. Grab samples comprising time-based composite samples shall be collected at intervals not greater than those specified in the MRP. The quantity of each grab sample comprising a time-based composite sample shall be a set of flow proportional volumes as specified in the MRP. If a particular time-based or flow-based composite sampling protocol is not specified in the MRP, the Discharger shall determine and implement the most representative sampling protocol for the given parameter subject to Executive Officer approval.
6. Depth-integrated sample is defined as a water or waste sample collected by allowing a sampling device to fill during a vertical traverse in the waste or receiving water body being sampled. The

Discharger shall collect depth-integrated samples in such a manner that the collected sample will be representative of the waste or water body at that sampling point.

7. Flow sample is an accurate measurement of the average daily flow volume using a properly calibrated and maintained flow measuring device.
8. Grab sample is an individual sample collected in a short period of time not exceeding 15 minutes. Grab samples represent only the condition that exists at the time the wastewater is collected.
9. Initial dilution is the process that results in the rapid and irreversible turbulent mixing of wastewater with receiving water around the point of discharge.
10. Overflow is the intentional or unintentional spilling or forcing out of untreated or partially treated wastes from a transport system (e.g., through manholes, at pump stations, and at collection points) upstream from the treatment plant headworks or from any part of a treatment plant facility.
11. Priority pollutants are those constituents referred to in 40 CFR Part 122 as promulgated in the Federal Register, Vol. 65, No. 97, Thursday, May 18, 2000, also known as the California Toxics Rule, the presence or discharge of which could reasonably be expected to interfere with maintaining designated uses.
12. Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage. It excludes infiltration and runoff from agricultural land.
13. Toxic pollutant means any pollutant listed as toxic under federal Clean Water Act section 307(a)(1) or under 40 CFR 401.15.
14. Untreated waste is raw wastewater.
15. Waste, waste discharge, discharge of waste, and discharge are used interchangeably in the permit. The requirements of the permit apply to the entire volume of water, and the material therein, that is disposed of to surface and ground waters of the State of California.

**Table C**

## List of Monitoring Parameters and Analytical Methods

| CTR No. | Pollutant/Parameter   | Analytical Method <sup>1</sup> | Minimum Levels <sup>2</sup><br>(µg/l) |      |    |       |     |      |      |        |        |          |      |        |
|---------|---|--------------------------------|---------------------------------------|------|----|-------|-----|------|------|--------|--------|----------|------|--------|
|         |   |                                | GC                                    | GCMS | LC | Color | FAA | GFAA | ICP  | ICP MS | SPGFAA | HYD RIDE | CVAA | DCP    |
| 1.      | Antimony  | 204.2                          |                                       |      |    |       | 10  | 5    | 50   | 0.5    | 5      | 0.5      |      | 1000   |
| 2.      | Arsenic   | 206.3                          |                                       |      |    | 20    |     | 2    | 10   | 2      | 2      | 1        |      | 1000   |
| 3.      | Beryllium   |                                |                                       |      |    |       | 20  | 0.5  | 2    | 0.5    | 1      |          |      | 1000   |
| 4.      | Cadmium   | 200 or 213                     |                                       |      |    | 10    | 0.5 | 10   | 0.25 | 0.5    |        |          |      | 1000   |
| 5a.     | Chromium (III)  | SM 3500                        |                                       |      |    |       |     |      |      |        |        |          |      |        |
| 5b.     | Chromium (VI)   | SM 3500                        |                                       |      |    | 10    | 5   |      |      |        |        |          |      | 1000   |
| 6.      | Copper  | 200.9                          |                                       |      |    |       | 25  | 5    | 10   | 0.5    | 2      |          |      | 1000   |
| 7.      | Lead  | 200.9                          |                                       |      |    |       | 20  | 5    | 5    | 0.5    | 2      |          |      | 10,000 |
| 8.      | Mercury   | 1631<br>(note) <sup>3</sup>    |                                       |      |    |       |     |      |      |        |        |          |      |        |
| 9.      | Nickel  | 249.2                          |                                       |      |    |       | 50  | 5    | 20   | 1      | 5      |          |      | 1000   |
| 10.     | Selenium  | 200.8 or<br>SM 3114B<br>or C   |                                       |      |    |       |     | 5    | 10   | 2      | 5      | 1        |      | 1000   |
| 11.     | Silver  | 272.2                          |                                       |      |    |       | 10  | 1    | 10   | 0.25   | 2      |          |      | 1000   |
| 12.     | Thallium  | 279.2                          |                                       |      |    |       | 10  | 2    | 10   | 1      | 5      |          |      | 1000   |
| 13.     | Zinc  | 200 or 289                     |                                       |      |    |       | 20  |      | 20   | 1      | 10     |          |      |        |
| 14.     | Cyanide   | SM 4500<br>CN: C or I          |                                       |      |    | 5     |     |      |      |        |        |          |      |        |
| 15.     | Asbestos (only required for dischargers to MUN waters) <sup>4</sup> | 0100.2 <sup>5</sup>            |                                       |      |    |       |     |      |      |        |        |          |      |        |
| 16.     | 2,3,7,8-TCDD and 17 congeners (Dioxin)                              | 1613                           |                                       |      |    |       |     |      |      |        |        |          |      |        |
| 17.     | Acrolein  | 603                            | 2.0                                   | 5    |    |       |     |      |      |        |        |          |      |        |
| 18.     | Acrylonitrile   | 603                            | 2.0                                   | 2    |    |       |     |      |      |        |        |          |      |        |
| 19.     | Benzene   | 602                            | 0.5                                   | 2    |    |       |     |      |      |        |        |          |      |        |
| 33.     | Ethylbenzene  | 602                            | 0.5                                   | 2    |    |       |     |      |      |        |        |          |      |        |
| 39.     | Toluene   | 602                            | 0.5                                   | 2    |    |       |     |      |      |        |        |          |      |        |

<sup>1</sup> The suggested method is the USEPA Method unless otherwise specified (SM = Standard Methods). The Discharger may use another USEPA-approved or recognized method if that method has a level of quantification below the applicable water quality objective. Where no method is suggested, the Discharger has the discretion to use any standard method.

<sup>2</sup> Minimum levels are from the *State Implementation Policy*. They are the concentration of the lowest calibration standard for that technique based on a survey of contract laboratories. Laboratory techniques are defined as follows: GC = Gas Chromatography; GCMS = Gas Chromatography/Mass Spectrometry; LC = High Pressure Liquid Chromatography; Color = Colorimetric; FAA = Flame Atomic Absorption; GFAA = Graphite Furnace Atomic Absorption; ICP = Inductively Coupled Plasma; ICPMS = Inductively Coupled Plasma/Mass Spectrometry; SPGFAA = Stabilized Platform Graphite Furnace Atomic Absorption (i.e., USEPA 200.9); Hydride = Gaseous Hydride Atomic Absorption; CVAA = Cold Vapor Atomic Absorption; DCP = Direct Current Plasma.

<sup>3</sup> The Discharger shall use ultra-clean sampling (USEPA Method 1669) and ultra-clean analytical methods (USEPA Method 1631) for mercury monitoring. The minimum level for mercury is 2 ng/l (or 0.002 µg/l).

<sup>4</sup> MUN = Municipal and Domestic Supply. This designation, if applicable, is in the Findings of the permit.

