

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
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**FACT SHEET**

FOR  
NPDES PERMIT and WASTE DISCHARGE REQUIREMENTS for  
Union Sanitary District  
Old Alameda Creek Intermittent Wet Weather Discharge  
Union City, Alameda County

NPDES Permit No. CA0038733

**PUBLIC NOTICE:**

**Written Comments**

- Interested persons are invited to submit written comments concerning this draft permit.
- Comments must be received by the Regional Board no later than 5:00 p.m. on December 19, 2003.
- Send comments to the ATTN: Jenny Chen

**Public Hearing**

- The draft permit will be considered for adoption by the Board at a public hearing during the Board's regular monthly meeting at: Elihu Harris State Office Building, 1515 Clay Street, Oakland, CA; 1<sup>st</sup> floor Auditorium.
- This meeting will be held on: January 21, 2004, starting at 9:00 am.

**Additional Information**

- For additional information about this matter, interested persons should contact Regional Board staff member: Ms. Jenny Chen, Phone: (510) 622-2405; email: [jc@rb2.swrcb.ca.gov](mailto:jc@rb2.swrcb.ca.gov)

This Fact Sheet contains information regarding an application for waste discharge requirements and National Pollutant Discharge Elimination System (NPDES) permit for the Union Sanitary District from its wet weather outfall to Old Alameda Creek. The Fact Sheet describes the factual, legal, and methodological basis for the proposed permit and provides supporting documentation to explain the rationale and assumptions used in deriving the limits.

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**I. INTRODUCTION**

The Union Sanitary District (hereinafter the Discharger) applied to the California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter the Board) for reissuance of its NPDES permit for discharge of treated wastewater from its wet weather outfall at latitude 37°35'40"N and longitude 122°5'26"W to Old Alameda Creek, a water of the State.

The Discharger owns and operates a municipal wastewater treatment plant, the Alvarado Wastewater Treatment Plant, which serves Newark, Union City and the Fremont area. The Plant provides secondary treatment of domestic and to lesser extent industrial and commercial wastewaters. The

Discharger is a member of the East Bay Dischargers Authority (EBDA), a joint exercise of powers agency. EBDA is jointly owned and operated under a Joint Exercise of Powers Agreement (JPA) comprising the City of Hayward, City of San Leandro, Union Sanitary District, Oro Loma Sanitary District and Castro Valley Sanitary District. By contractual agreement, EBDA transports treated wastewater from its member agencies to its dechlorination station near the San Leandro Marina and then to its deepwater outfall to the Lower San Francisco Bay. Due to limited EBDA line capacity, it is necessary to discharge 8.4 million gallons (MG) of treated wastewater to Old Alameda Creek during peak wet weather flow (PWWF) at a 20-year or greater storm event. With this basis of design, peak wet weather flows are expected to exceed the capacity of the EBDA transport pipeline about four (4) times in every 40 years.

## II. DESCRIPTION OF EFFLUENTS

### 1. Discharges from the wet weather outfall

Board Order No. 95-053 (hereinafter the previous permit) presently regulates the discharge from the wet weather outfall. Since 1995, there have been only three discharges on February 3, 7 and 21 of 1998 due to the El Nino weather conditions. The discharge volumes ranged from 980 to 1340 thousand gallons. The effluent test results are shown in the table below:

**Table 1. Summary of Effluent Data from three discharges in February 1998**

Constituent	Feb. 3/98	Feb. 7/98	Feb. 21/98
Discharge duration, hours	3	2	1
Chlorine Residual, mg/L	<0.02	<0.02	<0.02
Settleable Matter, ml/L-hr	<0.1	<0.1	<0.1
Temp. °C	18.0	19.7	20.0
Total Coliform, MPN/100 ml	300	500	900
Fecal Coliform, MPN/100 ml	8	80	30
Unionized NH <sub>4</sub> , mg/L	0.042	0.038	0.15
Ammonia, mg/L	8.6	19.0	24.7
Conductivity, umhos/cm	1310	1700	1850
pH, standard unit	7.1	6.8	7.3
Total Sulfide, mg/L	<0.1	<0.1	<0.1
Dissolved oxygen, mg/L	3.7	3.5	3.0
CBOD <sub>5</sub> (mg/l)	9	14	13
Total Suspended Solids, mg/L	13	18	23
Arsenic (µg/l)	4.86	4.47	2.88
Cadmium (µg/l)	<0.5	<0.5	<0.5
Chromium (µg/l)	<3.0	<3.0	<3.0
Copper (µg/l)	14.4	24.4	23.8
Mercury (µg/l)	<0.2	<0.2	<0.2
Lead (µg/l)	<2.0	2.08	<2.0
Nickel (µg/l)	7.85	10.9	8.78
Selenium (µg/l)	<1.0	1.98	<1.0
Silver (µg/l)	<1.0	<1.0	<1.0
Zinc (µg/l)	35	60.1	75.5
Cyanide (µg/L)	3.3	4.1	3.3

### 2. Regular discharges from the wet weather outfall

The Discharger also tests its bypass valve and discharges approximately 135,000 gallons of treated effluent through its wet weather outfall quarterly. Table 2 below summarizes the effluent qualities.

Table 2 Effluent Quality from Bypass Valve Exercise<sup>1</sup>

<u>Parameter</u>	<u>Average</u>	<u>Daily Maximum</u>
Chlorine Residual, mg/L		0.0
Total Coliform Bacteria (MPN/100 mL)	78.8	500

<sup>1</sup> Data are summary of self-monitoring reports from April 2000 through April 2003

3. Discharges from main outfall E-2.

The main discharge of treated effluent from the Alvarado Wastewater Treatment Plant is regulated under a separate NPDES permit (CA0037869). Table 3 below summarizes the monitoring results from E-2 during the winter months for the past three (3) years.

Table 3 Effluent Quality at the Alvarado Treatment Plant Outfall, E-2<sup>1</sup>

<u>Parameter</u>	<u>Average</u>	<u>Daily Maximum</u>
pH, standard units	7.2	7.6
BOD <sub>5</sub> , mg/L	11	32
TSS, mg/L	17	44
Total Coliform Bacteria (MPN/100 mL)	157.5	1300
Arsenic, µg/L	Less than 1.7 <sup>2</sup>	11
Cadmium, µg/L	Less than 0.09 <sup>2</sup>	0.14
Chromium, µg/L	Less than 1.09 <sup>2</sup>	1.6
Copper, µg/L	15.62	24.7
Lead, µg/L	Less than 0.96 <sup>2</sup>	2.2
Mercury, µg/L	0.0127	0.034
Nickel, µg/L	Less than 8.15 <sup>2</sup>	16
Selenium, µg/L	Less than 0.37 <sup>2</sup>	0.6
Silver, µg/L	Less than 0.23 <sup>2</sup>	0.41
Zinc, µg/L	42	75.5
Cyanide, µg/L	Less than 3.27 <sup>2</sup>	8

<sup>1</sup> Data are summary of self-monitoring reports from winters of year 2000 through 2003. Winter is defined as those months from October 15 to April 15 of each year.

<sup>2</sup> Detection limit is used when the sample is non-detect when calculating average concentration. So the actual average concentration is less than the concentration shown in this table.

### III. GENERAL RATIONALE

The following documents are the bases for the requirements contained in the proposed Order, and are referred to under the specific rationale section of this Fact Sheet.

- Federal Water Pollution Control Act, as amended (hereinafter the CWA).
- Federal Code of Regulations, Title 40 (40 CFR)- Protection of Environment, Chapter 1, Environmental Protection Agency, Subchapter D, Water Programs, Parts 122-129 (hereinafter referred to as 40 CFR specific part number).

- Water Quality Control Plan, San Francisco Bay Basin, adopted by the Board on June 21, 1995 (hereinafter the Basin Plan). The California State Water Resources Control Board (hereinafter the State Board) approved the Basin Plan on July 20, 1995 and by California State Office of Administrative Law approved it on November 13, 1995. The Basin Plan defines beneficial uses and contains water quality objectives (WQOs) for waters of the State, including Suisun Bay.
- California Toxics Rules, Federal Register, Vol. 65, No. 97, May 18, 2000 (hereinafter the CTR).
- National Toxics Rules 57 FR 60848, December 22, 1992, as amended (hereinafter the NTR).
- State Board's Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, May 1, 2000 (hereinafter the State Implementation Policy, or SIP).

