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TENTATIVE ORDER No. R2-2019-XXXX
NPDES No. CA0037681

WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR CITY AND COUNTY OF SAN FRANCISCO OCEANSIDE WATER POLLUTION CONTROL PLANT, WASTEWATER COLLECTION SYSTEM, AND WESTSIDE RECYCLED WATER PROJECT

The following Discharger is authorized to discharge from the locations listed in Table 2 in accordance with the waste discharge requirements (WDRs) and federal National Pollutant Discharge Elimination System (NPDES) permit requirements set forth in this Order:

Table 1. Discharger Information

Discharger	City and County of San Francisco
Facility Name	Oceanside Water Pollution Control Plant, Wastewater Collection System, and Westside Recycled Water Project
Facility Address	3500 Great Highway San Francisco, CA 94132 San Francisco County
CIWQS Place Number	256498

Table 2. Discharge Locations

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Treated effluent, including the following: • Secondary-treated effluent from Oceanside Water Pollution Control Plant (dry weather); • Primary- and secondary-treated effluent from Oceanside Water Pollution Control Plant (wet weather); • Equivalent-to-primary-treated decant flow from Westside Transport (wet weather); and • Reverse osmosis concentrate from Westside Recycled Water Project, when operational (dry and wet weather).	37.705000	-122.577500	Pacific Ocean, Offshore
CSD-001	Equivalent-to-primary-treated effluent (wet weather)	37.715278	-122.504444	Pacific Ocean (Fort Funston, Ocean Beach)

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
CSD-002	Equivalent-to-primary-treated effluent (wet weather)	37.737778	-122.508056	Pacific Ocean (Vicente St., Ocean Beach
CSD-003	Equivalent-to-primary-treated effluent (wet weather)	37.763889	-122.511667	Pacific Ocean (Lincoln Way, Ocean Beach)
CSD-004	Equivalent-to-primary-treated effluent (wet weather)	37.784722	-122.510278	Pacific Ocean (Mile Rock)
CSD-005	Equivalent-to-primary-treated effluent (wet weather)	37.787778	-122.491667	Pacific Ocean (China Beach)
CSD-006	Equivalent-to-primary-treated effluent (wet weather)	37.789444	-122.487778	Pacific Ocean (Baker Beach)
CSD-007	Equivalent-to-primary-treated effluent (wet weather)	37.789444	-122.486944	Pacific Ocean (Baker Beach)

Table 3. Administrative Information

The U.S. Environmental Protection Agency, Region IX, issued this Order on:	Date Signed
The San Francisco Bay Regional Water Quality Control Board adopted this Order on:	Adoption Date
This Order shall become effective on:	Effective Date
This Order shall expire on:	Expiration Date
The Discharger shall file a Report of Waste Discharge as an application for reissuance of WDRs in accordance with California Code of Regulations, title 23, and an application for reissuance of a National Pollutant Discharge Elimination System (NPDES) permit no later than:	Due Date
This discharge is classified as follows:	Major

The signatures below certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on the date indicated above, and an NPDES permit issued by the U.S. Environmental Protection Agency, Region IX, on the date above.

Bruce H. Wolfe, Executive Officer
San Francisco Bay Regional Water Board

Tomás Torres, Water Division Director
U.S. Environmental Protection Agency

ED_002551_00000697-00002

Contents

I. Facility Information 4
II. Findings 4
III. Discharge Prohibitions 5
IV. Effluent Limitations and Discharge Specifications ..... 6~~5~~
A. Technology-Based Effluent Limitations ..... 6~~5~~
B. Water Quality-Based Effluent Limitations 7
V. Receiving Water Limitations 7
VI. Provisions ..... 9~~8~~
A. Standard Provisions ..... 9~~8~~
B. Monitoring and Reporting 9
C. Special Provisions 9
1. Reopener Provisions 9
2. Effluent Characterization Study and Report 10
3. Pollutant Minimization Program ..... 11~~10~~
4. Special Provisions for Publicly-Owned Treatment Works (POTWs) 13
5. Combined Sewer System 14
6. Westside Recycled Water Project Operations Notification 23

Tables

Table 1. Discharger Information 1
Table 2. Discharge Locations 1
Table 3. Administrative Information 2
Table 4. Effluent Limitations - Oceanside Water Pollution Control Plant 6
Table 5. Effluent Limitations - Westside Recycled Water Project ..... 7~~6~~
Table 6. Effluent Limitations - Discharge Point No. 001 7
Table 7. Tasks to Update Long-Term Control Plan (LTCP) 21

Attachments

Attachment A – Definitions A-1
Attachment B – Facility and Receiving Water Maps B-1
Attachment C – Process Flow Schematics C-1
Attachment D – Federal Standard Provisions D-1
Attachment E – Monitoring and Reporting Program (MRP) E-1
Attachment F – Fact Sheet F-1
Attachment G – Regional Standard Provisions and Monitoring and Reporting Requirements G-1
Attachment H – Pretreatment Requirements H-1

ED_002551_00000697-00003

I. FACILITY INFORMATION

Information describing the Oceanside Water Pollution Control Plant, Wastewater Collection System, and Westside Recycled Water Project (collectively, the Facility) is summarized in Table 1 and in Fact Sheet (Attachment F) sections I and II.

II. FINDINGS

The California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board), and the U.S. Environmental Protection Agency (U.S. EPA) find:

A. Legal Authorities. This Order serves as WDRs pursuant to California Water Code article 4, chapter 4, division 7 (commencing with § 13260). This Order is also issued pursuant to federal Clean Water Act (CWA) section 402 and implementing regulations adopted by U.S. EPA and Water Code chapter 5.5, division 7 (commencing with § 13370). It shall serve as a National Pollutant Discharge Elimination System (NPDES) permit authorizing the Discharger to discharge into waters of the United States as listed in Table 2 subject to the WDRs and NPDES permit requirements in this Order.

B. Background and Rationale for Requirements. The Regional Water Board and U.S. EPA developed the requirements in this Order based on information the Discharger submitted as part of its application, information obtained through monitoring and reporting programs, and other available information. The Fact Sheet contains background information and rationale for the requirements in this Order and is hereby incorporated into and constitutes findings for this Order. Attachments A through E, G, and H are also incorporated into this Order.

C. Notification of Interested Parties. The Regional Water Board and U.S. EPA notified the Discharger and interested agencies and persons of their intent to jointly issue WDRs and NPDES permit requirements, and provided an opportunity to submit written comments and recommendations. The Fact Sheet provides details regarding the notification.

D. Consideration of Public Comment. The Regional Water Board and U.S. EPA, in a public meeting, heard all comments pertaining to the discharge. The Fact Sheet provides details regarding the public hearing. The Regional Water Board and U.S. EPA considered all comments pertaining to the discharge.

THEREFORE, IT IS HEREBY ORDERED that Order No. R2-2009-0062 (previous order) is rescinded upon the effective date of this Order, except for enforcement purposes, and in order to meet the provisions of Water Code division 7 (commencing with § 13000) and regulations adopted thereunder and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order. The Regional Water Board intends that joint issuance of this Order with U.S. EPA will serve as its certification under CWA section 401 that discharges pursuant to this Order comply with 33 U.S.C. sections 1311, 1312, 1313, 1316, and 1317. This action in no way prevents the Regional Water Board or U.S. EPA from taking enforcement action for past violations of the previous order.

