

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

81 South Higuera St. Suite 200
San Luis Obispo, California 93401-5427

ORDER NO. 94-99
NPDES NO. CAS049883

WASTE DISCHARGE REQUIREMENTS
FOR
CITY OF SANTA CRUZ,
NEARY LAGOON STORM WATER DISCHARGE
AND
LAGOON MANAGEMENT,
SANTA CRUZ COUNTY

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

1. Neary Lagoon (hereafter the Lagoon) is located in the City of Santa Cruz less than one mile from the downtown area as shown on Attachment "A" of this Order. The Lagoon detains storm water and urban runoff from about 850 acres within the City limits prior to discharge to the Pacific Ocean.
2. The City of Santa Cruz (hereafter the Discharger) controls and manages Neary Lagoon and controls associated pump testing discharge from the Lagoon to the Pacific Ocean. The Discharge during gravity flow and pump testing occurs at the Cowell's Beach storm water conveyance outlet.
3. On June 10, 1994, the Discharger submitted an application for the issuance of waste discharge requirements under the National Pollutant Discharge Elimination System (NPDES). The permit application included a study conducted to determine existing Lagoon water quality. Sampling conducted by the Discharger indicates high coliform concentrations in Lagoon surface water. There were no other pollutants in the Lagoon that exceed water quality objectives for the Lagoon or the Ocean.
4. The Board has not previously regulated the discharge of storm water and urban runoff to the Lagoon, nor testing of the flood control pumps which discharge to the Ocean.
5. Areas subject to these permit requirements include all areas within the boundaries of the Neary Lagoon and storm water discharges to the Pacific Ocean.
6. In December 1991, the City completed installation of three flood control pumps (each rated at 33,600 gallon per minute) at the Lagoon. The pumps were installed to prevent flooding of urban areas adjacent to the Lagoon during intense storm events. These pumps can be operated either automatically or manually and are equipped with a standby generator to ensure operation during power outages. Winter storm water flows normally drain into the 66" gravity line that discharges to Cowell Beach. If winter storm water flows cannot be handled by the gravity drain line, as indicated by rising Lagoon water level above a specified point, the pumps are activated.

7. On August 4, 1992, the City conducted the first manual testing of the pumps. About 250,000 gallons were discharged to Cowell Beach. Adequate measures to mitigate impacts of the discharge were not implemented by the City and as a result, Cowell Beach was posted for three days (August 4, 5, & 6) due to nuisance conditions. Fecal coliform water-contact standards were exceeded.
8. Additional pump tests were conducted by the City on September 15, and October 14, 1992. During these tests, the City implemented conditions recommended by Board staff. Results of bacterial sampling for the September 15 and October 14, 1992, discharges showed compliance with fecal coliform standards and did not create a condition of nuisance.
9. On December 15, 1993, the City conducted another pump testing. Receiving water bacterial sampling exceeded fecal coliform standards and resulted in a nuisance condition. However, fecal coliform standards were met on the day following the test. Staff believes fecal coliform standards were exceeded primarily due to stagnant water within the storm water conveyance pipe.
10. The federal Clean Water Act Section 402(p)(2)(E) allows the Regional Board, as an authorized state water pollution control agency, to require a permit upon determination that a storm water discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.
11. On at least two occasions, discharges from the test pumping have caused fecal coliform levels in ocean waters to exceed safe limits for contact recreation. The high coliform level, odor and color of the discharge also caused a condition of nuisance. The fact that the beach had to be closed on these occasions further demonstrates that these discharges impaired beneficial uses of the ocean. Given the high coliform levels in the Lagoon, it is also possible that discharges from the gravity drain have also caused a violation of the fecal coliform water quality standard for ocean waters. These discharges will continue, on an intermittent basis, for the foreseeable future. Therefore, it is necessary to regulate these discharges pursuant to Clean Water Act Section 402(p)(2)(E) and California Water Code Section 13377.
12. The major source of odor and discoloration in the pump discharge is stagnant water that accumulates in the storm water conveyance pipe between the pumps and the ocean outlet. There is a potential for high fecal coliform levels in the Lagoon. However, the two pump discharges of Lagoon water, occurring after previous discharges had flushed out stagnant water, did not cause a condition of nuisance. No evidence exists to indicate future discharges without stagnant water will not cause impairment of body contact beneficial use of the receiving water.
13. The degree to which storm water flows and urban runoff from the storm drains contribute to elevated coliform levels within the Lagoon is unknown at this time. The sources of coliform entering storm drains and sources of coliform in the Lagoon must be investigated.
14. The Ocean Plan designates coliform water quality objectives for the contact recreation beneficial use in ocean waters. The Ocean Plan requires that:
 - a. Samples of water from each sampling station must have a density of total coliform organisms less than 1,000 per 100 ml (10 per ml); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period may exceed 1,000 per 100 ml (10 per ml), and provided further that no single sample, when

verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml (100 per ml).

- b. The fecal coliform density based on a minimum of not less than five samples for any 30-day period, shall not exceed a geometric mean of 200 per 100 ml nor shall more than 10 percent of the total samples during any 60-day period exceed 400 per 100 ml.
15. The Basin Plan has established water quality objectives for contact recreation use in inland surface waters, including Neary Lagoon. The Basin Plan provides:
- Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period shall not exceed a log mean of 200 per 100 ml, nor shall more than ten percent of total samples during any 30-day period exceed 400 per 100 ml.
16. The Clean Water Act authorizes a state to impose more stringent water quality protection than federal law requires. A Regional Water Quality Control Board may apply more stringent receiving water limitations than those required to implement the Ocean Plan if they are necessary to protect beneficial uses of the ocean. Reference the case of Southern California Edison v. State Water Resources Control Board (1981) 116 Cal.App.3d 751,172 Cal. Rptr. 306. In that case, the Ocean Plan objectives were based on repeated sampling over periods from 30 to 60 days. These sampling requirements made sense for a discharge that continues daily and occurs from an outfall located away from the shoreline. With the Neary Lagoon case, pump test discharge occurs for only one day on an intermittent basis; the discharge is very large, approximately one million gallons; and it flows directly across the beach and into shoreline waters in direct contact with people

who are using the water for recreation. Therefore, the pump-test discharge impairs beneficial use whenever it causes receiving waters to exceed safe levels for contact recreation. Under the specific circumstances of this case, the Pacific Ocean's beneficial use of contact recreation will be protected if each Ocean Water shore station sample, taken in accordance with MRP No. 94-99, does not exceed a median density for total coliform of 1,000 per 100 ml and does not exceed a median density for fecal coliform of 200 per 100 ml. Receiving water limitations apply immediately after discharge commences, if the pump test discharge commences during daylight hours. If the pump test commences after dark, the limitations will apply 12 hours after the discharge or one hour before sunrise, whichever time occurs first.

17. The initial zone of dilution is at the shoreline where pump test discharge meets ocean water. The dilution ratio is considered 1:1.
18. Summer inflows to the Lagoon are primarily attributed to domestic activities within the Watershed such as, lawn watering, washing cars and from natural seeps and springs. During dry weather flows, the City diverts gravity flows to the sanitary sewage treatment facility adjacent to the Lagoon. However, winter flows during some storm events are estimated to be in excess of present treatment facility capacity.
19. Storm water discharges consist of surface runoff generated from various land uses in the hydrologic drainage basin which discharges to waters of the State. Storm water discharge quality can vary and is affected by hydrology, geology, land use, season, and sequence and duration of hydrologic events. National urban run-off data indicates pollutants of concern in storm water discharges include, but are not limited to, total suspended solids (TSS), total dissolved solids (TDS), chemical oxygen demand (COD), biochemical oxygen demand (BOD), oil and grease, total and fecal

Coliform and enterococci bacteria, heavy metals, nutrients, sediments, petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs) pesticides, and herbicides. To date, pollutants of primary concern in Neary Lagoon have been limited to bacteria.