#### IV. SPECIFIC RATIONALE

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

##### 1. **Secondary Treatment Level Technology Based Limits**

The Clean Water Act requires that all Publicly Owned Treatment Works (POTWs) meet performance-based requirement based on available performance level, referred to as "secondary treatment". The U.S. EPA developed secondary treatment standards for POTWs, which are specified in 40 CFR Part 133. All discharges including the discharge from the wet weather outfall, should meet the secondary level of treatment, which is the basis for technology-based limits in this permit.

##### 2. **Recent Plant Performance for Water Quality Based Effluent Limits**

Section 402(o) of the CWA and 40 CFR 122.44(l) require that water-quality based effluent limits (WQBELs) in re-issued permits are at least as stringent as in the previous permit. The SIP specifies that interim effluent limitations must be based on current treatment facility performance or on previous permit limitations whichever is more stringent. In determining what constitutes "recent plant performance", best professional judgment (BPJ) as defined in the Basin Plan was used. For metals, cyanide and selenium, effluent monitoring data collected in winter months (October to April) over the last three years (from April 2000 to April 2003) from the Alvarado Wastewater Treatment Plant main outfall E-2 are considered representative of the wet weather outfall discharge for reasonable potential determination. This is because effluent to the wet weather outfall is a side stream diverted from the effluent discharged to E-2. Use of E-2 data is necessary as there have been only three discharges from the wet weather outfall since 1995; so direct discharge data is limited. However, data from main outfall E-2 were not used to calculate performance-based limits. This is because E-2 metal data are based on 24-hour composite samples, whereas wet weather outfall data are taken as grabs because of the intermittent nature of the discharge. This may introduce an unknown magnitude of greater variability in the wet weather outfall quality as illustrated by the higher selenium concentration in the wet weather outfall compared to E-2. For organic pollutants, there is no data from either the wet weather outfall or E-2.

##### 3. **Impaired Water Bodies in 303(d) List**

The U.S. EPA Region 9 office approved the State's 303(d) list of impaired waterbodies on July 25, 2003. The list was prepared in accordance with section 303(d) of the CWA to identify

specific water bodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources. Both Alameda Creek and lower San Francisco Bay are listed as impaired water bodies. Alameda Creek is listed for diazinon. Old Alameda Creek is the downstream section of Alameda Creek. Old Alameda Creek is a tributary of lower San Francisco Bay. The pollutants impairing lower San Francisco Bay include chlordane, DDT, diazinon, dieldrin, dioxin compounds, mercury, nickel, PCBs and exotic species.

The SIP requires final effluent limits for all 303(d)-listed pollutants to be based on total maximum daily loads (TMDL) and wasteload allocation (WLA) results. The SIP and federal regulations also require that final concentration limits be included for all pollutants with reasonable potential (RP).

**3. Basis for Prohibitions**

**a. Prohibition A.1 (no discharges other than as described in the permit):**

This prohibition is based on the Basin Plan, previous permit and BPJ.

**b. Prohibition A.2 (Discharge of dry weather flow through the wet weather outfall):**

This prohibition is based on the Basin Plan. The Basin Plan prohibits discharges of wastewater, which has particular characteristics of concern to beneficial uses, does not receive a minimum dilution of at least 10:1. The Basin Plan also prohibits discharge any wastewater, which has particular characteristics of concern to beneficial uses to Alameda Creek when no natural flow occurs in the Creek. Discharges during dry weather condition violate these two prohibitions, where as the Board has granted exception to these prohibitions during extreme wet weather.

The Board allows the Discharger to exercise its bypass valve and discharge treated effluent during dry weather through its wet weather outfall quarterly, in order to ensure that the line is flushed and the discharge flap gate is operational when it is necessary to utilize this outfall under PWWF conditions.

**c. Prohibition A.3 (The Discharger is allowed to discharge 8.4 million gallons of treated wastewater under 20-year or bigger storm event through its wet weather outfall):**

This prohibition is based on the BPJ.