ED_002551_00000697-00004

III. DISCHARGE PROHIBITIONS

A. Discharge at a location or in a manner different than described in this Order is prohibited.

B. Bypass of untreated or partially-treated wastewater to waters of the United States is prohibited, except as provided for in Attachment D section I.G. Combined sewer discharges during wet weather (as defined in Attachment A) are not subject to this prohibition. ~~authorized by this Order are not bypasses.~~

Blended wastewater is biologically-treated wastewater blended with wastewater diverted around biological treatment units at the Oceanside Water Pollution Control Plant. These anticipated discharges are approved under the bypass conditions when (1) the Discharger's peak wet weather instantaneous influent flow exceeds the capacity of the biological treatment units of 43 MGD, (2) all wet weather flows passing the headworks of the plant receive at least primary treatment, (3) discharge of pollutants to the environment is minimized, and (~~3~~4) the discharge complies with the effluent and receiving water limitations contained in this Order. Furthermore, the Discharger shall operate its Facility as designed and in accordance with the Operation and Maintenance Manual for the Facility. This means it shall optimize storage and use of equalization units and shall fully utilize the biological treatment units. The Discharger shall report incidents of blended effluent discharges in monthly self-monitoring reports and shall conduct monitoring of this discharge as specified in the attached Monitoring and Reporting Program (MRP) (Attachment E).

C. Discharge at Discharge Point No. 001 is prohibited when the discharge does not receive a minimum initial dilution of at least 148:1 (parts seawater per part wastewater), as modeled assuming no currents. Compliance shall be achieved by proper operation and maintenance of the discharge outfall to ensure that it (or its replacement, in whole or part) is in good working order and is consistent with, or can achieve better mixing than, 148:1. The Discharger shall describe measures taken to ensure compliance in its Report of Waste Discharge and application for permit reissuance.

D. Discharge from any location other than Discharge Point No. 001 is prohibited, except from Discharge Point Nos. CSD-001, CSD-002, CSD-003, CSD-004, CSD-005, CSD-006, and CSD-007 during wet weather (as defined in Attachment A) in accordance with the requirements in this Order.

E. Average dry weather Oceanside Water Pollution Control Plant influent flow in excess of 43 MGD is prohibited. Average dry weather influent flow shall be determined from three consecutive dry weather months each year, with compliance measured at Monitoring Location INF-001A as described in the MRP.

ED_002551_00000697-00005

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Technology-Based Effluent Limitations

1. Oceanside Water Pollution Control Plant

During dry weather, the Discharger shall comply with the following effluent limitations for discharges from the Oceanside Water Pollution Control Plant, with compliance measured at Monitoring Location EFF-001A as described in the MRP, as follows:

Table 4. Effluent Limitations - Oceanside Water Pollution Control Plant

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Carbonaceous Biochemical Oxygen Demand, 5-day @ 20°C ($CBOD_5$)	mg/L	25	40	---	---	---
Total Suspended Solids (TSS)	mg/L	30	45	---	---	---
$CBOD_5$ Removal [1]	%	85 (minimum)	---	---	---	---
TSS Removal [1]	%	85 (minimum)	---	---	---	---
pH [2]	s.u.	---	---	---	6.0	9.0

Abbreviations:

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

Footnotes:

[1] The arithmetic mean of $CBOD_5$ and TSS, by concentration, shall not exceed 15 percent of the arithmetic mean of the $CBOD_5$ and TSS, by concentration, of influent samples collected at Monitoring Location INF-001A as described in the MRP, at approximately the same times during the same periods.

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

During wet weather, the Discharger shall comply with the narrative technology-based effluent limitations contained in Provision VI.C.5.a (Nine Minimum Controls).

2. Westside Recycled Water Project

When recycled water is being produced, the Discharger shall comply with the following effluent limitations for discharges from the Westside Recycled Water Project, with compliance measured at Monitoring Location EFF-001R as described in the MRP, as follows:

ED_002551_00000697-00006

Table 5. Effluent Limitations - Westside Recycled Water Project

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
TSS	mg/L	60	---	---	---	---
pH [1]	s.u.	---	---	---	6.0	9.0
Oil and Grease	mg/L	25	40	---	---	75
Settleable Solids	mL/L	1.0	1.5	---	---	3.0
Turbidity	NTU	75	100	---	---	225

Abbreviations:

mg/L = milligrams per liter
mL/L = milliliters per liter
NTU = nephelometric turbidity units
s.u. = standard units

Footnote:

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

B. Water Quality-Based Effluent Limitations

During dry weather, the Discharger shall comply with the following effluent limitation for discharges at Discharge Point No. 001, with compliance measured at Monitoring Location EFF-001C as described in the MRP, as follows:

Table 6. Effluent Limitations - Discharge Point No. 001

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Chronic Toxicity [1]	Pass or Fail	---	---	Pass	---	---

Footnote:

[1] MRP section V sets forth chronic toxicity monitoring requirements. The discharge is subject to determination of "Pass" or "Fail" from a single chronic toxicity test conducted at the in-stream waste concentration (IWC) defined in MRP section V.A.2 using the Test of Significant Toxicity (TST) statistical approach (Welch's t-test) in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA 833-R-10-003, 2010), Appendix A, Figure A-1 and Table A-1, and Appendix B, Table B-1.

The TST null hypothesis shall be the following:

Mean discharge IWC response $\leq 0.75 \times$ Mean control response

A test result that rejects this null hypothesis shall be reported as "Pass." A test result that does not reject this null hypothesis shall be reported as "Fail." The relative "Percent Effect" at the discharge IWC shall also be reported as:

([Mean control response - Mean discharge IWC response] ÷ Mean control response) × 100

During wet weather, the Discharger shall comply with the narrative water quality-based effluent limitations contained in Provision VI.C.5.c (Long-Term Control Plan).

V. RECEIVING WATER LIMITATIONS

A. Discharge shall not cause the following conditions to exist in receiving waters outside the zone of initial dilution:

ED_002551_00000697-00007

1. Floating particulates and oil and grease shall not be visible.

2. The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.

3. Natural light shall not be significantly reduced at any point outside the initial dilution zone as the result of the discharge of waste.

4. The rate of deposition of inert solids and the characteristics of inert solids in ocean sediments shall not be changed such that benthic communities are degraded.

5. Trash shall not be present in ocean waters, along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance.

6. The dissolved oxygen concentration shall not at any time be depressed more than 10 percent from that which occurs naturally as a result of the discharge of oxygen demanding waste materials.

7. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.

8. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.

9. The concentration of substances set forth in Ocean Plan Table 1 in marine sediments shall not be increased to levels that would degrade indigenous biota.

10. The concentration of organic materials in marine sediments shall not be increased to levels that would degrade marine life.

11. Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.