20. California Water Code Section 13263(a) specifies that waste discharge requirements issued by the Regional Board include provisions to implement water quality based objectives. Numeric effluent limitations and receiving water limitations are not provided for storm water discharge to the Lagoon or for discharges from the Lagoon to the Pacific Ocean during storm events because of the enormous variability in storm water quality and quantity and the complexity of urban runoff. The requirements in this Order are designed to provide the data, which may make it possible to set some numeric effluent limitations and receiving water limitations, and concurrently achieve reductions in pollutant loads to surface waters from storm water runoff.

Coliform receiving water limitations for pump test discharges are provided because past pump test discharges have caused impairment of contact recreation beneficial uses of the Pacific Ocean and because planning and preparation is possible before pump test occurs. No numeric effluent limitations for pump test discharges are provided because of the variability in conditions in Neary Lagoon, which is itself a water of the United States.

21. The objective of Lagoon Storm Water Pollution Prevention Plan, per C.1. and C.2. contained in this Order, is to minimize pollutants in storm water discharges to surface waters, including Neary Lagoon and the Pacific Ocean, and to implement regulatory requirements prescribed in the Basin Plan; Section 402(p) of the federal Clean Water Act; and 40 DFR, parts 122, 123, and 124.
22. This permit is intended to: a) regulate future flood control pump testing; and b) develop, achieve, and implement a timely, comprehensive, and cost-effective Lagoon water pollution control program to minimize pollutants in discharges to waters of the United States.
23. The Water Quality Control Plan, Central Coast Basin (Basin Plan), was adopted by the Board on November 17, 1989, and approved by the State Water Resources Control Board on November 17, 1989, and approved by the State Water Resources Control Board on August 16, 1990. The Basin Plan incorporates statewide plans and policies by reference and contains a strategy for protecting beneficial uses of State waters. The Water Quality Control Plan, Ocean Waters of California (Ocean Plan), was adopted by the State Water Resources Control Board in 1990. The Ocean Plan contains water quality objectives and other requirements governing discharge to the Pacific Ocean.
24. Present and anticipated beneficial uses of Neary Lagoon include:
- a. Ground water recharge;
 - b. Non-contact water recreation, including aesthetic enjoyment;
 - c. Water contact recreation;
 - d. Wildlife habitat;
 - e. Warm water habitat;
 - f. Fish spawning; and,
 - g. Rare and endangered species habitat.
25. Existing beneficial uses of the Pacific Ocean include:
- a. Non-contact water recreation, including aesthetic enjoyment;
 - b. Water contact recreation;
 - c. Industrial service supply
 - d. Navigation;
 - e. Mariculture; and,
 - f. Commercial and Open Sport Fishing.

26. Monterey Bay was officially designated as a National Marine Sanctuary on September 15, 1992. The National Marine Sanctuaries Program is mandated by Title III of the Marine Protection, Research, and Sanctuaries Act of 1972. The Program protects areas of the marine environment which possess conservation, recreational, ecological, historical, research, educational, or aesthetic qualities of special national significance. The first priority of the Program is the long term protection of resources within a sanctuary.
27. The Environmental Protection Agency and the Board classify the pump test discharge as a minor discharge.
28. These waste discharge requirements are exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21100, et seq.) pursuant to Section 13389 of the California Water Code.
29. This permit does not authorize discharges of fill or dredged material regulated by the U.S. Army Corps of Engineers under the Clean Water Act and does not constitute water quality certification under Clean Water Act Section 401.
30. Discharge of waste is a privilege, not a right, and authorization to discharge is conditional upon the discharge complying with provisions of Division 7 of the California Water Code and any more stringent effluent limitations necessary to implement water quality control plans, to protect beneficial uses, and to prevent nuisance. Compliance with this Order should assure this and mitigate any potential adverse changes in water quality due to the discharge.
31. On August 19, 1994, the Board notified the City and interested agencies and persons of its intent to issue these waste discharge requirements and has provided them with a copy of the proposed Order and an opportunity to submit written views and comments.

32. After considering all comments pertaining to this discharge during a public hearing on October 14, 1994, this Order was found consistent with the above findings.

IT IS HEREBY ORDERED, pursuant to authority in Sections 13263 and 13377 of the California Water Code, the City of Santa Cruz, its agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act, as amended, and regulations and guidelines adopted thereunder, shall comply with the following requirements.