<sup>5</sup> *Determination of Asbestos Structures over 10 [micrometers] in Length in Drinking Water Using MCE Filters*, USEPA 600/R-94-134, June 1994.

| CTR No. | Pollutant/Parameter                                  | Analytical Method <sup>1</sup> | Minimum Levels <sup>2</sup><br>(µg/l) |      |     |       |     |      |     |        |        |          |      |     |
|---------|--|--------------------------------|---------------------------------------|------|-----|-------|-----|------|-----|--------|--------|----------|------|-----|
|         |  |                                | GC                                    | GCMS | LC  | Color | FAA | GFAA | ICP | ICP MS | SPGFAA | HYD RIDE | CVAA | DCP |
| 20.     | Bromoform  | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 21.     | Carbon Tetrachloride                                 | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 22.     | Chlorobenzene  | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 23.     | Chlorodibromomethane                                 | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 24.     | Chloroethane   | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 25.     | 2-Chloroethylvinyl Ether                             | 601                            | 1                                     | 1    |     |       |     |      |     |        |        |          |      |     |
| 26.     | Chloroform   | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 75.     | 1,2-Dichlorobenzene                                  | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 76.     | 1,3-Dichlorobenzene                                  | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 77.     | 1,4-Dichlorobenzene                                  | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 27.     | Dichlorobromomethane                                 | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 28.     | 1,1-Dichloroethane                                   | 601                            | 0.5                                   | 1    |     |       |     |      |     |        |        |          |      |     |
| 29.     | 1,2-Dichloroethane                                   | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 30.     | 1,1-Dichloroethylene or 1,1-Dichloroethene           | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 31.     | 1,2-Dichloropropane                                  | 601                            | 0.5                                   | 1    |     |       |     |      |     |        |        |          |      |     |
| 32.     | 1,3-Dichloropropylene or 1,3-Dichloropropene         | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 34.     | Methyl Bromide or Bromomethane                       | 601                            | 1.0                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 35.     | Methyl Chloride or Chloromethane                     | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 36.     | Methylene Chloride or Dichloromethane                | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 37.     | 1,1,2,2-Tetrachloroethane                            | 601                            | 0.5                                   | 1    |     |       |     |      |     |        |        |          |      |     |
| 38.     | Tetrachloroethylene                                  | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 40.     | 1,2-Trans-Dichloroethylene                           | 601                            | 0.5                                   | 1    |     |       |     |      |     |        |        |          |      |     |
| 41.     | 1,1,1-Trichloroethane                                | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 42.     | 1,1,2-Trichloroethane                                | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 43.     | Trichloroethene                                      | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 44.     | Vinyl Chloride                                       | 601                            | 0.5                                   | 2    |     |       |     |      |     |        |        |          |      |     |
| 45.     | 2-Chlorophenol                                       | 604                            | 2                                     | 5    |     |       |     |      |     |        |        |          |      |     |
| 46.     | 2,4-Dichlorophenol                                   | 604                            | 1                                     | 5    |     |       |     |      |     |        |        |          |      |     |
| 47.     | 2,4-Dimethylphenol                                   | 604                            | 1                                     | 2    |     |       |     |      |     |        |        |          |      |     |
| 48.     | 2-Methyl-4,6-Dinitrophenol or Dinitro-2-methylphenol | 604                            | 10                                    | 5    |     |       |     |      |     |        |        |          |      |     |
| 49.     | 2,4-Dinitrophenol                                    | 604                            | 5                                     | 5    |     |       |     |      |     |        |        |          |      |     |
| 50.     | 2-Nitrophenol  | 604                            |                                       | 10   |     |       |     |      |     |        |        |          |      |     |
| 51.     | 4-Nitrophenol  | 604                            | 5                                     | 10   |     |       |     |      |     |        |        |          |      |     |
| 52.     | 3-Methyl-4-Chlorophenol                              | 604                            | 5                                     | 1    |     |       |     |      |     |        |        |          |      |     |
| 53.     | Pentachlorophenol                                    | 604                            | 1                                     | 5    |     |       |     |      |     |        |        |          |      |     |
| 54.     | Phenol   | 604                            | 1                                     | 1    |     | 50    |     |      |     |        |        |          |      |     |
| 55.     | 2,4,6-Trichlorophenol                                | 604                            | 10                                    | 10   |     |       |     |      |     |        |        |          |      |     |
| 56.     | Acenaphthene   | 610 HPLC                       | 1                                     | 1    | 0.5 |       |     |      |     |        |        |          |      |     |
| 57.     | Acenaphthylene                                       | 610 HPLC                       |                                       | 10   | 0.2 |       |     |      |     |        |        |          |      |     |
| 58.     | Anthracene   | 610 HPLC                       |                                       | 10   | 2   |       |     |      |     |        |        |          |      |     |
| 60.     | Benzo(a)Anthracene or 1,2 Benzanthracene             | 610 HPLC                       | 10                                    | 5    |     |       |     |      |     |        |        |          |      |     |
| 61.     | Benzo(a)Pyrene                                       | 610 HPLC                       |                                       | 10   | 2   |       |     |      |     |        |        |          |      |     |
| 62.     | Benzo(b)Fluoranthene or 3,4 Benzofluoranthene        | 610 HPLC                       |                                       | 10   | 10  |       |     |      |     |        |        |          |      |     |
| 63.     | Benzo(ghi)Perylene                                   | 610 HPLC                       |                                       | 5    | 0.1 |       |     |      |     |        |        |          |      |     |