12. Discharges shall not cause exceedances of water quality objectives listed in Ocean Plan Table 1 in ocean waters.

13. Marine communities, including vertebrate, invertebrate, algae, and plant species, shall not be degraded.

14. The natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption shall not be altered.

15. The concentration of organic materials in fish, shellfish, or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

16. Discharge of low-level radioactive waste shall not degrade marine life.

B. Discharge shall not cause a violation of any water quality standard for receiving waters adopted by the Regional Water Board, State Water Resources Control Board (State Water Board), or U.S. EPA as required by the CWA and regulations adopted thereunder. If more stringent water

ED_002551_00000697-00008

quality standards are promulgated or approved pursuant to CWA section 303, or amendments thereto, the Regional Water Board and U.S. EPA may revise or modify this Order in accordance with the more stringent standards.

VI. PROVISIONS

A. Standard Provisions

1. The Discharger shall comply with all "Standard Provisions" included in Attachment D. In Attachment D, references to "Regional Water Board" shall be interpreted as "Regional Water Board and U.S. EPA," and references to "Regional Water Board Executive Officer" shall be interpreted as "Regional Water Board Executive Officer and U.S. EPA."

2. The Discharger shall comply with all applicable provisions of the "Regional Standard Provisions, and Monitoring and Reporting Requirements" (Attachment G), except as follows:

   a. **Attachment G section V.C.1.d.iv (Dioxin-TEQ).** The Discharger shall calculate and report dioxin-TEQs using the definition of TCDD Equivalents in Attachment A, which supersedes the definition in Attachment G.

   b. **Attachment G section III.A.2 (Minimum Levels).** The Discharger shall comply with the minimum levels listed in Ocean Plan Appendix II in lieu of those listed in Attachment G Table B.

   In Attachment G, references to "Regional Water Board" shall be interpreted as "Regional Water Board and U.S. EPA," and references to "Regional Water Board Executive Officer" shall be interpreted as "Regional Water Board Executive Officer and U.S. EPA."

B. Monitoring and Reporting

The Discharger shall comply with the MRP (Attachment E), and future revisions thereto, and applicable sampling and reporting requirements in Attachments D and G.

C. Special Provisions

1. Reopener Provisions

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

a. If present or future investigations demonstrate that the discharges governed by this Order have or will have a reasonable potential to cause or contribute to, or will cease to have, adverse impacts on water quality or beneficial uses of the receiving waters.

b. As new or revised water quality standards or total maximum daily loads (TMDLs) come into effect for surface waters of the State (whether statewide, regional, or site-specific). In such cases, effluent limitations in this Order may be modified as necessary to reflect updated water quality standards and wasteload allocations in TMDLs. Adoption of effluent limitations contained in this Order is not intended to restrict in any way future

ED_002551_00000697-00009

modifications based on legally adopted water quality objectives, TMDLs, or as otherwise permitted under federal regulations governing NPDES permit modifications.

c. If translator, dilution, or other water quality studies provide a basis for determining that a permit condition should be modified.

d. If State Water Board precedential decisions, new policies, new laws, or new regulations are adopted.

e. If an administrative or judicial decision on a separate NPDES permit or WDRs addresses requirements similar to this discharge.

f. If combined sewer system discharge controls fail to meet water quality standards or protect designated uses.

g. Or as otherwise authorized by law.

The Discharger may request a permit modification based on any of the circumstances above. With any such request, the Discharger shall include antidegradation and anti-backsliding analyses.

2. **Effluent Characterization Study and Report**

a. **Study Elements.** The Discharger shall characterize and evaluate the dry weather discharge from Discharge Point No. 001 to verify that the reasonable potential analysis conclusions of this Order remain valid and to inform the next permit reissuance. The Discharger shall monitor Ocean Plan Table 1 pollutants as described in the MRP and evaluate on an annual basis whether concentrations of any Ocean Plan Table 1 pollutants significantly increase over past performance. The Discharger shall investigate the cause of any such increases. The investigation may include, but need not be limited to, increasing the monitoring frequency, monitoring internal process streams, and monitoring of influent sources. The Discharger shall establish remedial measures addressing any increases resulting in reasonable potential to cause or contribute to an exceedance of applicable water quality objectives (see Fact Sheet Tables F-9 and F-10 for the objectives). This requirement to establish remedial measures may be satisfied through identification of the constituent as a "pollutant of concern" in the Discharger's Pollutant Minimization Program, described in Provision VI.C.3.

b. **Reporting Requirements**

i. **Routine Reporting.** The Discharger shall, within 45 days of receipt of analytical results, report the identity of any Ocean Plan Table 1 pollutant detected at or above the applicable water quality objective to the Regional Water Board and U.S. EPA.

ii. **Annual Reporting.** The Discharger shall summarize the annual data evaluation and source investigation in its annual self-monitoring report (see MRP § VIII.B).

ED_002551_00000697-00010

3. Pollutant Minimization Program

a. The Discharger shall implement a Pollutant Minimization Program to promote minimization of pollutant loadings to the sewer system and therefore to the receiving waters.

b. The Discharger shall submit an annual report no later than February 28 each year. Each annual report shall include at least the following information:

i. Brief description of treatment plant. The description shall include the service area and treatment plant processes.

ii. Discussion of current pollutants of concern. Periodically, the Discharger shall analyze its circumstances to determine which pollutants are currently a problem and which pollutants may be potential future problems. This discussion shall include the reasons for choosing the pollutants. At a minimum, the Discharger shall include fats, oil, and grease (FOG) as a pollutant of concern and shall consider whether copper and zinc should also be pollutants of concern.

iii. Identification of sources for pollutants of concern. This discussion shall include how the Discharger intends to estimate and identify pollutant sources. The Discharger shall include sources or potential sources not directly within the ability or authority of the Discharger to control, such as pollutants in the potable water supply and air deposition.

iv. Identification of tasks to reduce the sources of pollutants of concern. This discussion shall identify and prioritize tasks to address the Discharger's pollutants of concern. The Discharger may implement the tasks by itself or participate in group, regional, or national tasks that address its pollutants of concern. The Discharger is strongly encouraged to participate in group, regional, or national tasks that address its pollutants of concern whenever it is efficient and appropriate to do so. An implementation timeline shall be included for each task.

v. Outreach to employees. The Discharger shall inform employees about the pollutants of concern, potential sources, and how they might be able to help reduce the discharge of these pollutants of concern into the Facility. The Discharger may provide a forum for employees to provide input.

vi. Continuation of Public Outreach Program. The Discharger shall prepare a pollution prevention public outreach program for its service area. Outreach may include participation in existing community events, such as county fairs; initiating new community events, such as displays and contests during Pollution Prevention Week; conducting school outreach programs; conducting plant tours; and providing public information in newspaper articles or advertisements, radio or television stories or spots, newsletters, utility bill inserts, or web sites. Information shall be specific to target audiences. The Discharger shall coordinate with other agencies as appropriate.