(Note: Throughout these requirements footnotes are listed to indicate the source of requirements specified. Requirement footnotes are as follows:

- A = Basin Plan
- B = Ocean Plan
- C = Code of Federal Regulations Title 40 Section 122

Requirements not referenced are based on staff's professional judgement.)

A. LIMITATIONS FOR SURFACE WATER DISCHARGES TO THE PACIFIC OCEAN

1. All dry weather surface water discharge from Neary Lagoon to the Pacific Ocean is prohibited, except for pump test discharge, conducted in accordance with Section B of this permit. "Dry weather" is generally defined as April 1 through October 31. When and if adequate capacity exists at the Santa Cruz wastewater treatment plant, discharges from Neary Lagoon to the Pacific Ocean during any other time are also prohibited. "Adequate capacity" means both hydraulic and organic loading. Diversion to the wastewater treatment plant should cease if plant staff believe it may cause a treatment plant permit violation.

B. PUMP TEST DISCHARGE LIMITATIONS

1. All pump test discharges from the Lagoon to the Pacific Ocean are prohibited unless stagnant water within Lagoon storm water conveyance pipes has been eliminated from the discharge or adequately treated and discharged in accordance with applicable waste discharge requirements and/or an NPDES permit. This permit may be re-opened to establish effluent limitations and receiving water limitations for the discharge of treated stagnant water or other treated water discharged from Neary Lagoon to the Ocean or other surface water body. Stagnant water is defined as water and/or other material, that remains within the storm water conveyance pipe long enough to cause nuisance conditions when discharged (i.e., odor, turbidity problems and dissolved oxygen levels below 2.0 mg/l).
2. Pump test discharge may occur only after the following conditions have been met:
 - i. Thirty days prior to the proposed test pumping the Discharger shall advise in writing the Regional Water Quality Control Board, Monterey Bay National Marine Sanctuary, Coastal Commission, and County Environmental Health of the testing procedure, discharge plan, and condition of any stagnant water or treatment/evacuation of any stagnant water from the conveyance pipe.
 - ii. The Discharger shall submit verification of public notice in a local newspaper. The notice shall be printed at least three days prior to the proposed discharge.
 - iii. The Discharger shall ensure adequate and conspicuous beach posting notifying the public in the area of the discharge and the potential health hazard associated

with it. Sign posting shall be subject to the approval of the Santa Cruz County Department of Health Services.

- iv. The discharge shall be scheduled to coincide with the outgoing tide.
 - v. The Discharger shall prepare the beach in front of the outfall structure to form a channel leading to the beach.
3. The Discharger shall collect and analyze water samples in accordance with Monitoring and Reporting Program No. 94-99.
 4. The Discharger shall develop and implement a plan to prepare the pump pipeline conveyance system and ensure stagnant water removal prior to pump test and potential wet weather discharges, and ensure that all personnel whose decisions or activities could affect storm water, non-storm water, or pump test discharges are familiar with the contents of this Order. The plan should also include a procedure to prevent the collection of stagnant water in the pump system during the wet weather season (this plan need not be implemented if the plan documents that it is not feasible). Discharger shall submit a report to Executive Officer outlining compliance with this provision by December 15, 1994.

C. LAGOON STORM WATER POLLUTION PREVENTION PLAN

1. The Discharger shall develop and implement an effective Lagoon Storm Water Pollution Prevention Plan (PLAN). The PLAN shall identify and describe the Best Management Practices (BMPs) used to control and reduce pollutants within the Lagoon and pollutants discharged from the Lagoon to the Pacific Ocean to the maximum extent practicable. The Discharger shall submit a proposed development and implementation schedule for the PLAN by November 18, 1994.

2. A final PLAN shall be submitted by July 15, 1995.

D. PUMP TEST DISCHARGE RECEIVING WATER LIMITATIONS

The pump test discharge shall not cause:

1. The following bacteriological limits to be exceeded at sampling stations A, B, B', C, C', D, D', (as listed in MRP No. 94-99):^B

Parameter Applicable At Each Station	24 hr. Median	24 hr. Median
	Total Coliform Organisms per 100 ml	Fecal Coliform Organisms per 100 ml
	1000	200

Note: These receiving water limitations apply immediately after discharge commences, if the pump test discharge commences during daylight hours. If the pump test commences after dark (at least one hour after sunset) the limitations apply 12 hours after the discharge or one hour before sunrise, whichever time occurs first.