**d. Prohibition A.4 (Bypass and overflow):**

This prohibition is based on 40CFR 122.41(m).

**4. Basis for Effluent Limitations**

**a. Effluent Limitations B.1 Effluent limitations for conventional pollutants:**

Effluent discharged into Old Alameda Creek shall not exceed the following:

<u>Constituent</u>	<u>Units</u>	<u>7-day Average</u>	<u>Instantaneous Maximum</u>	<u>Daily Maximum</u>

<u>Constituent</u>	<u>Units</u>	<u>7-day Average</u>	<u>Instantaneous Maximum</u>	<u>Daily Maximum</u>
Carbonaceous BOD <sub>5</sub>	mg/L	40		
TSS	mg/L	45		
Oil and Grease	mg/L			20
Chlorine Residual <sup>1</sup>	mg/L		0.0	
Fecal Coliform Organisms	MPN/100 ml			500
pH, in pH units <sup>2</sup>	Discharge must be within 6.5 to 8.5			

<sup>1</sup> The chlorine residual requirement is defined as below the limit of detection defined in *Standard Methods for the Examination of Water and Wastewater*. The Discharger may elect to use a continuous on-line monitoring system(s) for measuring flows, chlorine and sodium bisulfate dosage (which could be interpolated), and concentration to prove that chlorine residual exceedances are false positives. If convincing evidence is provided, Board may conclude that these false positive chlorine residual exceedances are not violations of this permit limit.

<sup>2</sup> Pursuant to 40 CFR 401.17, effluent limitations under continuous monitoring, the discharger shall be in compliance with the pH limitation provided that both of the following conditions are satisfied: (1) The total time during which the pH values are outside the required range of 6.5 to 8.5 pH values shall not exceed 99% of the total duration of discharge during any calendar month; and (2) No individual excursion from the range of pH values shall exceed 60 minutes.

- (1) These limits are technology-based limits, which are representative of and intended to ensure adequate and reliable secondary level wastewater treatment. These limits are based on the Basin Plan (Chapter 4, page 4-8, and Table 4-2, at page 4-69).
- (2) Carbonaceous BOD<sub>5</sub> of 40 mg/L & TSS of 45 mg/L weekly average: These are standard secondary treatment requirements, which are based on the Basin Plan requirements, derived from federal requirements (40 CFR 133.102). Compliance has been demonstrated by existing plant performance measured at Alvarado Wastewater Treatment Plant outfall E-2.
- (3) Oil & Grease and Total Chlorine Residual: These limits are standard secondary treatment requirements, and previous permit effluent limitations, except oil and grease, which are based on the Basin Plan requirements.
- (4) The pH limit is based on the Basin Plan.
- (5) Fecal Coliform Bacteria: The purpose of this effluent limitation is to ensure adequate disinfection of the discharges in order to protect beneficial uses of the receiving waters. Effluent limits are based on water quality objectives for bacteriological parameters for receiving water beneficial uses. Water quality objectives are given in terms of parameters, which serve as surrogates for pathogenic organisms. The traditional parameter in this regard is coliform bacteria, either as total coliform, as fecal coliform or as enterococci. Water quality objectives for various beneficial uses are given in the Basin Plan as total coliform, fecal coliform and enterococci (Basin Plan, Chapter 3, Table 3-1 and Table 3-2). The proposed limit in the draft permit is based on Order No. 96-106,

which amends the previous permit’s (Order No. 95-053) total coliform limit to fecal coliform limit.

**b. Effluent Limitation B.3 – Toxic Substances:**

(1) Reasonable Potential Analysis (RPA): 40 CFR 122.44(d)(1)(i) specifies that permits are required to include water quality based effluent limits (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”. Thus, the fundamental step in determining whether or not a WQBEL is required is to assess a pollutant’s reasonable potential of excursion of its applicable water quality objective or criterion. The following section describes the reasonable potential analysis and the results of such an analysis for the pollutants identified in the Basin Plan and the CTR.