| CTR No. | Pollutant/Parameter                       | Analytical Method <sup>1</sup> | Minimum Levels <sup>2</sup><br>(µg/l) |      |      |       |     |      |     |        |        |          |      |     |
|---------|---|--------------------------------|---------------------------------------|------|------|-------|-----|------|-----|--------|--------|----------|------|-----|
|         |   |                                | GC                                    | GCMS | LC   | Color | FAA | GFAA | ICP | ICP MS | SPGFAA | HYD RIDE | CVAA | DCP |
| 64.     | Benzo(k)Fluoranthene                      | 610 HPLC                       |                                       | 10   | 2    |       |     |      |     |        |        |          |      |     |
| 74.     | Dibenzo(a,h)Anthracene                    | 610 HPLC                       |                                       | 10   | 0.1  |       |     |      |     |        |        |          |      |     |
| 86.     | Fluoranthene                              | 610 HPLC                       | 10                                    | 1    | 0.05 |       |     |      |     |        |        |          |      |     |
| 87.     | Fluorene                                  | 610 HPLC                       |                                       | 10   | 0.1  |       |     |      |     |        |        |          |      |     |
| 92.     | Indeno(1,2,3-cd) Pyrene                   | 610 HPLC                       |                                       | 10   | 0.05 |       |     |      |     |        |        |          |      |     |
| 100.    | Pyrene                                    | 610 HPLC                       |                                       | 10   | 0.05 |       |     |      |     |        |        |          |      |     |
| 68.     | Bis(2-Ethylhexyl)Phthalate                | 606 or 625                     | 10                                    | 5    |      |       |     |      |     |        |        |          |      |     |
| 70.     | Butylbenzyl Phthalate                     | 606 or 625                     | 10                                    | 10   |      |       |     |      |     |        |        |          |      |     |
| 79.     | Diethyl Phthalate                         | 606 or 625                     | 10                                    | 2    |      |       |     |      |     |        |        |          |      |     |
| 80.     | Dimethyl Phthalate                        | 606 or 625                     | 10                                    | 2    |      |       |     |      |     |        |        |          |      |     |
| 81.     | Di-n-Butyl Phthalate                      | 606 or 625                     |                                       | 10   |      |       |     |      |     |        |        |          |      |     |
| 84.     | Di-n-Octyl Phthalate                      | 606 or 625                     |                                       | 10   |      |       |     |      |     |        |        |          |      |     |
| 59.     | Benidine                                  | 625                            |                                       | 5    |      |       |     |      |     |        |        |          |      |     |
| 65.     | Bis(2-Chloroethoxy)Methane                | 625                            |                                       | 5    |      |       |     |      |     |        |        |          |      |     |
| 66.     | Bis(2-Chloroethyl)Ether                   | 625                            | 10                                    | 1    |      |       |     |      |     |        |        |          |      |     |
| 67.     | Bis(2-Chloroisopropyl)Ether               | 625                            | 10                                    | 2    |      |       |     |      |     |        |        |          |      |     |
| 69.     | 4-Bromophenyl Phenyl Ether                | 625                            | 10                                    | 5    |      |       |     |      |     |        |        |          |      |     |
| 71.     | 2-Chloronaphthalene                       | 625                            |                                       | 10   |      |       |     |      |     |        |        |          |      |     |
| 72.     | 4-Chlorophenyl Phenyl Ether               | 625                            |                                       | 5    |      |       |     |      |     |        |        |          |      |     |
| 73.     | Chrysene                                  | 625                            |                                       | 10   | 5    |       |     |      |     |        |        |          |      |     |
| 78.     | 3,3'-Dichlorobenzidine                    | 625                            |                                       | 5    |      |       |     |      |     |        |        |          |      |     |
| 82.     | 2,4-Dinitrotoluene                        | 625                            | 10                                    | 5    |      |       |     |      |     |        |        |          |      |     |
| 83.     | 2,6-Dinitrotoluene                        | 625                            |                                       | 5    |      |       |     |      |     |        |        |          |      |     |
| 85.     | 1,2-Diphenylhydrazine (note) <sup>6</sup> | 625                            |                                       | 1    |      |       |     |      |     |        |        |          |      |     |
| 88.     | Hexachlorobenzene                         | 625                            | 5                                     | 1    |      |       |     |      |     |        |        |          |      |     |
| 89.     | Hexachlorobutadiene                       | 625                            | 5                                     | 1    |      |       |     |      |     |        |        |          |      |     |
| 90.     | Hexachlorocyclopentadiene                 | 625                            | 5                                     | 5    |      |       |     |      |     |        |        |          |      |     |
| 91.     | Hexachloroethane                          | 625                            | 5                                     | 1    |      |       |     |      |     |        |        |          |      |     |
| 93.     | Isophorone                                | 625                            | 10                                    | 1    |      |       |     |      |     |        |        |          |      |     |
| 94.     | Naphthalene                               | 625                            | 10                                    | 1    | 0.2  |       |     |      |     |        |        |          |      |     |
| 95.     | Nitrobenzene                              | 625                            | 10                                    | 1    |      |       |     |      |     |        |        |          |      |     |
| 96.     | N-Nitrosodimethylamine                    | 625                            | 10                                    | 5    |      |       |     |      |     |        |        |          |      |     |
| 97.     | N-Nitrosodi-n-Propylamine                 | 625                            | 10                                    | 5    |      |       |     |      |     |        |        |          |      |     |
| 98.     | N-Nitrosodiphenylamine                    | 625                            | 10                                    | 1    |      |       |     |      |     |        |        |          |      |     |
| 99.     | Phenanthrene                              | 625                            |                                       | 5    | 0.05 |       |     |      |     |        |        |          |      |     |
| 101.    | 1,2,4-Trichlorobenzene                    | 625                            | 1                                     | 5    |      |       |     |      |     |        |        |          |      |     |
| 102.    | Aldrin                                    | 608                            | 0.005                                 |      |      |       |     |      |     |        |        |          |      |     |
| 103.    | α-BHC                                     | 608                            | 0.01                                  |      |      |       |     |      |     |        |        |          |      |     |
| 104.    | β-BHC                                     | 608                            | 0.005                                 |      |      |       |     |      |     |        |        |          |      |     |
| 105.    | γ-BHC (Lindane)                           | 608                            | 0.02                                  |      |      |       |     |      |     |        |        |          |      |     |
| 106.    | δ-BHC                                     | 608                            | 0.005                                 |      |      |       |     |      |     |        |        |          |      |     |
| 107.    | Chlordane                                 | 608                            | 0.1                                   |      |      |       |     |      |     |        |        |          |      |     |
| 108.    | 4,4'-DDT                                  | 608                            | 0.01                                  |      |      |       |     |      |     |        |        |          |      |     |
| 109.    | 4,4'-DDE                                  | 608                            | 0.05                                  |      |      |       |     |      |     |        |        |          |      |     |
| 110.    | 4,4'-DDD                                  | 608                            | 0.05                                  |      |      |       |     |      |     |        |        |          |      |     |

<sup>6</sup> Measurement for 1,2-Diphenylhydrazine may use azobenzene as a screen: if azobenzene is measured at >1 ug/l, then the Discharger shall analyze for 1,2-Diphenylhydrazine.

| CTR No. | Pollutant/Parameter                                     | Analytical Method <sup>1</sup> | Minimum Levels <sup>2</sup><br>(µg/l) |      |    |       |     |      |     |        |        |          |      |     |
|---------|---|--------------------------------|---------------------------------------|------|----|-------|-----|------|-----|--------|--------|----------|------|-----|
|         |   |                                | GC                                    | GCMS | LC | Color | FAA | GFAA | ICP | ICP MS | SPGFAA | HYD RIDE | CVAA | DCP |
| 111.    | Dieldrin  | 608                            | 0.01                                  |      |    |       |     |      |     |        |        |          |      |     |
| 112.    | Endosulfan (alpha)                                      | 608                            | 0.02                                  |      |    |       |     |      |     |        |        |          |      |     |
| 113.    | Endosulfan (beta)                                       | 608                            | 0.01                                  |      |    |       |     |      |     |        |        |          |      |     |
| 114.    | Endosulfan Sulfate                                      | 608                            | 0.05                                  |      |    |       |     |      |     |        |        |          |      |     |
| 115.    | Endrin  | 608                            | 0.01                                  |      |    |       |     |      |     |        |        |          |      |     |
| 116.    | Endrin Aldehyde   | 608                            | 0.01                                  |      |    |       |     |      |     |        |        |          |      |     |
| 117.    | Heptachlor  | 608                            | 0.01                                  |      |    |       |     |      |     |        |        |          |      |     |
| 118.    | Heptachlor Epoxide                                      | 608                            | 0.01                                  |      |    |       |     |      |     |        |        |          |      |     |
| 119-125 | PCBs: Aroclors 1016, 1221, 1232, 1242, 1248, 1254, 1260 | 608                            | 0.5                                   |      |    |       |     |      |     |        |        |          |      |     |
| 126.    | Toxaphene   | 608                            | 0.5                                   |      |    |       |     |      |     |        |        |          |      |     |

