

California Regional Water Quality Control Board Central Coast Region

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DRAFT ORDER NO. R3-2005-0057 NPDES NO. CA0047791

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

Discharger	The CHY Company and Olive Springs Quarry, Inc.
Name of Facility	Olive Springs Quarry
Facility Address	1399 Olive Springs Road
	Soquel, CA 95073
	Santa Cruz County

The Discharger is authorized to discharge from the following discharge points as set forth below:

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
002	Treated process wastewater and storm water discharged from Pond C	37° 03' 30" N	121° 55' 15" W	Soquel Creek

This Order was adopted by the Regional Board on:	July 8, 2005
This Order shall become effective on:	July 8, 2005
This Order shall expire on:	July 8, 2010
The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Board have classified this discharge as a minor discharge.	
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, <u>not later than January 8, 2010</u> as application for issuance of new waste discharge requirements.	

IT IS HEREBY ORDERED, that Order No. 00-013 is rescinded upon the effective date of this Order except for enforcement purposes, and, to meet the provisions contained in Division 7 of the California Water Code (CWC) 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 herein.

I, Roger W. Briggs, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region, on **July 8, 2005**.

Roger W. Briggs, Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
REGION 3, CENTRAL COAST REGION**

**ORDER NO. R3-2005-0057
NPDES NO. CA0047791**

TABLE OF CONTENTS

I. Facility Information	3
II. Findings.....	3
III. Discharge Prohibitions	6
IV. Effluent Limitations and Discharge Specifications	6
A. Effluent Limitations 6	
V. Receiving Water Limitations	7
A. Surface Water Limitations 7	
VI. Provisions.....	8
A. Standard Provisions 8	
B. Monitoring and Reporting Program Requirements 8	
C. Special Provisions 8	
1. Re-opener	8
2. Toxicity Reduction Evaluation Workplan	9
3. Timber Harvesting Plan	9
4. Special Studies, Technical Reports and Additional Monitoring Requirements – Not Applicable	9
5. Compliance Schedules	9
6. Construction, Operation and Maintenance Specifications	9
VII. Compliance Determination.....	10
Attachment A – Definitions	A-1
Attachment B – Topographic Map	B-1
Attachment C – Wastewater Flow Schematic	C-1
Attachment D – Federal and State Standard Provisions.....	D-1
Attachment E – Monitoring and Reporting Program (MRP)	E-1
Attachment F – Fact Sheet.....	F-1

I. FACILITY INFORMATION

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order.

Discharger	The CHY Company and Olive Springs Quarry, Inc.
Name of Facility	Olive Springs Quarry
Facility Address	1399 Olive Springs Road
	Soquel, CA 95073
	Santa Cruz County
Facility Contact, Title, and Phone	Gerald Harn, Owner 831-475-1610
Mailing Address	P.O. Box 747, Soquel, CA 95073
Type of Facility	Granite Quarry and Processing
Facility Design Flow	<u>Discharge Point 002</u> : From 2000 – 2002, discharges of process wastewater occurred an average of 3 to 4 days per year at approximately 0.03 million gallons per day (mgd). No recorded discharge occurred from Discharge Point 002 in 2003 or 2004.

II. FINDINGS

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

- A. **Background.** The Olive Springs Quarry, Inc. (hereinafter the Discharger) discharges wastewater in accordance with waste discharge requirements in Order No. 00-013 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0047791. The Discharger submitted a Report of Waste Discharge in February 2005 and applied for an NPDES permit renewal to discharge treated process wastewater and storm water runoff from the Olive Springs Quarry.
- B. **Facility Description.** The Discharger owns and operates an open pit granite quarry and processing facility where raw material is dry quarried, crushed, screened, and washed. The Discharger also produces finished asphalt products. Treated process wastewater, commingled with storm water runoff, is discharged through Discharge Point 002 to Soquel Creek, a water of the United States within the Soquel Creek Watershed. (Storm water runoff from Leasehold 1 is discharged through Discharge Point 001 directly to Soquel Creek. Discharge Points 003 and 004 discharge storm water from Leasehold 3 to a drainage ditch adjacent to Olive Springs Road, which ultimately discharges to Soquel Creek. Discharge Point 005 conveys storm water directly from Leasehold 3 to Soquel Creek through a 24-inch culvert. Attachment B is a topographic map showing the regional location of the facility.) Attachment C provides a wastewater and storm water flow schematic of the facility.
- C. **Legal Authorities.** This Order is issued pursuant to the CWA Section 402 and implementing regulations adopted by the U.S. EPA and CWC Chapter 5.5, Division 7. It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements pursuant to the CWC Article 4, Chapter 4 for discharges to waters of the State.
- D. **Background and Rationale for Requirements.** The Regional Board developed the requirements in this Order based on information submitted in the application, data generated by monitoring and reporting programs, and through special studies. Attachments A through F contain background information and a detailed rationale for the Order's requirements and are hereby incorporated into the Order and are thus part of the Order's findings.
- E. **California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with CWC Section 13389.