ED_002551_00000697-00011

vii. **Discussion of criteria used to measure Pollutant Minimization Program and task effectiveness.** The Discharger shall establish criteria to evaluate the effectiveness of its Pollutant Minimization Program. This discussion shall identify the specific criteria used to measure the effectiveness of each task in Provisions VI.C.3.b.iii, iv, v, and vi.

viii. **Documentation of efforts and progress.** This discussion shall detail all of the Discharger's Pollutant Minimization Program activities during the reporting year.

ix. **Evaluation of Pollutant Minimization Program and task effectiveness.** The Discharger shall use the criteria established in Provision VI.C.3.b.vii to evaluate the program and task effectiveness.

x. **Identification of specific tasks and timelines for future efforts.** Based on the evaluation, the Discharger shall explain how it intends to continue or change its tasks to more effectively reduce the amount of pollutants flowing to the Facility, and subsequently in its effluent.

c. The Discharger shall develop and conduct a Pollutant Minimization Program as further described below when there is evidence that a priority pollutant is present in the effluent above an effluent limitation (e.g., sample results reported as detected but not quantified [DNQ] when the effluent limitation is less than the method detection limit [MDL], sample results from analytical methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, or results of benthic or aquatic organism tissue sampling) and either:

i. A sample result is reported as DNQ and the effluent limitation is less than the Reporting Level (RL); or

ii. A sample result is reported as not detected (ND) and the effluent limitation is less than the MDL using definitions in Attachment A and reporting protocols described in the MRP.

d. If triggered by the reasons set forth in Provision VI.C.3.c, the Discharger's Pollutant Minimization Program shall include, but not be limited to, the following actions and submittals:

i. Annual review and semiannual monitoring of potential sources of the reportable pollutant, which may include fish tissue monitoring and other bio-uptake sampling, or alternative measures when source monitoring is unlikely to produce useful analytical data;

ii. Quarterly monitoring for the reportable pollutant in treatment plant influent. The Regional Water Board Executive Officer and U.S. EPA may approve alternative measures when influent monitoring is unlikely to produce useful analytical data;

iii. Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable pollutant in the effluent at or below the effluent limitation;

ED_002551_00000697-00012

iv. Implementation of appropriate cost-effective control measures for the reportable pollutant, consistent with the control strategy; and

v. Inclusion of the following within the annual report required by Provision VI.C.3.b:

(a) All Pollutant Minimization Program monitoring results for the previous year;
(b) List of potential sources of the reportable pollutant;
(c) Summary of all actions undertaken pursuant to the control strategy; and
(d) Description of actions to be taken in the following year.

4. Special Provisions for Publicly-Owned Treatment Works (POTWs)

a. Sludge and Biosolids Management. The Discharger shall manage its sludge and biosolids in accordance with federal regulations (40 C.F.R. parts 258 and 503) and Attachment H.

i. Sludge and biosolids treatment and storage shall not create a nuisance, such as objectionable odors or flies, or result in groundwater contamination.

ii. Sludge and biosolids treatment and storage facilities shall be adequate to divert surface runoff from adjacent areas, to protect site boundaries from erosion, and to prevent conditions that would cause drainage from stored materials. Adequate protection is defined as protection from at least a 100-year storm and the highest possible tidal state that may occur.

iii. This Order does not authorize permanent onsite sludge or biosolids storage or disposal. A Report of Waste Discharge shall be filed and the site brought into compliance with applicable regulations prior to commencement of any such activity.

b. Pretreatment Program. The Discharger shall implement and enforce its approved pretreatment program in accordance with federal pretreatment regulations (40 C.F.R. part 403); pretreatment standards promulgated under CWA sections 307(b), 307(c), and 307(d); pretreatment requirements specified under 40 C.F.R. section 122.44(j); and the requirements in Attachment H, "Pretreatment Requirements." The Discharger's responsibilities include, but are not limited to, the following:

i. Enforcement of the National Pretreatment Standards of 40 C.F.R. sections 403.5 and 403.6;

ii. Implementation of its pretreatment program in accordance with legal authorities, policies, procedures, and financial provisions described in the National Pretreatment Program (40 C.F.R. part 403);

iii. Submission of reports to the State Water Board, the Regional Water Board, and U.S. EPA as described in Attachment H; and

iv. Evaluation of the need to revise local limits under 40 C.F.R. section 403.5(c)(1) and, within 180 days following the effective date of this Order, submission of a report describing the changes, with a plan and schedule for implementation.

c. **Anaerobically Digestible Material.** If the Discharger receives hauled-in anaerobically-digestible material for injection into an anaerobic digester, the Discharger shall notify the Regional Water Board and develop and implement Standard Operating Procedures for this activity. The Standard Operating Procedures shall be developed prior to initiation of hauling. The Standard Operating Procedures shall address material handling, including unloading, screening, or other processing prior to anaerobic digestion; transportation; spill prevention; spill response; avoidance of the introduction of materials that could cause interference, pass through, or upset of the treatment processes; avoidance of prohibited material; vector control; odor control; operation and maintenance; and the disposition of any solid waste segregated from introduction to the digester. The Discharger shall train its staff on the Standard Operating Procedures and maintain records for a minimum of three years for each load received, describing the hauler, waste type, and quantity received. In addition, the Discharger shall maintain records for a minimum of three years for the disposition, location, and quantity of cumulative pre-digestion segregated solid waste hauled offsite.

d. **Separate Sanitary Sewer Systems.** The Discharger shall properly operate and maintain its separate sanitary collection systems (see Attachments D and G, section I.D), report any noncompliance with respect to its separate sanitary collection systems (see Attachments D and G, sections V.E.1 and V.E.2), and mitigate any discharges in violation of this Order associated with its separate sanitary collection systems (see Attachments D and G, section I.C).

State Water Board Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, as amended by State Water Board Order No. WQ 2013-0058-EXEC, contains requirements for operation and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows. While the Discharger must comply with both the statewide WDRs and this Order, the statewide WDRs more clearly and specifically stipulate requirements for operation and maintenance and for reporting and mitigating sanitary sewer overflows. Implementing the requirements for operation and maintenance and mitigation of sanitary sewer overflows set forth in the statewide WDRs (and any subsequent order updating those requirements) shall satisfy the corresponding federal NPDES requirements specified in Attachments D and G of this Order for the separate sanitary collection systems. Following the reporting requirements set forth in the statewide WDRs (and any subsequent order updating these requirements) shall satisfy the NPDES reporting requirements for sanitary sewer overflows specified in Attachments D and G.

5. **Combined Sewer System**

a. **Nine Minimum Controls**

The Discharger shall implement the following nine minimum controls:

i. **Control No. 1: Conduct Proper Operations and Maintenance Program.** The Discharger shall implement an operations and maintenance program that establishes operation, maintenance, and inspection procedures to ensure that the Facility is operated and maintained in a manner that complies with the requirements of this

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Order. The program shall include regular cleaning of sewers and catch basins, repair or replacement of sewers and related equipment, disconnection of illegal connections, and the elements listed below:

(a) Organizational Structure. The Discharger shall maintain an up-to-date directory of operations and maintenance staff, including a description of their individual responsibilities and emergency contact information, and a designated primary contact person for the Facility. The Discharger shall notify the Regional Water Board and U.S. EPA within 90 days of designating a new primary contact person.

(b) Budget. The Discharger shall allocate sufficient funds and personnel for routine operations and maintenance, and to provide for possible emergencies.