## Attachment H – Pretreatment Requirements

### **Pretreatment Program Provisions**

1. The Discharger shall implement all pretreatment requirements contained in 40 CFR 403, as amended. The Discharger shall be subject to enforcement actions, penalties, and fines as provided in the Clean Water Act (33 USC 1351 *et seq.*), as amended. The Discharger shall implement and enforce its Approved Pretreatment Program or modified Pretreatment Program as directed by the Regional Water Board’s Executive Officer or USEPA. USEPA and/or the State may initiate enforcement action against an industrial user for noncompliance with applicable standards and requirements as provided in the Clean Water Act.
2. The Discharger shall enforce the requirements promulgated under Sections 307(b), 307(c), 307(d) and 402(b) of the Clean Water Act. The Discharger 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 Discharger shall perform the pretreatment functions as required in 40 CFR 403 and amendments or modifications thereto including, but not limited to:
  - i) Implement the necessary legal authorities to fully implement the pretreatment regulations as provided in 40 CFR 403.8(f)(1);
  - ii) Implement the programmatic functions as provided in 40 CFR 403.8(f)(2);
  - iii) Publish an annual list of industrial users in significant noncompliance as provided per 40 CFR 403.8(f)(2)(vii);
  - iv) Provide for the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR 403.8(f)(3); and
  - v) Enforce the national pretreatment standards for prohibited discharges and categorical standards as provided in 40 CFR 403.5 and 403.6, respectively.
4. The Discharger shall submit annually a report to USEPA Region 9, the State Water Board and the Regional Water Board describing its pretreatment program activities over the previous twelve months. In the event that the Discharger is not in compliance with any conditions or requirements of the Pretreatment Program, the Discharger shall also include the reasons for noncompliance and a plan and schedule for achieving compliance. The report shall contain, but is not limited to, the information specified in Appendix A entitled, “Requirements for Pretreatment Annual Reports,” which is made a part of this Order. The annual report is due on the last day of February each year.
5. The Discharger shall submit semiannual pretreatment reports to USEPA Region 9, the State Water Board and the Regional Water Board describing the status of its significant industrial users (SIUs). The report shall contain, but is not limited to, the information specified in Appendix B entitled, “Requirements for Semiannual Pretreatment Reports,” which is made part of this Order. The semiannual reports are due July 31<sup>st</sup> (for the period January through June) and January 31<sup>st</sup> (for the period July through December) of each year. The Executive Officer may exempt a Discharger from

the semiannual reporting requirements on a case by case basis subject to State Water Board and USEPA's comment and approval.

6. The Discharger may combine the annual pretreatment report with the semiannual pretreatment report (for the July through December reporting period). The combined report shall contain all of the information requested in Appendices A and B and will be due on January 31<sup>st</sup> of each year.
7. The Discharger shall conduct the monitoring of its treatment Plant's influent, effluent, and sludge as described in Appendix C entitled, "Requirements for Influent, Effluent and Sludge Monitoring," which is made part of this Order. The results of the sampling and analysis, along with a discussion of any trends, shall be submitted in the semiannual reports. A tabulation of the data shall be included in the annual pretreatment report. The Executive Officer may require more or less frequent monitoring on a case by case basis.

## **APPENDIX H-A**

### **REQUIREMENTS FOR PRETREATMENT ANNUAL REPORTS**

The Pretreatment Annual Report is due each year on the last day of February. [If the annual report is combined with the semiannual report (for the July through December period) the submittal deadline is January 31<sup>st</sup> of each year.] The purpose of the Annual Report is 1) to describe the status of the Publicly Owned Treatment Works (POTW) pretreatment program and 2) to report on the effectiveness of the program, as determined by comparing the results of the preceding year's program implementation. The report shall contain at a minimum, but is not limited to, the following information:

#### **1) Cover Sheet**

The cover sheet must contain the name(s) and National Pollutant Discharge Elimination Discharge System (NPDES) permit number(s) of those POTWs that are part of the Pretreatment Program. Additionally, the cover sheet must include: the name, address and telephone number of a pretreatment contact person; the period covered in the report; a statement of truthfulness; and the dated signature of a principal executive officer, ranking elected official, or other duly authorized employee who is responsible for overall operation of the POTW (40 CFR 403.12(j)).

#### **2) Introduction**

The Introduction shall include any pertinent background information related to the Discharger, the POTW and/or the industrial user base of the area. Also, this section shall include an update on the status of any Pretreatment Compliance Inspection (PCI) tasks, Pretreatment Performance Evaluation tasks, Pretreatment Compliance Audit (PCA) tasks, Cleanup and Abatement Order (CAO) tasks, or other pretreatment-related enforcement actions required by the Regional Water Board or USEPA. A more specific discussion shall be included in the section entitled, "Program Changes."

#### **3) Definitions**

This section shall contain a list of key terms and their definitions that the Discharger uses to describe or characterize elements of its pretreatment program.

#### **4) Discussion of Upset, Interference and Pass Through**

This section shall include a discussion of Upset, Interference or Pass Through incidents, if any, at the POTW(s) that the Discharger knows of or suspects were caused by industrial discharges. Each incident shall be described, at a minimum, consisting of the following information:

- a) a description of what occurred;
- b) a description of what was done to identify the source;
- c) the name and address of the IU responsible
- d) the reason(s) why the incident occurred;

- e) a description of the corrective actions taken; and
- f) an examination of the local and federal discharge limits and requirements for the purposes of determining whether any additional limits or changes to existing requirements may be necessary to prevent other Upset, Interference or Pass Through incidents.

**5) Influent, Effluent and Sludge Monitoring Results**

This section shall provide a summary of the analytical results from the “Influent, Effluent and Sludge Monitoring” as specified in Appendix C. The results should be reported in a summary matrix that lists monthly influent and effluent metal results for the reporting year.

A graphical representation of the influent and effluent metal monitoring data for the past five years shall also be provided with a discussion of any trends.

**6) Inspection and Sampling Program**

This section shall contain at a minimum, but is not limited to, the following information:

- a) Inspections: the number of inspections performed for each type of IU; the criteria for determining the frequency of inspections; the inspection format procedures;
- b) Sampling Events: the number of sampling events performed for each type of IU; the criteria for determining the frequency of sampling; the chain of custody procedures.

**7) Enforcement Procedures**

This section shall provide information as to when the approved Enforcement Response Plan (ERP) had been formally adopted or last revised. In addition, the date the finalized ERP was submitted to the Regional Water Board shall also be given.

**8) Federal Categories**

This section shall contain a list of all of the federal categories that apply to the Discharger. The specific category shall be listed including the subpart and 40 CFR section that applies. The maximum and average limits for the each category shall be provided. This list shall indicate the number of Categorical Industrial Users (CIUs) per category and the CIUs that are being regulated pursuant to the category. The information and data used to determine the limits for those CIUs for which a combined waste stream formula is applied shall also be provided.

**9) Local Standards**

This section shall include a table presenting the local limits.

**10) Updated List of Regulated SIUs**

This section shall contain a complete and updated list of the Discharger's Significant Industrial Users (SIUs), including their names, addresses, and a brief description of the individual SIU's type of business. The list shall include all deletions and additions keyed to the list as submitted in the previous annual report. All deletions shall be briefly explained.