- i. *WQOs and WQCs:* The RPA involves the comparison of effluent data with appropriate WQOs including narrative toxicity objectives in the Basin Plan, applicable WQCs in the CTR/NTR, and U.S. EPA’s 1986 Quality Criteria for Water.
- ii. *Methodology:* RPA is conducted using the method and procedures prescribed in section 1.3 of the SIP. Board staff has analyzed the effluent data to determine if the discharge had reasonable potential to cause or contribute to exceedances of applicable WQOs or WQCs. Attached Table 1 of this Fact Sheet shows the step-wise process described in Section 1.3 of the SIP.
- iii. *Effluent and background data:* The RPA used effluent data collected from Alvarado Wastewater Treatment Plant outfall E-2 from October to April over the most recent three years, and effluent data collection during three discharges through the wet weather outfall in February 1998 for metals, selenium, and cyanide. The Discharger did not analyze organic pollutants at its effluent. This Order requires the Discharger to conduct effluent monitoring for the organic pollutants to fulfill this data gap.

There is no receiving water quality data in Old Alameda Creek during wet weather flow condition. This Order also specified a monitoring requirement to fulfill the data gap.

- iv. *RPA determination:* The RPA results are shown in the attached Table. RPA summary is shown below. Pollutants that tested positively for RP were copper, mercury, nickel, zinc, and cyanide.

**Summary of Reasonable Potential Results**

Constituent	WQO/WQC (µg/L)	Basis	Maximum Effluent Conc. (µg/L)	Reasonable Potential
Copper	3.7	CTR, sw,	24.7	Yes
Mercury	0.025	BP, sw&fw	0.034	Yes
Nickel	7.1	BP, sw	26	Yes
Zinc	58	BP, sw	75.5	Yes

Constituent	WQO/WQC (µg/L)	Basis	Maximum Effluent Conc. (µg/L)	Reasonable Potential
Cyanide	1	NTR, sw	8	Yes

WQO: Water Quality Objective; WQC: Water Quality Criteria  
 CTR: California Toxic Rule; BP: Basin Plan; sw: Salt Water; fw: Fresh Water

- vi. *Pollutants with no reasonable potential:* WQBEL effluent limits are not included in this Order for constituents that do not have reasonable potential to cause or contribute to an exceedance of applicable water quality objectives. The Discharger routinely monitors for metals at Alvarado Wastewater Treatment Plant outfall E-2. If concentrations of any constituents were found to have increased significantly, the Discharger will be required to investigate the source(s) of the increase(s). Remedial measures are required if the increases pose a threat to water quality in the receiving water. These requirements are specified under a separate permit (CA0037869) for its regular discharge through outfall E-2.
  - vii. *Permit Reopener:* The permit includes a reopener provision to allow numeric effluent limits to be added for any constituent that in the future exhibits reasonable potential to cause or contribute to exceedance of a water quality objective. This determination, based on monitoring results, will be made by the Board.
- (2) *Final Water Quality Based Effluent Limits (WQBELs):* The final effluent limitations for toxic substances in the Order are water-quality based. They were developed and set for the toxic and priority pollutants that were determined to have reasonable potential to cause or contribute to exceedances of the WQOs or WQCs. Final effluent limitations were calculated based on the appropriate procedures specified in Section 1.4 of the SIP (See attached table to this Fact Sheet). The WQO or WQC used for each pollutant with reasonable potential is indicated below as well as in the table for reasonable potential analysis attached to this Fact Sheet.

**Water Quality Objectives/Criteria for Pollutants with RP**

Pollutant	Chronic WQO/C (µg/L)	Acute WQO/C (µg/L)	Human Health (µg/L)	Basis of Lowest (Chronic) WQO/C Used in RP
Copper	3.7	5.8		CTR (SW, CCC)
Mercury	0.025	2.1		Basin Plan Table 3.4 (SW, 4-day average)
Nickel	7.1	140		Basin Plan Table 3.3 (SW, 24-hr average)
Zinc	58	170		Basin Plan Table 3.4 (SW, 24-hr average)
Cyanide	1	1	220,000	NTR (FW, CCC), CTR (HH)

Acronyms used in the table: SW: Salt Water; FW: Fresh Water; HH: Human Health; CCC: Criteria Continuous Concentration;

**Final Limitations for Toxic Pollutants Calculated Based on SIP Procedure**

Constituent	Units	Daily Max	Monthly Average
Copper	µg/L	4.5	3.5
Mercury	µg/L	0.04	0.02
Nickel	µg/L	11	6