(c) Critical Facilities and Major System Components. The Discharger shall maintain an up-to-date written inventory of critical facilities and major system components (i.e., those facilities and system components that affect the performance of the combined sewer system, or combined sewer discharge volumes or pollutant levels). The inventory shall include a list of all control equipment (e.g., gravity lines, force mains, pump stations, treatment units, transport/storage structures, outfalls, tide gates, overflow weirs, baffles). The Discharger shall include the following additional information for each critical facility and major system component in the inventory:

(1) Physical description (e.g., capacity, dimensions, age, type of material, location);

(2) References to relevant equipment manuals; and

(3) Locations that have historically experienced performance issues (e.g., sections of the collection system prone to sediment accumulation).

At a minimum, the Discharger shall review and update the inventory annually. The Discharger may combine the inventory and the Wastewater Facilities Status Report (see Attachment G section I.D.2) into one document.

(d) Procedures for Routine Maintenance. The Discharger shall document procedures for routine maintenance and timely repair of the critical facilities and major system components listed in the inventory required by Provision VI.C.5.a.i(c), reflecting at least the manufacturers' recommendations and equipment manuals. Routine maintenance shall focus on preventative maintenance to avoid failures during critical times.

(e) Non-Routine Maintenance and Emergency Situations. The Discharger shall develop and implement a Contingency Plan to provide for uninterrupted operation during emergency conditions to the maximum extent practicable, including extreme weather (e.g., 100-year storms), major earthquakes, and extended periods without power. The Contingency Plan shall comply with Attachment G section I.C.1 (Contingency Plan).

ED_002551_00000697-00015

(f) Inspections. The Discharger shall conduct an inspection program of the combined sewer system to provide reasonable assurance that unpermitted discharges, obstructions, damage, and excessive inflow and infiltration will be discovered. At a minimum, the Discharger shall do the following:

(1) Inspect discharge structures, regulators, pumping stations, and tide gates at least once per calendar year to ensure that they are in good working condition and are adjusted to minimize combined sewer discharges and to prevent tidal inflow.

(2) Inspect each combined sewer discharge outfall at least once per calendar year. The inspection shall include, but not be limited to, entering the regulator structure, if accessible; determining the extent of any structural defects or debris and grit buildup; and removing any debris that may constrict flow, cause blockage, or result in a prohibited discharge. For outfalls that are inaccessible, the Discharger may perform a visual check of the discharge pipe to determine whether a discharge has occurred or could potentially occur during dry weather.

(3) Record all inspection results in a maintenance log, including the date and time of the inspection, the inspection findings, and description of any corrective actions taken.

(g) Training. The Discharger shall provide training to operations and maintenance staff regarding operation and maintenance duties and standard operation procedures. Training shall be consistent with the Discharger's Operation and Maintenance Manual required by Attachment G section I.D.1 (Operation and Maintenance Manual).

(h) Operation and Maintenance Program Review. The Discharger shall review and modify its operations and maintenance program as necessary and in accordance with sections I.C (Duty to Mitigate) and I.D (Proper Operation and Maintenance) of Attachments D and G. At a minimum, the Discharger shall review and update the Operation and Maintenance Manual required by Attachment G section I.D.1 (Operation and Maintenance Manual) once per calendar year.

ii. Control No. 2: Maximize Use of Collection System for Storage. The Discharger shall maximize use of the combined sewer system for in-line storage to reduce the magnitude, frequency, and duration of combined sewer discharges. At a minimum, the Discharger shall implement the following controls:

(a) Prevent intrusion of receiving waters into the combined sewer system;

(b) Use all facilities, including any inoperative or unused treatment facilities, to store or treat wet weather flows to the maximum extent practicable;

(c) Implement a routine cleaning program to remove and prevent flow obstructions in the combined sewer system; and

ED_002551_00000697-00016

(d) Implement measures to minimize inflow and infiltration, including but not limited to installing and maintaining green infrastructure and low impact development that enhance stormwater detention and percolation.

iii. Control No. 3: Review and Modify Pretreatment Program. The Discharger shall implement controls to minimize the impact of non-domestic discharges to its collection system. At three-year intervals, the Discharger shall re-evaluate whether additional modifications to its pretreatment program, such as prohibiting batch discharges or requirements for detention during wet weather, are feasible or practical. The Discharger shall document this re-evaluation in the annual report required by Provision VI.C.5.b.

iv. Control No. 4: Maximize Flow to Treatment Plant. The Discharger shall operate the Oceanside Water Pollution Control Plant at maximum capacity during wet weather. The Discharger shall maximize the volume of wastewater that receives secondary treatment at the plant and is discharged at Discharge Point No. 001.

v. Control No. 5: Prohibit Dry Weather Combined Sewer Overflows. Dry weather discharges at Discharge Point Nos. CSD-001, CSD-002, CSD-003, CSD-004, CSD-005, CSD-006, and CSD-007 are prohibited (see Discharge Prohibition III.D). During any dry weather discharge at Discharge Point Nos. CSD-001, CSD-002, CSD-003, CSD-004, CSD-005, CSD-006, or CSD-007, the Discharger shall inspect the associated outfall structure each day until the unauthorized discharge stops. For each prohibited dry weather discharge, the Discharger shall submit the information required by Attachment G section V.C.1.a (e.g., duration, cause, corrective actions taken or planned).

vi. Control No. 6: Control Solid and Floatable Materials in Combined Sewer Discharges. The Discharger shall implement measures to minimize the volume of solid and floatable materials in combined sewer discharges (e.g., equip Discharge Point Nos. CSD-001, CSD-002, CSD-003, CSD-004, CSD 005, CSD-006, and CSD-007 with baffles, screens, or racks). The Discharger shall also remove and properly dispose of solid and floatable materials captured in the combined sewer system.

vii. Control No. 7: Develop and Implement Pollution Prevention Program. The Discharger shall implement a pollution prevention program focused on reducing the amount of pollutants that enter the combined sewer system and on reducing the impact of combined sewer discharges on receiving waters. The Discharger shall develop and implement this program in accordance with Provision VI.C.3 (Pollutant Minimization Program). The Discharger shall also implement a street sweeping program and clean catch basins at a frequency sufficient to minimize large accumulations of pollutants and debris.

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viii. Control No. 8: Notify Public of Combined Sewer Discharges and Excursions

(a) Combined Sewer Discharges. The Discharger shall inform the public of the location of combined sewer discharge outfalls (i.e., Discharge Point Nos. CSD-001, CSD-002, CSD-003, CSD-004, CSD-005, CSD-006, and CSD-007), the actual occurrences of combined sewer discharges, the possible health and environmental impacts of combined sewer discharges, and the recreational or commercial activities (e.g., swimming, shellfish harvesting) curtailed as a result of combined sewer discharges. Notification shall include the following, at a minimum:

(1) The Discharger shall maintain permanent identification signs at the locations of Discharge Point Nos. CSD-001, CSD-002, CSD-003, CSD-005, CSD-006, and CSD-007, and at public access points near shellfish areas harvested for human consumption. The Discharger shall inspect and replace, as necessary, all permanent signs at least once per calendar year to ensure that the signs are visible and readable. Unless the Discharger obtains written approval from the Regional Water Board Executive Officer and U.S. EPA, new or replacement signs shall be a minimum of 12 by 18 inches, with a font size of at least 50; be printed on reflective material; and contain the following information, at a minimum:

WARNING
WET WEATHER SEWAGE DISCHARGE LOCATION
SFPUC Discharge Point No. (discharge identification number)
Report Dry Weather Discharges at (telephone number)

(2) The Discharger shall post warning signs, including "No Swimming" signs, at beach locations whenever a combined sewer discharge occurs to inform users that bacteria concentrations may be elevated. The Discharger shall post warning signs when the discharge commences until analysis indicates that water quality meets bacteriological standards for recreation.