## 11) Compliance Activities

- a) **Inspection and Sampling Summary:** This section shall contain a summary of all the inspections and sampling activities conducted by the Discharger over the past year to gather information and data regarding the SIUs. The summary shall include:
- (1) the number of inspections and sampling events conducted for each SIU;
  - (2) the quarters in which these activities were conducted; and
  - (3) the compliance status of each SIU, delineated by quarter, and characterized using all applicable descriptions as given below:
    - (a) in consistent compliance;
    - (b) in inconsistent compliance;
    - (c) in significant noncompliance;
    - (d) on a compliance schedule to achieve compliance, (include the date final compliance is required);
    - (e) not in compliance and not on a compliance schedule;
    - (f) compliance status unknown, and why not.
- b) **Enforcement Summary:** This section shall contain a summary of the compliance and enforcement activities during the past year. The summary shall include the names of all the SIUs affected by the following actions:
- (1) Warning letters or notices of violations regarding SIUs' apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements. For each notice, indicate whether it was for an infraction of a federal or local standard/limit or requirement.
  - (2) Administrative Orders regarding the SIUs' apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements. For each notice, indicate whether it was for an infraction of a federal or local standard/limit or requirement.
  - (3) Civil actions regarding the SIUs' apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits

and/or requirements. For each notice, indicate whether it was for an infraction of a federal or local standard/limit or requirement.

- (4) Criminal actions regarding the SIUs' apparent noncompliance with or violation of any federal pretreatment categorical standards and/or requirements, or local limits and/or requirements. For each notice, indicate whether it was for an infraction of a federal or local standard/limit or requirement.
- (5) Assessment of monetary penalties. Identify the amount of penalty in each case and reason for assessing the penalty.
- (6) Order to restrict/suspend discharge to the POTW.
- (7) Order to disconnect the discharge from entering the POTW.

## 12) **Baseline Monitoring Report Update**

This section shall provide a list of CIUs that have been added to the pretreatment program since the last annual report. This list of new CIUs shall summarize the status of the respective Baseline Monitoring Reports (BMR). The BMR must contain all of the information specified in 40 CFR 403.12(b). For each of the new CIUs, the summary shall indicate when the BMR was due; when the CIU was notified by the POTW of this requirement; when the CIU submitted the report; and/or when the report is due.

## 13) **Pretreatment Program Changes**

This section shall contain a description of any significant changes in the Pretreatment Program during the past year including, but not limited to: legal authority, local limits, monitoring/ inspection program and frequency, enforcement protocol, program's administrative structure, staffing level, resource requirements and funding mechanism. If the manager of the pretreatment program changes, a revised organizational chart shall be included. If any element(s) of the program is in the process of being modified, this intention shall also be indicated.

## 14) **Pretreatment Program Budget**

This section shall present the budget spent on the Pretreatment Program. The budget, either by the calendar or fiscal year, shall show the amounts spent on personnel, equipment, chemical analyses and any other appropriate categories. A brief discussion of the source(s) of funding shall be provided.

## 15) **Public Participation Summary**

This section shall include a copy of the public notice as required in 40 CFR 403.8(f)(2)(vii). If a notice was not published, the reason shall be stated.

## 16) **Sludge Storage and Disposal Practice**

This section shall have a description of how the treated sludge is stored and ultimately disposed. The sludge storage area, if one is used, shall be described in detail. Its location, a description of the containment features and the sludge handling procedures shall be included.

#### 17) **PCS Data Entry Form**

The annual report shall include the PCS Data Entry Form. This form shall summarize the enforcement actions taken against SIUs in the past year. This form shall include the following information: the POTW name, NPDES Permit number, period covered by the report, the number of SIUs in significant noncompliance (SNC) that are on a pretreatment compliance schedule, the number of notices of violation and administrative orders issued against SIUs, the number of civil and criminal judicial actions against SIUs, the number of SIUs that have been published as a result of being in SNC, and the number of SIUs from which penalties have been collected.

#### 18) **Other Subjects**

Other information related to the Pretreatment Program that does not fit into one of the above categories should be included in this section.

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

Regional Administrator  
United States Environmental Protection Agency  
Region 9, Mail Code: WTR-7  
Clean Water Act Compliance Office  
Water Division  
75 Hawthorne Street  
San Francisco, CA 94105

Pretreatment Program Manager  
Regulatory Unit  
State Water Resources Control Board  
Division of Water Quality  
1001 I Street  
Sacramento, CA 95814

Pretreatment Coordinator  
NPDES Permits Division  
SF Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

## **APPENDIX H-B**

### **REQUIREMENTS FOR SEMIANNUAL PRETREATMENT REPORTS**

The semiannual pretreatment reports are due on July 31<sup>st</sup> (for pretreatment program activities conducted from January through June) and January 31<sup>st</sup> (for pretreatment activities conducted from July through December) of each year, unless an exception has been granted by the Regional Water Board's Executive Officer. The semiannual reports shall contain, at a minimum, but is not limited to, the following information:

#### **1) Influent, Effluent and Sludge Monitoring**

The influent, effluent and sludge monitoring results shall be included in the report. The analytical laboratory report shall also be included, with the QA/QC data validation provided upon request. A description of the sampling procedures and a discussion of the results shall be given. (Please see Appendix C for specific detailed requirements.) The contributing source(s) of the parameters that exceed NPDES limits shall be investigated and discussed. In addition, a brief discussion of the contributing source(s) of all organic compounds identified shall be provided.

The Discharger has the option to submit all monitoring results via an electronic reporting format approved by the Executive Officer. The procedures for submitting the data will be similar to the electronic submittal of the NPDES self-monitoring reports as outlined in the December 17, 1999 Regional Water Board letter, Official Implementation of Electronic Reporting System (ERS). The Discharger shall contact the Regional Water Board's ERS Project Manager for specific details in submitting the monitoring data.

If the monitoring results are submitted electronically, the analytical laboratory reports (along with the QA/QC data validation) should be kept at the discharger's facility.

#### **2) Industrial User Compliance Status**

This section shall contain a list of all Significant Industrial Users (SIUs) that were not in consistent compliance with all pretreatment standards/limits or requirements for the reporting period. The compliance status for the previous reporting period shall also be included. Once the SIU has determined to be out of compliance, the SIU shall be included in the report until consistent compliance has been achieved. A brief description detailing the actions that the SIU undertook to come back into compliance shall be provided.

For each SIU on the list, the following information shall be provided:

- a. Indicate if the SIU is subject to Federal categorical standards; if so, specify the category including the subpart that applies.
- b. For SIUs subject to Federal Categorical Standards, indicate if the violation is of a categorical or local standard.
- c. Indicate the compliance status of the SIU for the two quarters of the reporting period.

- d. For violations/noncompliance occurring in the reporting period, provide (1) the date(s) of violation(s); (2) the parameters and corresponding concentrations exceeding the limits and the discharge limits for these parameters and (3) a brief summary of the noncompliant event(s) and the steps that are being taken to achieve compliance.

3) **POTW's Compliance with Pretreatment Program Requirements**

This section shall contain a discussion of the Discharger's compliance status with the Pretreatment Program Requirements as indicated in the latest Pretreatment Compliance Audit (PCA) Report, Pretreatment Compliance Inspection (PCI) Report or Pretreatment Performance Evaluation (PPE) Report. It shall contain a summary of the following information:

- a. Date of latest PCA, PCI or PPE and report.
- b. Date of the Discharger's response.
- c. List of unresolved issues.
- d. Plan and schedule for resolving the remaining issues.