- F. **Technology-Based Effluent Limitations.** The Code of Federal Regulations (CFR) at 40 CFR 122.44 (a) requires that permits include technology-based limitations and standards, when applicable. This Order includes technology-based effluent limitations for pH, based on Effluent Limitations Guidelines codified at 40 CFR 436.20, and for total suspended solids (TSS) and settleable solids established using Best Professional Judgment (BPJ) in accordance with 40 CFR 125.3. The Fact Sheet (Attachment F) discusses development of the technology-based effluent limitations.
- G. **Water Quality-Based Effluent Limitations.** 40 CFR 122.44 (d) requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria for protection of the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR 122.44 (d) specifies that WQBELs may be established using U.S. EPA criteria guidance under CWA Section 304 (a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.
- H. **Water Quality Control Plans.** On September 8, 1994, the Regional Board adopted the *Water Quality Control Plan for the Central Coast Region* (hereinafter the Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed by the Basin Plan. Beneficial uses applicable to Soquel Creek follow.

Discharge Point	Receiving Water Name	Beneficial Use(s)
002	Soquel Creek	<u>Present and Potential</u> Municipal and Domestic Water Supply (MUN) Agricultural Supply (ARG) Industrial Service Supply (IND) Groundwater Recharge (GWR) Contact (REC-1) and Non-Contact (REC-2) Water Recreation Wildlife Habitat (WILD) Cold Fresh Water Habitat (COLD) Migration of Aquatic Organisms (MIGR) Spawning, Reproduction, and/or Early Development (SPWN) Preservation of Biological Habitats of Special Significance (BIOL) Freshwater Replenishment (FRESH) Commercial and Sport Fishing (COMM)

The beneficial uses of groundwater underlying the Soquel Creek Watershed are agricultural water supply, municipal and domestic water supply, and industrial use.

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

Requirements of this Order specifically implement the applicable Water Quality Control Plans described above.

- I. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** U.S. EPA promulgated the NTR on December 22, 1992 and amended it on May 4, 1995 and November 9, 1999. U.S. EPA promulgated the CTR on May 18, 2000 and amended it on February 13, 2001. The NTR and the CTR include water quality criteria for toxic pollutants and apply to wastewater discharges from the Olive Springs Quarry.
- J. **State Implementation Policy.** On March 2, 2000, the State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000, with respect to the priority

pollutant criteria promulgated for California by the U.S. EPA through the NTR and to the priority pollutant objectives established by the Regional Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the U.S. EPA Regional Administrator. The alternate test procedures provision became effective on May 22, 2000 and the SIP became effective on May 18, 2000. The SIP includes procedures for determining the need for and calculating WQBELs and requires dischargers to submit data sufficient to do so.