(3) The Discharger shall post warning signs at public access points where shellfish may be harvested for human consumption whenever a combined sewer discharge occurs. The Discharger shall post warning signs when the discharge commences until the City and County Health Department indicates that posting is no longer required.

(4) The Discharger shall provide electronic notification of combined sewer discharges through a free-access website, telephone hotline, and mobile application. The electronic notification shall include information about the location, duration, and impacts of combined sewer discharges, and provide a telephone number for the public to report discharges.

(b) Combined Sewer System Excursions. For combined sewer system excursions, the Discharger shall notify and report consistent with the sanitary sewer overflow notification and reporting requirements of State Water Board Order

ED_002551_00000697-00018

No. 2006-0003-DWQ, "Statewide General Waste Discharge Requirements for Sanitary Sewer Systems," as amended by State Water Board Order No. WQ 2013-0058-EXEC, and any subsequent order updating these requirements (i.e., State Water Board Order No. WQ 2013-0058-EXEC Attachment A, sections B.1, B.2, B.3, C.2, C.3, C.4, C.5, C.7, and C.8.i).

ix. **Control No. 9: Monitor to Characterize Combined Sewer Discharge Impacts and Efficacy of Controls.** The Discharger shall monitor to determine the occurrence and apparent impacts of combined sewer discharges as described in the MRP.

b. **Documentation of Nine Minimum Controls.** The Discharger shall maintain records documenting implementation of the nine minimum controls described in Provision VI.C.5.a. By September 30 each year, the Discharger shall submit a report to the Regional Water Board and U.S. EPA covering the period of July 1 through June 30 of the previous year. The report shall summarize actions taken and planned to implement the nine minimum controls and describe any updates or modifications to the implementation of the nine minimum controls.

c. **Long-Term Control Plan (LTCP)**

i. The Discharger shall implement its Long-Term Control Plan (LTCP), including the following nine elements as described in the *Combined Sewer Overflow (CSO) Control Policy*:

- Characterization, Monitoring, and Modeling of Combined Sewer System
- Public Participation
- Consideration of Sensitive Areas
- Evaluation of Alternatives
- Cost/Performance Considerations
- Operational Plan
- Maximizing Treatment at the Oceanside Water Pollution Control Plant
- Implementation Schedule
- Post-Construction Compliance Monitoring Program

ii. Consistent with implementation of its LTCP, the Discharger shall comply with the following provisions:

(a) The Discharger shall optimize system operations to minimize combined sewer discharges and maximize pollutant removal during wet weather.

(b) The Discharger shall use all facilities, including any inoperative or unused facilities, to store or treat wet weather flows to the maximum extent practicable.

(c) The Discharger shall capture for treatment, or storage and subsequent treatment, 100 percent of the combined wastewater and stormwater flow collected in the combined sewer system during precipitation events. Captured flows shall receive the minimum treatment specified in Table 2.

(d) The Discharger shall operate the facilities as set forth below and maintain records documenting implementation. If the Discharger demonstrates that changes to these operating parameters will result in additional storage or treatment, it shall implement such changes after receiving written concurrence from the Regional Water Board Executive Officer and U.S. EPA.

Commented [JW1]: SFPUC: EPA and the Regional Water Board would like to schedule a meeting to discuss what requirements are most appropriate.

(1) The Oceanside Water Pollution Control Plant shall have an influent flow rate of at least 65 MGD prior to initiating decant from the Westside Transport to Discharge Point No. 001.

(2) The flow at Discharge Point No. 001 shall be at least 165 MGD within 2 hours of a discharge from Discharge Point No. CSD-001, CSD-002, or CSD-003.

(3) The Discharger shall operate the Sea Cliff No. 1 Pump Station at maximum capacity (not less than 0.78 MGD) when discharging to Discharge Point No. CSD-005.

(4) The Discharger shall operate the Sea Cliff No. 2 Pump Station at maximum capacity (not less than 0.90 MGD) when discharging to Discharge Point No. CSD-007.

(5) The Discharger shall comply with the following after rains subside:

(A) Treatment at the Oceanside Water Pollution Control Plant shall continue until the transport/storage structures are empty of stormwater flows.

(B) Accumulated solids in the combined sewer system shall be sent to the Oceanside Water Pollution Control Plant.

(C) If the National Weather Service predicts at least a 30 percent chance of rain within the next 24 hours, the Discharger shall:

- Maximize pumping from the Westside Transport via the Westside Pump Station to the Oceanside Water Pollution Control Plant and Discharge Point No. 001 until the level of combined flows in the East Box is between 5 and 10 feet; and

- Maximize pumping from the Westside Transport via the Westside Pump Station to the Oceanside Water Pollution Control Plant and/or Discharge Point No. 001 until the level of combined flows in the West Box is essentially zero.

(D) If the National Weather Service does not predict rain within the next 24 hours, the Discharger shall:

- Maximize pumping from the Westside Transport via the Westside Pump Station to the Oceanside Water Pollution Control Plant and/or Discharge Point No. 001 until influent flow to the Oceanside Water Pollution Control Plant is less than 43 MGD; and

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- Maximize pumping from the Westside Transport via the Westside Pump Station to the Oceanside Water Pollution Control Plant and/or Discharge Point No. 001 until the level of combined flows in the West Box is essentially zero.

d. LTCP Update. The Discharger shall update its LTCP by implementing the following tasks based on the nine elements described in the *Combined Sewer Overflow (CSO) Control Policy* and shall submit the required reports to the Regional Water Board and U.S. EPA as specified in the table below. In doing so, the Discharger may use previously completed studies to the extent that they accurately provide the required information.

Table 7. Tasks to Update Long-Term Control Plan (LTCP)

Task	Compliance Date
1. **Characterization, Monitoring, and Modeling of Combined Sewer System** The Discharger shall submit a System Characterization Report with a comprehensive characterization of the combined sewer system developed through records review, monitoring, modeling, and other means as appropriate to establish the existing conditions upon which the updated LTCP will be based. At a minimum, the System Characterization Report shall do the following: a. Include a thorough review of the entire combined sewer system, including how it responds to various precipitation events (including 3-hour duration, 5-year and 10-year return frequency storms) with respect to the volume and frequency of combined sewer system discharges and combined sewer system excursions, considering the impacts of climate change and sea level rise; b. Describe each model used, including a discussion of model calibration and validation; c. Identify the location, frequency, and characteristics of actual combined sewer discharges and combined sewer system excursions, and their locations relative to sensitive areas, for at least the last 10 years; d. Describe any temporal or spatial trends of combined sewer system excursions; e. Identify the water quality impacts that result from combined sewer discharges (at a minimum, compare wet weather average and maximum discharge characteristics and receiving water monitoring data with Ocean Plan Table 1 water quality objectives); f. Evaluate combined sewer discharge control efficacy (e.g., using TSS as a proxy for pollutant removal efficiency), including a description of any method used; and g. Evaluate whether combined sewer system excursions result in a nuisance as defined in Water Code section 13050.	Within 30 months of this Order's effective date
2. **Public Participation** The Discharger shall submit a Public Participation Plan describing the process it will employ to actively involve the affected public in its decision-making process to select updated long-term combined sewer system controls based on the results of the Consideration of Sensitive Areas Report. The affected public includes rate-payers (including rate-payers in separate sanitary sewer system service areas), industrial users, persons who use the receiving waters, and any other interested persons. The Public Participation Plan may include outreach through methods such as public meetings, direct mailers, billing inserts, press releases, postings of information on the Discharger's website, and development of advisory committees.	Within 42 months of this Order's effective date
3. **Consideration of Sensitive Areas** The Discharger shall submit a Consideration of Sensitive Areas Report that evaluates, prioritizes, and proposes control alternatives needed to eliminate, relocate, or reduce the magnitude or frequency of discharges from Discharge Point Nos. CSD-001, CSD-002,	Within 42 months of this Order's effective date