The reports shall be signed by a principal executive officer, ranking elected official, or other duly authorized employee who is responsible for the overall operation of the Publicly Owned Treatment Works (POTW) (40 CFR 403.12(j)). Signed copies of the reports shall be submitted to the Regional Administrator at USEPA, the State Water Resources Control Board and the Regional Water Board at the following addresses:

Regional Administrator  
United States Environmental Protection Agency  
Region 9, Mail Code: WTR-7  
Clean Water Act Compliance Office  
Water Division  
75 Hawthorne Street  
San Francisco, CA 94105

Pretreatment Program Manager  
Regulatory Unit  
State Water Resources Control Board  
Division of Water Quality  
1001 I Street  
Sacramento, CA 95814

Pretreatment Coordinator  
NPDES Permits Division  
SF Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

## APPENDIX H-C

### REQUIREMENTS FOR INFLUENT, EFFLUENT AND SLUDGE MONITORING

The Discharger shall conduct sampling of its treatment Plant's influent, effluent and sludge at the frequency as shown in Table E-5 of the Monitoring and Reporting Program (MRP).

The monitoring and reporting requirements of the POTW's Pretreatment Program are in addition to those specified in Tables E-2 and E-3 of the MRP. Any subsequent modifications of the requirements specified in Tables E-2 and E-3 shall be adhered to and shall not affect the requirements described in this Appendix unless written notice from the Regional Water Board is received. When sampling periods coincide, one set of test results, reported separately, may be used for those parameters that are required to be monitored by both Tables E-2 and E-3 and the Pretreatment Program. The Pretreatment Program monitoring reports shall be sent to the Pretreatment Program Coordinator.

#### 1. **Influent and Effluent Monitoring**

The Discharger shall monitor for the parameters using the required test methods listed in Table E-5 of the MRP. Any test method substitutions must have received prior written Regional Water Board approval. Influent and effluent sampling locations shall be the same as those sites specified in the MRP.

The influent and effluent sampled should be taken during the same 24-hour period. All samples must be representative of daily operations. Grab samples shall be used for volatile organic compounds, cyanide and phenol. In addition, any samples for oil and grease, polychlorinated biphenyls, dioxins/furans, and polynuclear aromatic hydrocarbons shall be grab samples. For all other pollutants, 24-hour composite samples must be obtained through flow-proportioned composite sampling. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. For effluent monitoring, the reporting limits for the individual parameters shall be at or below the minimum levels (MLs) as stated in the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (2000) [also known as the State Implementation Policy (SIP)]; any revisions to the MLs shall be adhered to. If a parameter does not have a stated minimum level, then the Discharger shall conduct the analysis using the lowest commercially available and reasonably achievable detection levels.

The following standardized report format should be used for submittal of the influent and effluent monitoring report. A similar structured format may be used but will be subject to Regional Water Board approval. The monitoring reports shall be submitted with the Semiannual Reports.

- A. **Sampling Procedures** – This section shall include a brief discussion of the sample locations, collection times, how the sample was collected (i.e., direct collection using vials or bottles, or other types of collection using devices such as automatic samplers, buckets, or beakers), types of containers used, storage procedures and holding times. Include description of prechlorination and chlorination/dechlorination practices during the sampling periods.

- B. Method of Sampling Dechlorination – A brief description of the sample dechlorination method prior to analysis shall be provided.
- C. Sample Compositing – The manner in which samples are composited shall be described. If the compositing procedure is different from the test method specifications, a reason for the variation shall be provided.
- D. Data Validation – All quality assurance/quality control (QA/QC) methods to be used shall be discussed and summarized. These methods include, but are not limited to, spike samples, split samples, blanks and standards. Ways in which the QA/QC data will be used to qualify the analytical test results shall be identified. A certification statement shall be submitted with this discussion stating that the laboratory QA/QC validation data has been reviewed and has met the laboratory acceptance criteria. The QA/QC validation data shall be submitted to the Regional Water Board upon request.
- E. A tabulation of the test results shall be provided.
- F. Discussion of Results – The report shall include a complete discussion of the test results. If any pollutants are detected in sufficient concentration to upset, interfere or pass through Plant operations, the type of pollutant(s) and potential source(s) shall be noted, along with a plan of action to control, eliminate, and/or monitor the pollutant(s). Any apparent generation and/or destruction of pollutants attributable to chlorination/dechlorination sampling and analysis practices shall be noted.

## 2. Sludge Monitoring

Sludge should be sampled in the same 24-hour period during which the influent and effluent are sampled except as noted in (C) below. The same parameters required for influent and effluent analysis shall be included in the sludge analysis. The sludge analyzed shall be a composite sample of the sludge for final disposal consisting of:

- A. Sludge lagoons – 20 grab samples collected at representative equidistant intervals (grid pattern) and composited as a single grab, or
- B. Dried stockpile – 20 grab samples collected at various representative locations and depths and composited as a single grab, or
- C. Dewatered sludge- daily composite of 4 representative grab samples each day for 5 days taken at equal intervals during the daily operating shift taken from a) the dewatering units or b) from each truckload, and shall be combined into a single 5-day composite.

The USEPA manual, POTW Sludge Sampling and Analysis Guidance Document, August 1989, containing detailed sampling protocols specific to sludge is recommended as a guidance for sampling procedures. The USEPA manual Analytical Methods of the National Sewage Sludge Survey, September 1990, containing detailed analytical protocols specific to sludge, is recommended as a guidance for analytical methods.

In determining if the sludge is a hazardous waste, the Dischargers shall adhere to Article 2, "Criteria for Identifying the Characteristics of Hazardous Waste," and Article 3, "Characteristics of Hazardous Waste," of Title 22, California Code of Regulations, Sections 66261.10 to 66261.24 and all amendments thereto.

Sludge monitoring reports shall be submitted with the appropriate Semiannual Report. The following standardized report format should be used for submittal of the report. A similarly structured form may be used but will be subject to Regional Water Board approval.

- A. Sampling procedures – Include sample locations, collection procedures, types of containers used, storage/refrigeration methods, compositing techniques and holding times. Enclose a map of sample locations if sludge lagoons or stockpiled sludge is sampled.
- B. Data Validation – All quality assurance/quality control (QA/QC) methods to be used shall be discussed and summarized. These methods include, but are not limited to, spike samples, split samples, blanks and standards. Ways in which the QA/QC data will be used to qualify the analytical test results shall be identified. A certification statement shall be submitted with this discussion stating that the laboratory QA/QC validation data has been reviewed and has met the laboratory acceptance criteria. The QA/QC validation data shall be submitted to the Regional Water Board upon request.
- C. Test Results – Tabulate the test results and include the percent solids.
- D. Discussion of Results – The report shall include a complete discussion of test results. If the detected pollutant(s) is reasonably deemed to have an adverse effect on sludge disposal, a plan of action to control, eliminate, and/or monitor the pollutant(s) and the known or potential source(s) shall be included. Any apparent generation and/or destruction of pollutants attributable to chlorination/ dechlorination sampling and analysis practices shall be noted.

The Discharger shall also provide any influent, effluent or sludge monitoring data for nonpriority pollutants that the permittee believes may be causing or contributing to Interference, Pass Through or adversely impacting sludge quality.