<u>Constituent</u>	<u>Units</u>	<u>Daily Max</u>	<u>Monthly Average</u>
Zinc	µg/L	77	53
Cyanide	µg/L	1.0	0.5

- (3) **Interim Limits:** Interim effluent limitations were derived for those constituents for which the Discharger has shown infeasibility of complying with the final water quality based limits and has demonstrated that compliance schedules are justified based on the discharger’s source control and pollution minimization efforts in the past and continued efforts in the present and future. In this Order, interim performance-based limits are based on the previous permit limits except mercury. Staff is unable to determine performance based limits because there were only three (3) effluent data from three wet weather discharges in 1998. Mercury interim limit is a performance-based limit from statistical analysis of pooled data from selected municipal dischargers in this region. The pooled mercury data were obtained from grab samples from both dry and wet weather effluents. So, variations in mercury concentrations during wet weather discharges are included in the calculation for this performance-based limit.
- (4) **Compliance Schedules and Infeasibility Analysis:** The infeasibility analysis consisted of comparing the mean, 95<sup>th</sup> percentile and 99<sup>th</sup> percentile of the effluent data from Outfall E-2 (from winters of year 2000 through 2003) to the LTA (Long Term Average), AMEL (Average Monthly Limit), and MDEL (daily Maximum Limit) calculated using SIP procedures. The result shows that mean, 95<sup>th</sup> or 99<sup>th</sup> percentiles of effluent data were greater than LTA, AMEL or MDEL, thus it is infeasible to achieve immediate compliance. For cyanide, majority of data are non-detect and detection levels. There were not sufficient detected values available to perform a statistical analysis. Infeasibility analysis for cyanide is by comparing the maximum cyanide effluent concentration (MEC) with the newly calculated final WQBELs (presented in the Fact Sheet). If the MEC is greater than the WQBEL, then it is infeasible to achieve immediate compliance. If not, the Discharger is required to demonstrate that it is infeasible to comply with these limits immediately through the extent to of past pollution prevention efforts, as well as measurements of the efforts’ effectiveness and future plans for focused pollution prevention efforts.

On October 22, 2003, the Discharger submitted an infeasibility study that demonstrated, according to the Basin Plan (page 4-14, Compliance Schedule) and the SIP (Section 2.1, Compliance Schedule), that it is infeasible to immediately comply with the WQBELs. This permit establishes a five-year compliance schedule of November 30, 2008 for final limits based on CTR or NTR criteria (e.g., copper and cyanide), a compliance schedule of March 31, 2010 for final limits based on the Basin Plan objectives (e.g., mercury, nickel and zinc). Both November 30, 2008 and March 31, 2010 compliance schedules exceed the length of the permit, therefore, these calculated final limits in the table shown above are intended for point of reference for the infeasibility demonstration.

- (5) This Order establishes compliance schedules for these pollutants that extend beyond one year. Pursuant to the SIP, and 40 CFR 122.47, the Board shall establish interim numeric limitations and interim requirements to control the pollutants. This Order establishes interim limits for these pollutants based on the previous permit. The NPDES permit for regular discharges from Alvarado Wastewater Treatment Plant (CA0037869) has interim requirements in a provision for development and improvement of a Pollution Prevention Program to reduce pollutant loadings to the treatment plant, and for submittal of annual reports on this Program. The Discharger has also committed to support development of

TMDLs for pollutants, which its discharge may be contributing to the impairment. BACWA, which the Discharger is a member of, has entered into a Memorandum of Understanding with the Board to accelerate development of these TMDLs to reduce overall loading of these pollutants to the Bay. In addition, the Discharger is participating in the Clean Estuary Partnership (CEP) Copper/Nickel Study, which addresses San Francisco Bay north of the Dumbarton Bridge for copper and nickel. The results of these studies will also apply to the Discharger.

## 5. Basis for Receiving Water Limitations

### a. Receiving water limitations C.1 and C.3 (conditions to be avoided):

These limits are based on the previous permit and the narrative/numerical objectives contained in Chapters 2 and 3 of the Basin Plan

### b. Receiving water limitation C.4 (compliance with State Law):

This requirement is in the previous permit, requires compliance with Federal and State law, and is self-explanatory.