2. Floating particulates and grease and oil to be visible on the ocean surface.^B

3. Aesthetically undesirable discoloration of the ocean surface.^B

4. Significant reduction of transmittance of natural light in ocean waters outside the "zone of initial dilution."^B

5. Change in the rate of deposition of inert solids and the characteristics of inert solids in ocean sediments such that benthic communities are degraded.^B

6. The pH outside the "zone of initial dilution" to be depressed below 7.0, raised above 8.3, or changed more than 0.2 units from that which occurs naturally.^B

7. Objectionable aquatic growth or degradation of indigenous biota.^B

8. Concentrations of organic materials in marine sediments to increase to a level which would degrade marine life.^B

9. Degradation of marine communities, including vertebrate, invertebrate, and plant species.^B

10. Alteration in natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption.^B

11. Concentrations of organic materials in fish, shellfish or other marine resources used for human consumption to bioaccumulate to levels that are harmful to human health.^B

12. Degradation of marine life due to radioactive waste.^{A,B}

E. PROVISIONS

1. Pump Test Discharge shall not create a nuisance or pollution, as defined by Section 13050 of the California water Code.

2. Disposal during pump testing shall be in a manner that precludes public contact with storm water.

3. The Regional Board staff and the Environmental Protection Agency shall be allowed:

a. entry upon premises where an effluent source is located or where records must be kept under the conditions of this permit;

b. access to copy any records that must be kept under the conditions of this permit;

c. to inspect any facility, equipment (including monitoring control equipment), practices, or operations

- regulated or required under this permit; and,
- d. to photograph, sample, and monitor for the purpose of showing permit compliance.
4. After notice and opportunity for a hearing, this permit may be terminated for cause, including, but not limited to:
- a. violation of any term or condition contained in this permit;
- b. obtaining this permit by misrepresentation, or by failure to disclose fully all relevant facts;
- c. a change in any condition or endangerment to human health or environment that requires a temporary or permanent reduction or elimination of the authorized discharge; and,
- d. a substantial change in character, location, or volume of the discharge.
5. This permit does not authorize commission of any act causing injury to the property of another, does not convey any property rights of any sort, does not remove liability under Federal, State, or local laws, and does not guarantee a capacity right in receiving waters.
6. The discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adverse impact on human health or the environment.
7. Provisions of this permit are severable. If any provision of the permit is found invalid, the remainder of the permit shall not be affected.
8. After notice and opportunity for hearing, this permit may be modified or revoked and reissued for cause, including:
- a. Promulgation of a new or revised effluent standard or limitation;
- b. A material change in character, location, or volume of the discharge;
- c. Access to new information that affects the terms of the permit, including applicable schedules;
- d. Correction of technical mistakes or mistaken interpretations of law; and,
- e. Other causes set forth under Subpart D of 40 CFR Part 122.
9. The discharger shall furnish, within a reasonable time, any information the Regional Board may request to determine compliance with this permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit.
10. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water Act, or amendments thereto, the Board will revise and modify this Permit in accordance with such more stringent standards.
11. Monitoring location, minimum sampling frequency, and sampling method for each parameter shall comply with the Monitoring and Reporting Program of this permit. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, entitled "Guidelines Establishing Test Procedures for Analysis of Pollutants," unless other test procedures have been specified in this permit.
12. Water quality analyses performed in order to monitor compliance with this permit shall be by a laboratory certified by the State

Department of Health Services for the constituent(s) being analyzed. Bioassay(s) performed in order to monitor compliance with this permit shall be in accord with guidelines approved by the State Water Resources Control Board and the State Department of Fish and Game. If the laboratory used or proposed for use by the discharger is not certified by the California Department of Health Services or, where appropriate, the Department of Fish and Game due to restrictions in the State's laboratory certification program, the discharger shall be considered in compliance with this provision provided:

- a. Data results remain consistent with results of samples analyzed by the Regional Board;
 - b. A quality assurance program is used at the laboratory, including a manual containing steps followed in this program that is available for inspections by the staff of the Regional Board; and,
 - c. Certification is pursued in good faith and obtained as soon as possible after the program is reinstated.
13. If any pollutant is monitored at locations specified in the permit more frequently than required by the permit, and using approved test procedures, the results shall be included in calculations and reports.
 14. The "permittee" shall maintain records of all monitoring information, including all calibration and maintenance records; the date, exact place, and time of sampling; the individual who performed the sampling; the date analysis was performed; the laboratory and individual who performed the analysis; the analytical techniques used; and results. Records shall be maintained for a minimum of five years. This period may be extended during the course of any unresolved litigation or when requested by the Board.
 15. Monitoring results shall be reported at intervals and in a manner specified in the Monitoring and Reporting Program of this permit.
 16. Monitoring reports shall be submitted on form either specified or approved by the Executive Officer.
 17. Reports of marine monitoring surveys conducted to meet receiving water monitoring requirements of the Monitoring and Reporting Program shall include at least the following information:
 - a. A description of climatic and receiving water characteristics at the time of sampling (weather observations, floating debris, discoloration, wind speed and direction, swell or wave action, time of sampling, tide height, etc.).
 - b. A description of sampling stations, including differences unique to each station (e.g., station location, grain size, rocks, shell litter, calcareous worm tubes, evident life, etc.).
 - c. A description of the sampling procedures and preservation sequence used in the survey.
 - d. A description of the exact method used for laboratory analysis. In general, analysis shall be conducted according to paragraph B.1. However, variations in procedure are acceptable to accommodate the special requirements of sediment analysis. All such variations must be reported with the test results.
 - e. A brief discussion of the results of the survey. The discussion shall compare data from the control station with data from the outfall stations. All tabulations and computations shall be explained.

18. Any noncompliance that may endanger health or the environment shall be reported orally within 24 hours from the time the discharger becomes aware of the circumstances (telephone: 805-549-3147). Unless waived by the Executive Officer of the Regional Board, a written report shall be submitted within five (5) days of awareness and shall contain a description of the noncompliance and its cause; the period of noncompliance (including exact dates, times) or anticipated duration; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. This provision includes, but is not limited to violation of a discharge prohibition.
19. Reports shall be submitted in advance of any planned physical changes in the activity that may result in noncompliance with permit requirements or significantly change the nature or increase the quantity of pollutants not controlled by effluent limitations.
20. The discharger shall submit reports to the:

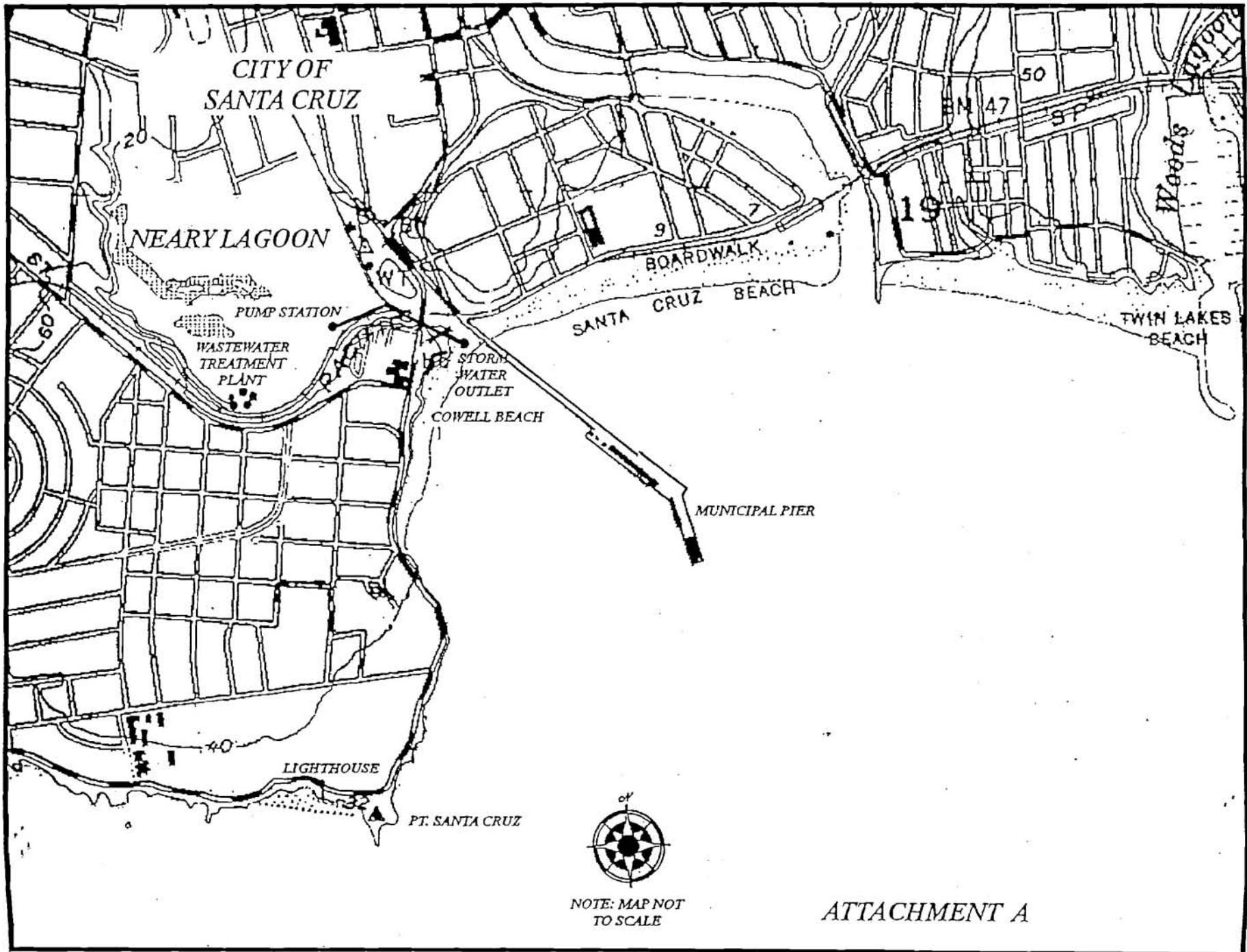
California Regional Water Quality Control
Board, Central Coast Region
81 Higuera Street, Suite 200
San Luis Obispo, California 93401
21. Except for data determined to be confidential under Section 308 of the Clean Water Act (excludes effluent data and permit applications), all reports prepared in accordance with this permit shall be available for public inspection at the office of the Regional Board or Regional Administrator of EPA.
22. Should the discharger discover that it failed to submit any relevant facts or that it submitted incorrect information in a report, it shall promptly submit the missing or correct information.
23. All reports shall be signed by either a principle executive officer or ranking elected official or their "duly authorized representative."
24. Any person signing a report makes 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."
25. The "permittee" must comply with all conditions of this permit. Permit noncompliance violates state and federal law and is grounds for enforcement action, for permit revocation, reissuance, or modification, or for denial of a permit renewal application.
26. Any person failing to file a report of waste discharge or other report as required by this permit shall be subject to a civil penalty not to exceed \$5,000 per day.
27. Any person who knowingly makes any false statement, representation, or certification of any record or other document submitted or required to be maintained under this permit may, including monitoring reports or reports of compliance or noncompliance, may, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or both. Any person causing violation of this permit shall be subject to a civil penalty not to exceed \$15,000 per day of violation. Any person who willfully or negligently causes violation of this permit is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, and by imprisonment for not more than one year.