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Task	Compliance Date
CSD-003, CSD-004, CSD-005, CSD-006, and CSD-007. The Consideration of Sensitive Areas Report shall include the following, at a minimum: **a.** Provide updated water contact recreational use surveys, focusing particularly on recreational use following combined sewer discharges; **b.** Evaluate control alternatives for each combined sewer discharge structure and the combined sewer system as a whole, including but not limited to the following: **i.** Green infrastructure and low impact development; **ii.** Increased storage within the collection system; **iii.** Increased storage at the Oceanside Water Pollution Control Plant; **iv.** Increased treatment capacity at the Oceanside Water Pollution Control Plant; **v.** Operational changes to increase flows discharged at Discharge Point No. 001; **vi.** Increased pumping capacity at the Westside Pump Station; and **vii.** Use of high-rate treatment technologies and disinfection to minimize pollutant loads. **c.** Evaluate the practical and technical feasibility of the proposed alternatives; **d.** Using a model, simulate existing conditions and expected conditions after construction and operation of each proposed alternative, including how the alternative would be expected to affect water quality and combined sewer discharge volumes and frequencies at each combined sewer discharge outfall, and incorporating consideration of climate change and sea level rise; and **e.** Prioritize and propose for implementation the proposed alternatives needed to eliminate, relocate, or reduce the magnitude or frequency of discharges from Discharge Point Nos. CSD-001, CSD-002, CSD-003, CSD-004, CSD-005, CSD-006, and CSD-007 based on Tasks 3.a through 3.d, above, and the cost and performance considerations and financial capabilities analysis required by Task 4.	
4. Cost/Performance Considerations **a.** The Discharger shall submit cost and performance considerations for each alternative considered in the Consideration of Sensitive Areas Report. The Discharger shall include within this evaluation an analysis that determines where the increment of pollution reduction achieved diminishes compared to increased costs (i.e., the "knee of the curve"). **b.** The Discharger shall submit an analysis of its financial capabilities using available guidance, such as U.S. EPA's *Combined Sewer Overflows, Guidance for Financial Capability Assessment and Schedule Development* (EPA 832-B-97-004, February 1997), to support the evaluation of alternatives analysis required by Task 3. The analysis shall reflect the following considerations, at a minimum: **i.** Bond rating; **ii.** Overall net debt as a percent of full market property value; **iii.** Unemployment rate; **iv.** Median household income; **v.** Property tax revenues as a percent of full market property value; **vi.** Property tax revenue collection rate; **vii.** Annual wastewater costs per household as a percent of median household income; **viii.** Grant and loan availability; **ix.** Existing and future residential, commercial, and industrial sewer user fees and rate structures; and **x.** Other viable funding mechanisms.	With Task 3 Submittals
5. Operational Plan **a.** The Discharger shall submit an Evaluation of Wet Weather Operations Report that evaluates whether changes to existing system operations can be made to maximize pollutant removal during and after each precipitation event, such as minimizing the	Within 12 months of this Order's effective date

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Task	Compliance Date
frequency, volume, or duration of combined sewer discharges and combined sewer system excursions. The Discharger shall propose a set of operational parameters to be used as performance measures to ensure that wet weather operations maximize pollutant removal and minimize the frequency, volume, and duration of combined sewer discharges and combined sewer system excursions. The performance measures may include all or a portion of those listed in Provision VI.C.5.c.ii(d). At a minimum, the Discharger shall evaluate whether each operational requirement listed in Provision VI.C.5.c.ii(d) is still appropriate, and if so, the Discharger shall provide the technical basis for that conclusion. The Discharger shall also consider additional performance metrics.	
b. Within 90 days of receiving written concurrence from the Regional Water Board Executive Officer and U.S. EPA pursuant to Provision VI.C.5.c.ii(d), the Discharger shall update its Operation and Maintenance Manual with any new or revised wet weather operational strategies, as required by Attachments D and G sections I.C (Duty to Mitigate) and I.D (Proper Operation and Maintenance).	Within 90 days of receiving written concurrence
6. Maximizing Treatment at the Oceanside Water Pollution Control Plant The Discharger shall maximize pollutant removal during and after each precipitation event at the Oceanside Water Pollution Control Plant, ensuring that such flows receive treatment to the greatest extent practicable using all facilities, including any inoperative or unused facilities, for storage.	Implementation shall be ongoing
7. Implementation Schedule The Discharger shall submit an Implementation Schedule that sets forth a construction and financing schedule, including yearly milestones, to implement the combined sewer system controls selected based on the Consideration of Sensitive Areas Report. The duration of the implementation schedule shall be selected based on the results of the financial capability analysis required by Task 4.b. The implementation schedule may be phased based on the relative water quality benefits of the selected controls, the Discharger's financial capabilities, and other water quality-related infrastructure improvements underway.	With Report of Waste Discharge
8. Post-Construction Compliance Monitoring Program The MRP contains post-construction compliance monitoring requirements. The Discharger shall submit a Post-Construction Compliance Monitoring Plan proposing modifications to the MRP for the next permit term to verify compliance with applicable water quality standards and protection of designated uses, as well as to ascertain the effectiveness of combined sewer system controls. At a minimum, the Post-Construction Compliance Monitoring Plan shall evaluate whether any reduction or increase in monitoring, or alternative monitoring, is appropriate.	With Report of Waste Discharge

Commented [JB2]: EPA: We deleted the requirement for "Justification for the cut-off point at which flow during wet weather will be diverted from secondary treatment" because the 43 MGD cutoff is clearly the biological treatment capacity of the plant. Item a already asks SF to evaluate what it can do to increase this capacity.

Commented [JB3]: EPA: We deleted the requirement to show "that the system has been designed to meet secondary limits for flows greater than peak dry weather flow plus an appropriate quality of wet weather flow" because (1) we don't understand it as worded, (2) we believe the permit already requires SF to maximize primary and secondary treatment at the plant, and (3) we don't think it's appropriate to impose secondary treatment limits on the plant during wet weather because the CSO Control Policy's NMCs satisfy requirements for TBELs.