## 6. Basis for Provisions

### a. **Provision F.1. (Optional Receiving Water Dilution Study and Schedule)**

This optional requirement is based on BPJ and the SIP.

### b. **Provision F.2. (Optional Translator Study)**

This optional requirement is based on BPJ.

### c. **Provision F.3. (Pollutant Prevention and Minimization Program)**

This provision is based on the Basin Plan and the SIP

### d. **Provision F.4. (SSO/TMDL participation Requirement)**

This provision requires participation in the development of a TMDL or site-specific objective for copper, mercury, nickel, zinc and cyanide. By January 31 of each year, an update will be submitted to the Board by the group to document progress made on source control and pollutant minimization measures and development of TMDL or site-specific objective. Regional Board staff shall review the status of TMDL development. This Order may be reopened in the future to reflect any changes required by TMDL development.

### e. **Provision F.5. (Self-Monitoring Program)**

The Discharger is required to conduct monitoring of the permitted discharges in order to evaluate compliance with permit conditions. Monitoring requirements are given in the Self Monitoring Program (SMP) of the Permit. This provision requires compliance with the SMP, and is based on 40 CFR 122.44(i), 122.62, 122.63 and 124.5. The SMP is a standard requirement in almost all

NPDES permits (including this Order) issued by the Board. In addition to containing definitions of terms, it specifies general sampling/analytical protocols and the requirements of reporting of spills, violations, and routine monitoring data in accordance with NPDES regulations, the California Water Code, and the Board's policies. The SMP also contains a sampling program specific for the discharger regulated under this Order. It defines the sampling stations and frequency, pollutants to be monitored, and additional reporting requirements. Pollutants to be monitored include parameters for which effluent limitations are specified. Additional constituents, for which no effluent limitations are established, are also required to be monitored to provide data for a future determination of their reasonable potential of exceeding the applicable WQOs or WQCs in the receiving water.

**f. Provision F.6. (Standard Provisions and Reporting Requirements)**

The purpose of this provision is to require compliance with the standard provisions and reporting requirements given in this Board's document titled, Standard Provisions and Reporting Requirements for NPDES Surface Water Discharge Permits, August 1993, or any amendments thereafter. This document is included as part of the permit and as an attachment of the permit. Where provisions or reporting requirements specified in the permit are different from equivalent or related provisions or reporting requirements given in 'Standard Provisions', the specifications given in the permit shall apply. The standard provisions and reporting requirements given in the above document are based on various state and federal regulations with specific references cited therein.

**g. Provision F.7. (Change in Control or Ownership):**

This provision is based on 40 CFR 122.61.

**h. Provisions F.8&10 (Permit Re-opener and NPDES Permit / U.S. EPA concurrence):**

This provision is based on 40 CFR 123.

**i. Provision F.9. (Permit compliance and rescission of previous permit):**

Time of compliance is based on 40 CFR 122. The basis of this Order supercedes and rescinds the previous permit in accordance with 40 CFR 122.46.

**j. Provision F.11 (Permit Expiration and Reapplication):**

This provision is based on 40 CFR 122.46 (a).

## **V. WASTE DISCHARGE REQUIREMENT APPEALS**

Any person may petition the State Water Resources Control Board to review the decision of the Board regarding the Waste Discharge Requirements. A petition must be made within 30 days of the Board public hearing.

Attachments

- Table 1. Reasonable Potential Analysis (RPA)
- Table 2. CTR and Basin Plan Water Quality Criteria
- Table 3. Final WQBELs Calculation
- Table 4. Effluent data used for RPA and statistic analysis and calculation
- Table 5. Infeasibility Determination
- Table 6. Infeasibility Analysis Summary-Statistic Analysis
- Staff Summary Report on Statistical Analysis Data From Regionwide Ultra-Clean Mercury Sampling For Municipal Dischargers by Ken Katen, June 11, 2001 (not enclosed, see our website at <http://www.swrcb.ca.gov/rwqcb2/Agenda/04-17-02/potwhgstatisticreport.pdf>)