- L. **Compliance Schedules and Interim Requirements.** This Order does not include compliance schedules or interim effluent limitations.
- M. **Anti-Degradation Policy.** State water quality standards must include an anti-degradation policy consistent with the federal policy established at 40 CFR 131.12. The State Board established California's anti-degradation policy in State Board Resolution 68-16, which requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in the Fact Sheet, Attachment F, the permitted discharges are consistent with the anti-degradation provisions of 40 CFR 131.12 and State Board Resolution 68-16.
- N. **Anti-Backsliding Requirements.** CWA Sections 402(o)(2) and 303(d)(4) and NPDES regulations at 40CFR122.44(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. All effluent limitations established by this Order are consistent with anti-backsliding provisions, but, as discussed in the Fact Sheet, this relaxation of limitations complies with an exception allowing relaxation of a limit. This Order does not continue Order No. 00-013's chronic toxicity limitation.
- O. **Monitoring and Reporting.** 40CFR122.48 requires all NPDES permits to specify requirements for recording and reporting monitoring results. CWC Sections 13267 and 13383 authorize the Regional Boards to require technical and monitoring reports. Monitoring and Reporting Program No. R3-2005-0057 establishes monitoring and reporting requirements to demonstrate compliance with this Order's requirements. Attachment E includes the Monitoring and Reporting Program.
- Q. **Notification of Interested Parties.** The Regional Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the facility and has provided them with an opportunity to submit their written comments and recommendations. The Fact Sheet (Attachment F) provides the notification details.
- R. **Consideration of Public Comment.** The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharges. Details of the public hearing are provided in the Fact Sheet (Attachment F) accompanying this Order.
- S. **Privilege to Discharge.** A permit and the privilege to discharge waste into waters of the State are conditional upon the discharge complying with provisions of Division 7 of the California Water Code and of the Clean Water Act (as amended or supplemented by implementing guidelines and regulations) and with any more stringent effluent limitations necessary to implement water quality control plans, to protect beneficial uses, and to prevent nuisance. This Order shall serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act. Compliance with this Order should mitigate any potential changes in water quality resulting from the discharge of waste.
- T All technical and monitoring reports submitted according to this Order are required pursuant to Sections 13267 and 13383 of the California Water Code. Failure to submit reports in accordance with schedules established by this Order or attachments to this Order, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer (EO), may subject the Discharger to enforcement action pursuant to Sections 13268 and 13385 of the California Water Code.
- U. Requirements in this Order are provided with the following superscripts to indicate their origin:
 - A Title 40, Code of Federal Regulations Sections 122 & 133,.
 - B Central Coast Water Quality Control Plan (Basin Plan).
 - C California Toxics Rule
 - D California Code of Regulations Title 22 Maximum Contaminant Level

Staff based requirements without superscripts on professional judgment.

III. DISCHARGE PROHIBITIONS

- A. Discharge of process wastewater at locations other than as described by this Order is prohibited.
- B. Discharge of any waste other than process wastewater from the quarry site, as described by this Order, to waters of the United States and/or waters of the State is prohibited.
- C. Discharge of fuels, greases, or oils to the facility's treatment ponds, the storm drainage system, or to waters of the United States and/or waters of the State is prohibited.
- D. The bypass of facilities meant for the settling/removal of solids from wastewater and subsequent discharge of untreated wastewater, is prohibited.
- E. Creation of a condition of pollution, contamination, or nuisance, as defined by CWC section 13050 , is prohibited.
- F. Adverse effects of the discharge to beneficial uses of water or threatened or endangered species are prohibited.
- G. The discharge of radioactive substances is prohibited.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations

1. Final Effluent Limitations – Discharge Points 001, 003 – 005

The Discharger shall comply with the Provisions of the Industrial Activities Storm Water General Permit No. 97-03 DWQ.

2. Final Effluent Limitations – Discharge Point 002

Effluent shall not exceed the following limits:

Constituent	Units	Effluent Limitation	
		Average Monthly	Daily Maximum
PH ^B	pH units	6.0 – 9.0	
TSS	mg/L	-	50
Settleable Solids	mL/L	0.3	-
Aluminum ^D	mg/L	1.0	2.0
Arsenic ^D	µg/L	50	100
Barium ^D	mg/L	1.0	2.0
Cadmium ^B	µg/L	0.3	0.7
Chromium (6) ^C	µg/L	8.0	16
Copper ^C	µg/L	7.0	14
Lead ^C	µg/L	2.6	5.3
Mercury ^C	µg/L	0.05	0.1
Nickel ^C	µg/L	42	84
Selenium ^B	mg/L	20	40
Silver ^C	mg/L	2.0	4.0
Zinc ^B	mg/L	3.3	6.5
Acute Toxicity ^B	% survival	-	100 ¹

1 Survival of test organisms exposed to 100 percent effluent shall not be significantly reduced,

as determined by a t-test, when compared to the survival of control organisms.

V. RECEIVING WATER LIMITATIONS

Receiving water quality is a result of many factors, some unrelated to the discharge. This permit considers these factors and is designed to minimize the discharge's adverse effects on the receiving water.

A. Surface Water Limitations

Discharges from the Olive Springs Quarry to Soquel Creek shall not cause or contribute to exceedance/deviation of the following limitations:

1. Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses. Coloration of the discharge by wastes shall not exceed 15 units or 10 percent above natural background color, whichever is greater^B.
2. Waters shall not contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin that cause nuisance, or that impair or threaten to impair beneficial uses^B.
3. Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or impair or threaten to impair beneficial uses^B.
4. Waters shall not contain suspended material in concentrations that causes nuisance or impairs or threatens to impair beneficial uses^B.
5. Waters shall not contain settleable material in concentrations that result in deposition of material that causes nuisance or impairs or threatens to impair beneficial uses^B.
6. Waters shall not contain oils, greases, waxes, or other similar materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise impair or threaten to impair beneficial uses^B.
7. Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or impair or threaten to impair beneficial uses^B.
8. The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered so as to cause nuisance or impair or threaten to impair beneficial uses^B.
9. Waters shall be free of changes in turbidity that cause nuisance or impair or threaten to impair beneficial uses. Increase in turbidity attributable to controllable water quality factors shall not exceed the following limits:
 - a. Where natural turbidity is between 0 and 50 Jackson Turbidity Units (JTU), increases shall not exceed 20 percent.
 - b. Where natural turbidity is between 50 and 100 JTU, increases shall not exceed 10 JTU.
 - c. Where natural turbidity is greater than 100 JTU, increases shall not exceed 10 percent^B.
10. The pH value shall not be depressed below 7.0 nor raised above 8.3, nor shall changes in ambient pH levels exceed 0.5 pH units^B.
11. Dissolved oxygen concentrations in the Soquel Creek shall not be reduced below 7.0 mg/L at any time^B.
12. Soquel Creek's natural temperature shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not impair or threaten to impair beneficial uses^B.
13. All waters shall be maintained free of toxic substances in concentrations which are toxic to, or which produce detrimental physiological responses in, human, plant, animal, or aquatic life. Survival of

aquatic life in surface waters subjected to a waste discharge or other controllable water quality conditions shall not be less than that for the same water body in areas unaffected by the waste discharge^B.

14. The discharge of wastes shall not cause concentrations of unionized ammonia (NH₃) to exceed 0.025 mg/L (as N) in Soquel Creek^B.
15. No individual pesticide or combination of pesticides shall reach concentrations that adversely affect bottom sediments or aquatic life. For waters where existing concentrations are presently nondetectable or where beneficial uses would be impaired by concentrations in excess of nondetectable levels, total identifiable chlorinated hydrocarbon pesticides shall not be present at concentrations detectable within the Minimum Levels included in the SIP's latest edition, or other equivalent methods approved by the Executive Officer^B.
16. Waters shall not contain organic substances in concentrations greater than the following^B:

Constituent	Receiving Water Limit
Methylene Blue Activated Substances (mg/L)	0.2
Phenols (µg/L)	1.0
PCB's (µg/L)	0.3
Phthalate Esters (µg/L)	0.002

17. Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life; or result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life. Waters shall not contain concentrations of radionuclides in excess of the limits specified in California Code of Regulations, Title 22, Chapter 15, Article 5, Sections 64441 and 64443, Table 4^D.
18. Receiving waters shall not contain concentrations of chemical or organic constituents in excess of the primary maximum contaminant levels (MCLs) specified for drinking water in Table 64431-A (Primary MCLs for Inorganic Chemicals) and Table 64444-A (Primary MCLs for Organic Chemicals) of Title 22 California Code of Regulations, Division 4, Chapter 15^D.
19. Receiving waters shall not contain concentrations of chemical constituents in amounts that impair or threaten to impair the agricultural beneficial use^B.
20. Waters shall not contain concentrations of chemical constituents known to be deleterious to fish or wildlife in excess of the limits listed in Table 3-5 of the Basin Plan^B.
21. Cadmium shall not exceed 0.003 mg/L in hard water (> 100 mg/L CaCO₃) or 0.0004 mg/L in soft water (≤ 100 mg/L CaCO₃) at any time^B.

IV. PROVISIONS

A. Standard Provisions

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

B. Monitoring and Reporting Program Requirements

The Discharger shall comply with Monitoring and Reporting Program No. R3-2005-0057, and future revisions or amendments thereto, in Attachment E of this Order. The Discharger shall analyze all samples according to regulations at 40 CFR Part 136, *Guidelines Establishing Test Procedures for Analysis of Pollutants*.

C. Special Provisions

1. Re-opener

This Order may be reopened and modified in accordance with NPDES regulations at 40 CFR 122 and 124, as necessary, to include additional conditions or limitations based on newly available

information or to implement any U.S. EPA-approved, new State water quality objective. As new or additional data become available to assess the reasonable potential of the discharge to cause or contribute to exceedances of applicable receiving water quality criteria/objectives, the permit will be reopened and modified, as necessary, to include such additional conditions and/or limitations.