28. "Hazardous substance" shall be defined as meaning any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.
29. "Median" shall be defined as meaning the value below which half the samples (ranked progressively by increasing value) fall. It may be considered the middle value, or the average of two middle values.
30. "Zone of Initial Dilution" shall be defined as meaning the region surrounding or adjacent to the end of an outlet pipe whose boundaries are defined by the area where beneficial uses or body contact with surface waters could occur.
31. The Discharger shall comply with "Monitoring and Reporting Program No. 94-99", as specified by the Executive Officer.
32. Upon adoption, the Discharger shall comply with all conditions and limitations of this Order. Any non-compliance with this Order constitutes a violation of the federal Clean Water Act and the California Water Code and is grounds for enforcement action, Order termination, or denial of permit renewal.
33. This Order expires October 14, 1999. The Discharger shall file a complete report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than April 14, 1999, if the discharge is to continue.
34. This Board Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the federal Clean Water Act, as amended, and shall become effective at the end of ten (10) days from the date of the hearing at which time this Order was adopted by the Regional Water Board, provided the Regional Administrator, U.S. Environmental Protection Agency, has no objections.

I, ROGER W. BRIGGS, 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, Central Coast Region, on October 14, 1994.


for EXECUTIVE OFFICER



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

**MONITORING AND REPORTING PROGRAM NO. 94-99
FOR
CITY OF SANTA CRUZ
NEARY LAGOON STORM WATER DISCHARGE,
AND
LAGOON MANAGEMENT,
SANTA CRUZ COUNTY**

LAGOON STORM WATER POLLUTION PREVENTION PLAN REPORTING

1. The discharger shall submit by January 15, 1995 a progress report regarding implementation of a Lagoon Storm Water Pollution Prevention Plan (PLAN) for the Executive Officer's review and comment, and subject to revision by the City.
- 2.. The Discharger shall conduct an investigation within the Watershed identifying non-storm water discharges from the storm drains to the Lagoon which are contributing to violations of water quality standards and conditions of nuisance. Results from the investigation, and proposed measures for source reduction and elimination shall be submitted to the Executive Officer by July 15, 1995.

PUMP TEST DISCHARGE RECEIVING WATER MONITORING

The City shall establish, prior to pump test discharge, shoreline monitoring stations as described below.

<u>Shore Stations</u>	<u>Location</u>
A	Within 10 feet of the discharge point
B	100 feet from the discharge point in a direction towards Lighthouse Point
B'	100 feet from the discharge point in a direction towards the Santa Cruz Harbor
C	500 feet from the discharge point in a direction towards Lighthouse Point
C'	500 feet from the discharge point in a direction towards the Santa Cruz Harbor
D	1000 feet from the discharge point in a direction towards Lighthouse Point
D'	1000 feet from the discharge point in a direction towards the Santa Cruz Harbor

A minimum of three water samples shall be collected from each of the shore stations and analyzed according to Table 1, as follows.

Table 1

Constituents	Units	Shore Stations	Sampling Frequency
Total coliform bacteria and fecal coliform (seperate samples tested via membrane filter method)	PER 100 ml	All	Within an hour before discharge, immediately after discharge, and at 6 a.m., 12 noon and 6 p.m. until bacterial water-contact standards are met.
Enterococci	PER 100 ml	All	"
pH	Units	All	"

DISCHARGE REPORTING

1. The City must submit a report at least one month prior to any proposed pump testing. The report must discuss steps taken by the City insure compliance with requirements of this Order. The report shall include the Latitude and Longitude of station A (point of discharge).
2. The City shall submit a report within 20 days after the pump testing discharge. The report shall contain results of receiving water monitoring required by this Order.
3. The City shall submit an annual report by May 15 of each year, specifying all wet season discharges from Nearly Lagoon storm water conveyance pipes to the Pacific Ocean which require pump operation or gravity flow diversion from the treatment plan. The report must contain the following information regarding he physical conditions prior to and during the discharge to provide justification for why discharges to the Pacific Ocean occurred:
 - a. Pump or gravity flow discharge, or both,
 - b. Estimated amount of total discharge,
 - c. Estimated duration of the discharge,
 - d. Time of day or night,
 - e. Treatment plant influent flow rate,
 - f. Weather (actual or forecasted), and,
 - g. Information indicating a potential flood condition in the Lagoon area.
4. All applications, reports, or other information submitted to the Regional Board shall be signed and certified pursuant to 40 CFR 122.41 9K0.

ORDERED BY



11-3-99

Date