September 30, 1999

Mr. Dale Bowyer  
Associate Water Resources Control Engineer  
California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street  
Oakland, CA 94612

RE: Novato Sanitary District Reclamation Ponds Sediment Control and Monitoring Plan

Dear Mr. Bowyer:

As required by the Novato Sanitary District NPDES Permit No. CA 0037958, the District is submitting its Sediment Control and Monitoring Plan for direct storage pond discharge to San Pablo Bay as required by Provision 10.

#### BACKGROUND

From June 1 through August 31 (and typically longer) the District presently diverts effluent into storage ponds for sprinkler irrigation of 820 acres of discharger-controlled pasture lands, which are used for beef cattle grazing and irrigated hay production. This reclamation period can be increased if excess stormwater and accumulated effluent could be discharged during the normal period of wet weather discharge to San Pablo Bay. As required, the District is submitting this Sediment Control and Monitoring Plan.

#### SEDIMENT CONTROL PLAN

The present mechanical layout of the pumping intake lines will provide adequate silt control measures. The suction point lies two (2) feet above the bottom of the ponds. By establishing a minimum draw down point of four (4) feet pond elevation, there should be no sediment drawn from the bottom of the ponds.

This will be verified by weekly testing for settleable solids. The results of this testing will be reported in the monthly monitoring report.

#### MONITORING PLAN

The District proposes to discharge from the ponds from November 1 through April 30 to avoid the dry weather discharge period. All flow diverted to San Pablo Bay from the reclamation storage ponds will be metered and daily discharge totals will be included in the monthly self-monitoring report.

Under the new NPDES permit total coliform requirements for both reclamation and wet weather discharge to San Pablo Bay are the same (240 MPN/100mL). As all treated effluent discharged to the ponds is expected to be below that limit, no additional total coliform testing should be required before discharge to San Pablo Bay. It should be noted that the pond discharge will be pumped into the existing outfall line, which will contain effluent that has a substantial chlorine residual and is subject to

considerable contact time. However, in accordance with the permit requirements, the District proposes to monitor total and fecal coliform weekly during pond discharge and report the results in the monthly report.

The District has an unusually large inventory of treated effluent in the storage ponds this year. This is the result of late spring rains and an unseasonably cool irrigation period. Therefore, we would like to begin discharge from the ponds in early November 1999, so we look forward to your timely consideration and approval of the plan.

If you have any questions or require additional information please contact me at (415) 892-1694.

Sincerely,

Thomas S. Selfridge  
Manager-Engineer

cc: Larry Walker, Larry Walker Associates

April 12, 2010

Memo to: Board of Directors

From: Beverly James, Manager-Engineer  
Laura Creamer, Finance Officer

Subject: Audit of Financial Statements for Fiscal Year 2008-09  
Single Audit Report for Fiscal Year 2008-09

Vavrinek, Trine, Day & Co., Ltd. has completed the audit of the District's financial records as of June 30, 2009. In their opinion, the financial statements present fairly, in all material respects, the financial position of the District as of June 30, 2009, and the results of its operations and its cash flows conform to the generally accepted auditing standards, as well as the accounting systems provide by the State Comptroller's Office for Special Districts.

In addition, they have issued a report for our Single Audit (which covers funds received from the federal government, (i.e. our state revolving fund loan) regarding compliance requirements applicable to each major program. The auditor's opinion states we complied in all material respects, with the requirements of our Federal program for the year ended June 30, 2009.

Copies of the independent auditor's reports are attached along with the Financial Statements and the Management Discussion and Analysis.

The Auditor issued two findings:

The first finding is in regards to our infrastructure capital assets which states they found an instance where land was being depreciated, which is not permitted under generally accepted accounting principles. In addition the District has historically not depreciated certain infrastructure assets (i.e. sewer collection and outfall system), which is also a departure from GAAP due to the new GASB 34 which came into effect in our fiscal year 08/09.

In response to this finding, the District will amend their current fixed asset policy to include depreciation of their infrastructure assets (i.e. sewer collection and outfall system) to be in compliance with this new GASB 34. In the past the District has depreciated land, in one instance, however this error was corrected in the fiscal year 08/09 and land was not depreciated. For more information, please refer to page 9 of the Single Audit Report.

The second finding is in regards to the Sales Installment Agreement between the Novato Sanitary District and the State Water Resources Control Board (SWRCB) which requires the District to report minority business enterprises (MBE)/woman business enterprises (WBE) utilization to the Division of Financial Assistance of the SWRCB. The District did not submit the required MBE/WBE utilization reports to the State Water Resources Board.

In response to the above finding, these MBE/WBE reports were filed at the beginning of the project but the District was unaware there were continuing reporting requirements once the project started. We plan to file the delinquent reports and submit quarterly MBE/WBE Utilization Reports as required on an ongoing basis until the project "Notice of Completion" is filed. Please see page 10 of the Single Audit Report for more information.

New Governmental Accounting and Reporting Standards for 09/10:

In June 2004, GASB (Government Accounting Standards Board) issued GASB Statement No. 45, Accounting and Financial Reporting by Employers for Post employment Benefits Other Than Pensions. This Statement will require local government employers who provide other post employment benefits (OPEB) as part of the total compensation offered to employees recognize the expense and related liabilities/assets in the government-wide financial statements of net assets and activities.

The District will be required to implement the provisions of this statement for the year ending June 30, 2010. We are currently working with an actuary to determine the total effect of this statement on our financial statements.

Please Join Us  
for the  
North Bay Watershed Association  
**2010** Conference

# Greening Our Water Infrastructure

**Friday, April 9, 2010**

## **Sheraton Petaluma**

745 Baywood Drive  
Petaluma, California  
(707) 283-2888

**8:30 AM to 4:15 PM**

8:30AM Registration  
9:00AM Opening Presentation  
12:30 - 1:30PM Lunch  
3:15 - 4:15PM Wine Tasting



**NORTH BAY  
WATERSHED ASSOCIATION**

### **Conference Objective**

To explore water supply innovations, recycling advancements, watersheds and green infrastructure.

### **Who will Attend**

Public officials, leaders in business, science, environmental organizations, and interested members of the public.

### **Keynote Speakers**

**Jared Huffman**, California State Assembly Member,  
Chair of the Committee on Water, Parks and Wildlife

**Frances Spivy-Weber**, Vice Chair,  
State Water Resources Control Board

### **How to Register**

Early Bird rate: \$70 per person until Jan. 31, 2010.  
\$80 as of Feb. 1, 2010. **Call for special Student Rate**

Register online: <https://www.acteva.com/go/nbwa2010>

### **Sponsor Opportunities** are available!

<http://www.nbwatershed.org/pages/2010conf.php>

### **Contact**

- ◆ NBWA Assistant to Executive Director:  
Elizabeth Preim-Rohtla at (415) 945-1475  
or [epreim-rohtla@marinwater.org](mailto:epreim-rohtla@marinwater.org)
- ◆ Event Coordinator:  
Marinda Freeman, MF Productions,  
at (415) 924-9145 or [marinda@mfproductions.net](mailto:marinda@mfproductions.net)

# NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

| <b>TITLE: Workers' Compensation Insurance Report</b>  | <b>MEETING DATE: 4/12/2010</b> |                 |                 |                 |   |         |  |  |  |           |  |          |  |
|---|--------------------------------|-----------------|-----------------|-----------------|---|---------|--|--|--|-----------|--|----------|--|
| <b>AGENDA ITEM NO. : 7d.</b>  |                                |                 |                 |                 |   |         |  |  |  |           |  |          |  |
| <b>RECOMMENDED ACTION: None - information only</b>  |                                |                 |                 |                 |   |         |  |  |  |           |  |          |  |
| <b>SUMMARY AND DISCUSSION:</b>  |                                |                 |                 |                 |   |         |  |  |  |           |  |          |  |
| <p>We have been informed by our Workers' Compensation Insurance carrier, CSRMA, that the District's Experience Modification Factor will increase significantly for policy year 2010 - 2011, from 1.26% to 1.49%.</p> <p>Experience modification is a factor that is applied to the workers' comp. premium and is based on loss experience. Each covered entity starts out with a neutral experience mod of 1.0 and adjustments are made depending on experience. An experience modification factor lower than 1.0 means losses lower than industry average and a modification factor higher than 1.0 means the opposite. Therefore, the District's loss experience is 49% higher than industry average.</p> <p>The District's workers' compensation premium for fiscal year 2010-11 will be affected by a number of factors:</p> <ol style="list-style-type: none"> <li>1. Workers' compensation classification rates have not yet been published but there is pending legislation that will increase rates by 5% to 10%.</li> <li>2. The number of District employees and associated payroll will change depending on the outcome of Measure F on the June 8, 2010 ballot.</li> </ol> <p>Attached are spreadsheets showing the District's workers' compensation experience from 1994-95 to date. Based on projected payroll for 2010-11, and depending on the results of the June 8<sup>th</sup> election, it is estimated that the District's annual workers' compensation insurance premium could adjust as follows:</p> <table style="margin-left: auto; margin-right: auto; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;"><u>Increase</u></th> <th style="text-align: right;"><u>Decrease</u></th> </tr> </thead> <tbody> <tr> <td>Existing employees and consulting contract: Adjust from \$79,398 to \$82,401.</td> <td style="text-align: right;">\$3,003</td> <td></td> </tr> <tr> <td>Contract Operations: Adjust from \$79,398 to \$71,977.</td> <td></td> <td style="text-align: right;">(\$7,421)</td> </tr> <tr> <td>District Operation: Adjust from \$79,398 to \$128,279.</td> <td style="text-align: right;">\$48,881</td> <td></td> </tr> </tbody> </table> <p>Any adjustments will be applied after the end of 2010-11 fiscal year following the final workers' compensation final premium audit when actual payroll is known.</p> |                                |                 | <u>Increase</u> | <u>Decrease</u> | Existing employees and consulting contract: Adjust from \$79,398 to \$82,401. | \$3,003 |  | Contract Operations: Adjust from \$79,398 to \$71,977. |  | (\$7,421) | District Operation: Adjust from \$79,398 to \$128,279. | \$48,881 |  |
|   | <u>Increase</u>                | <u>Decrease</u> |                 |                 |   |         |  |  |  |           |  |          |  |
| Existing employees and consulting contract: Adjust from \$79,398 to \$82,401.   | \$3,003                        |                 |                 |                 |   |         |  |  |  |           |  |          |  |
| Contract Operations: Adjust from \$79,398 to \$71,977.  |                                | (\$7,421)       |                 |                 |   |         |  |  |  |           |  |          |  |
| District Operation: Adjust from \$79,398 to \$128,279.  | \$48,881                       |                 |                 |                 |   |         |  |  |  |           |  |          |  |
| <b>ALTERNATIVES: N/A</b>  |                                |                 |                 |                 |   |         |  |  |  |           |  |          |  |
| <b>BUDGET INFORMATION:</b> For fiscal year 2010-11 the District will be billed approximately \$3,003 more than last year based on projected payroll provided in February 2010. Adjustments will be made retroactively based on actual payroll.  |                                |                 |                 |                 |   |         |  |  |  |           |  |          |  |
| <b>DEPT. MGR. :</b>   | <b>MANAGER'S APPROVAL:</b>     |                 |                 |                 |   |         |  |  |  |           |  |          |  |

April 7, 2009

**WORKERS' COMPENSATION INSURANCE FUND  
1994-95 to 2009-10**

| Year  | Payroll   | Premium | Exp<br>Mod | Prior Years'<br>Retroactive<br>Adjustment | Modified<br>Premium     |
|---|-----------|---------|------------|---|-------------------------|
| <b>Estimated - with Contract Operations</b>   |           |         |            |   |                         |
| 2010-11   | 1,906,677 | 48,301  | 149%       |   | 71,977                  |
| <b>Estimated - with NSD Operation and add'l employees</b>                                     |           |         |            |   |                         |
| 2010-11   | 2,680,678 | 86,093  | 149%       |   | 128,279                 |
| <b>Estimated - with existing employees and emergency consulting contract</b>                  |           |         |            |   |                         |
| 2010-11   | 2,320,916 | 55,303  | 149%       |   | 82,401 (see Note below) |
| <b>2009-10 based on projected payroll - will be adjusted with actual payroll at end of FY</b> |           |         |            |   |                         |
| 2009-10   | 2,651,981 | 66,856  | 126%       | (4,850)                                   | 79,398                  |
| 2008-09   | 2,489,894 | 65,461  | 85%        |   | 55,643                  |
| 2007-08   | 2,441,064 | 66,639  | 77%        | (15,841)                                  | 35,471                  |
| 2006-07   | 2,278,153 | 75,870  | 71%        | (35,719)                                  | 18,152                  |
| 2005-06   | 2,229,966 | 91,423  | 77%        | (22,620)                                  | 47,775                  |
| 2004-05   | 2,057,343 | 96,667  | 90%        | (323)                                     | 86,677                  |
| 2003-04   | 1,840,411 | 74,600  | 104%       | (472)                                     | 77,112                  |
| 2002-03   | 1,749,389 | 54,291  | 98%        | 13,590                                    | 66,795                  |
| 2001-02   | 1,673,027 | 38,399  | 79%        | 15,475                                    | 45,810                  |
| 2000-01   | 1,463,445 | 34,353  | 84%        | (8,354)                                   | 20,503                  |
| 1999-00   | 1,436,374 | 45,589  | 90%        | (7,729)                                   | 33,301                  |
| 1998-99   | 1,449,179 | 38,109  | 96%        | (9,033)                                   | 27,552                  |
| 1997-98   | 1,357,457 | 34,472  | 94%        | (5,480)                                   | 26,927                  |
| 1996-97   | 1,321,804 | 32,538  | 92%        | (8,022)                                   | 21,914                  |
| 1995-96   | 1,287,163 | 36,004  | 80%        |   | 28,803                  |
| 1994-95   | 1,314,769 | 38,202  | 84%        |   | 32,090                  |

NOTE: We are required to submit estimated payroll for workers' compensation policy renewal in February of each year. Therefore, the estimate of \$82,401 for 2010-11 is based on existing payroll at that time, with current employees, and that is the amount we will be billed. Any adjustments will be made after the end of the 2010-11 fiscal year following the final premium audit.

In 1994-95, Novato Sanitary District changed coverage from the CASA State Workers' Compensation Insurance Group to CSRMA and receives retrospective adjustments on future premiums based on the District's experience with CSRMA. Dividend calculations are performed at 18 months following expiration of the program year.