2. Toxicity Reduction Evaluation Workplan

The Discharger shall maintain a Toxicity Reduction Evaluation (TRE) Workplan, which describes steps that the Discharger will follow in the event that acute toxicity is detected in the discharge to Soquel Creek from Discharge Point 002. The workplan shall include, at a minimum:

- a. Actions that will be taken to investigate/identify the causes/sources of toxicity,
- b. Actions that will be evaluated to mitigate the impact of the discharge, to correct the non-compliance, and/or to prevent the recurrence of acute toxicity (this list of action steps may be expanded, if a TRE is undertaken), and
- c. A schedule under which these actions will be implemented.

When monitoring measures acute toxicity in the effluent above the limitation established by this Order, the Discharger shall resample immediately, if the discharge is continuing, and retest for acute toxicity. Results of an initial failed test and results of subsequent monitoring shall be reported to the Executive Officer (EO) as soon as possible following receipt of monitoring results. The EO will determine whether to initiate enforcement action, whether to require the Discharger to implement a Toxicity Reduction Evaluation, or to implement other measures. The Discharger shall conduct a TRE giving due consideration to guidance provided by the U.S. EPA's Toxicity Reduction Evaluation Procedures, Phases 1, 2, and 3 (EPA document Nos. EPA 600/3-88/034, 600/3-88/035, and 600/3-88/036, respectively). A TRE, if necessary, shall be conducted in accordance with the following schedule.

Action Step	When Required
Take all reasonable measures necessary to immediately reduce toxicity, where the source is known.	Within 24 hours of identification of noncompliance.
Initiate the TRE in accordance to the Workplan.	Within 7 days of notification by the EO.
Conduct the TRE following the procedures in the Workplan.	One year period or as specified in the plan.
Submit the results of the TRE, including summary of findings, required corrective action, and all results and data.	Within 60 days of completion of the TRE.
Implement corrective actions to meet Permit limits and conditions.	To be determined by the EO.

3. Timber Harvesting Plan

In accordance with this Order and Monitoring Program, the Discharger shall collect, treat and monitor all runoff from the timber harvesting site harvested in accordance with the Timber Harvesting Plan (No. 1-04-138 SCR) approved by the Director of Forestry on February 16, 2005.

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

This section is not applicable, as no special studies, technical reports or additional monitoring are required by this Order.

5. Compliance Schedules

This section is not applicable, as the Order does not establish compliance schedules.

6. Construction, Operation and Maintenance Specifications

The Discharger shall inspect, install, and have in proper operational condition all erosion and sediment control systems necessary to assure compliance with this Order.

V. COMPLIANCE DETERMINATION

For purposes of reporting and administrative enforcement, compliance with effluent limitations or discharge specifications shall be determined as follows.

- A. Dischargers shall be deemed out of compliance with an effluent limitation or discharge specification if the concentration of the constituent in the monitoring sample is greater than the effluent limitation or discharge specification and greater than or equal to the Minimum Level (ML).
- B. When determining compliance with an average monthly effluent limitation or discharge specification and more than one sample result is available for the averaging period, the arithmetic mean of the data set shall be computed unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In such cases, the median shall be computed in place of the arithmetic mean in accordance with the following procedure.
 - 1. 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.
 - 2. The media 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.
- C. If only one sample is collected during the time period associated with the effluent limitations (e.g., 30-day average or 4-day average), the single measurement shall be used to determine compliance with the effluent limitation for the entire time period.
- D. All analytical data shall be reported uncensored with detection limits and quantitation limits identified. For any effluent limitation, compliance shall be determined using appropriate statistical methods to evaluate multiple samples. Sufficient sampling and analyses shall be conducted to determine compliance.
- E. Minimum Levels (MLs) represent the lowest quantifiable concentrations of a pollutant in water quality samples based on proper application of method-specific analytical procedures and the absence of matrix interferences. MLs also represent the lowest standard concentrations in the calibration curves for specific analytical techniques after the application of method specific factors. For reporting and compliance determinations for toxic pollutants the Discharger shall use analytical methods identified in the corresponding ML is below the applicable effluent limitation. If the effluent limitation is below all the MLs identified for the pollutant, the Discharger shall select the lowest ML (and corresponding analytical method).
- F. When determining compliance based on a single sample, and a single effluent limitation applies to a group of chemicals (e.g. PCBs), concentrations of individual members of the group may be considered to be zero if the analytical response for individual chemicals falls below the MDL for that parameter.
- G. As defined by the U.S. EPA at 40 CFR 122.2, average monthly discharge limitation means 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.
- H. Dischargers shall be deemed out of compliance with an effluent limitation or discharge specification if the concentration of the constituent in the monitoring sample is greater than the effluent limitation or discharge specification and greater than or equal to the Minimum Level (ML).