Commented [JB4]: EPA: We don't think the requirements to evaluate the treatment capacity expansion or the potential to use inoperative facilities for storage will provide useful information. We think the requirements of Tasks 3.b.iii and iv, above, cover the same topics but provide much better information. Perhaps we can use the more generic language we previously proposed and cross reference the requirement above: "The Discharger shall maximize pollutant removal during and after each precipitation event at the Oceanside Water Pollution Control Plant, ensuring that such flows receive treatment to the greatest extent practicable using any inoperative or unused treatment facilities for storage."

6. Westside Recycled Water Project Operations Notification

The Discharger shall notify the Regional Water Board and U.S. EPA at least 30 days prior to commencing Westside Recycled Water Project operations. The notification shall include the following:

a. Date that operations will commence;

b. Description of the project as constructed, including a description and flow diagram of all treatment processes;

c. Description and line diagram of how and where the concentrate from the reverse osmosis process is to be discharged to Discharge Point No. 001;

ED_002551_00000697-00023

d. Description of anticipated changes in the quality of effluent discharged to Discharge Point No. 001; and

e. Verification that effluent discharged to Discharge Point No. 001 will comply with this Order's requirements.

If pollutant concentrations are expected to increase by more than considered in the reasonable potential analysis based on future effluent quality with the Westside Recycled Water Project (see Fact Sheet section IV.C.4.b), the notification shall also summarize anticipated maximum receiving water concentrations and compare them to the water quality objectives listed in Fact Sheet Tables F-9 and F-10.

ED_002551_00000697-00024

ATTACHMENT A – DEFINITIONS

Areas of Special Biological Significance (ASBS)
Areas designated by the State Water Resources Control Board as ocean areas requiring protection of species or biological communities to the extent that maintenance of natural water quality is assured. All Areas of Special Biological Significance are also classified as a subset of State Water Quality Protection Areas.

Average Monthly Effluent Limitation (AMEL)
Highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Effluent Limitation (AWEL)
Highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

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

Chlordane
Sum of chlordane-alpha, chlordane-gamma, chlordene-alpha, chlordene-gamma, nonachlor-alpha, nonachlor-gamma, and oxychlordane.

Chronic Toxicity
Parameter used to measure the acceptability of waters for supporting a healthy marine biota until improved methods are developed to evaluate biological response.

Combined Sewer Discharge
Authorized combined sewer overflow during a wet weather day from an approved combined sewer discharge point. Table 2 of the Order lists approved combined sewer discharge points.

Combined Sewer Discharge Event
Discharge from one or more approved combined sewer discharge points during wet weather separated by at least six hours from any other combined sewer discharge event. Table 2 of the Order lists approved combined sewer discharge points.

Combined Sewer Overflow
The *Combined Sewer Overflow (CSO) Control Policy* defines a combined sewer overflow as the discharge from a combined sewer system at a point prior to the POTW's treatment plant.

Daily Discharge
Either: (1) total mass of the constituent discharged over a calendar day (12:00 a.m. through 11:59 p.m.) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit) for a constituent with limitations expressed in units of mass; or (2) unweighted arithmetic

ED_002551_00000697-00025

mean measurement of the constituent over a day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

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

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

DDT
Sum of 4,4'DDT, 2,4'DDT, 4,4'DDE, 2,4'DDE, 4,4'DDD, and 2,4'DDD.

Degrade
Degradation shall be determined by comparison of the waste field and reference site or sites for characteristic species diversity, population density, contamination, growth anomalies, debility, or supplanting of normal species by undesirable plant and animal species. Degradation occurs if there are significant differences in any of three major biotic groups, namely, demersal fish, benthic invertebrates, or attached algae. Other groups may be evaluated where benthic species are not affected, or are not the only ones affected.

Detected, but Not Quantified (DNQ)
Sample results that are less than the reported Minimum Level, but greater than or equal to the laboratory's method detection limit (MDL). Sample results reported as DNQ are estimated concentrations.

Dichlorobenzenes
Sum of 1,2-dichlorobenzene and 1,3-dichlorobenzene.

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

Downstream Ocean Waters
Waters downstream with respect to ocean currents.

Dredged Material
Any material excavated or dredged from the navigable waters of the United States, including material otherwise referred to as "spoil."

Dry Weather
Any weather not defined as wet weather (determined on a day-by-day basis).

Effective Concentration (EC)
Point estimate of the toxicant concentration that would cause an adverse effect on a quantal, "all or nothing," response (such as death, immobilization, or serious incapacitation) in a given percent of the

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test organisms. If the effect is death or immobility, the term lethal concentration (LC) may be used. EC values may be calculated using point estimation techniques such as probit, logit, and Spearman-Karber. EC_{25} is the concentration of toxicant (in percent effluent) that causes a response in 25 percent of the test organisms.

Enclosed Bays
Indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. This definition includes, but is not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drakes Estero, San Francisco Bay, Morro Bay, Los Angeles Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay.

Endosulfan
Sum of endosulfan-alpha, endosulfan-beta, and endosulfan sulfate.

Estuaries and Coastal Lagoons
Waters at the mouths of streams that serve as mixing zones for fresh and ocean waters during a major portion of the year. Mouths of streams that are temporarily separated from the ocean by sandbars shall be considered as estuaries. Estuarine waters will generally be considered to extend from a bay or the open ocean to the upstream limit of tidal action but may be considered to extend seaward if significant mixing of fresh and salt water occurs in the open coastal waters. The waters described by this definition include, but are not limited to, the Sacramento-San Joaquin Delta as defined by California Water Code section 12220, Suisun Bay, Carquinez Strait downstream to Carquinez Bridge, and appropriate areas of the Smith, Klamath, Mad, Eel, Noyo, and Russian Rivers.

Excursion
Release or diversion of any flows from the publicly-owned portion of the combined sewer system. Excursions can occur in public rights of way or on private property. Excursions do not include releases due to failures in privately-owned sewer laterals or authorized combined sewer discharges at Discharge Point Nos. CSD-001, CSD-002, CSD-003, CSD-004, CSD-005, CSD-006, or CSD-007.

Halomethanes
Sum of bromoform, bromomethane (methyl bromide), and chloromethane (methyl chloride).

HCH
Sum of the alpha, beta, gamma (lindane), and delta isomers of hexachlorocyclohexane.

Inhibition Concentration (IC)
Point estimate of the toxicant concentration that would cause a given percent reduction in a nonlethal, nonquantal biological measurement, such as growth. For example, an IC_{25} is the estimated concentration of toxicant that would cause a 25 percent reduction in average young per female or growth. IC values may be calculated using a linear interpolation method such as U.S. EPA's Bootstrap Procedure.

Initial Dilution
Process that results in the rapid and irreversible turbulent mixing of wastewater with ocean water around the point of discharge.

For a submerged buoyant discharge, characteristic of most municipal and industrial wastes that are released from the submarine outfalls, the momentum of the discharge and its initial buoyancy act together to produce turbulent mixing. Initial dilution in this case is completed when the diluting wastewater ceases to rise in the water column and first begins to spread horizontally.

For shallow water submerged discharges, surface discharges, and non-buoyant discharges, characteristic of cooling water wastes and some individual discharges, turbulent mixing results primarily from the momentum of discharge. Initial dilution, in these cases, is considered to be completed when the momentum induced velocity of the discharge ceases to produce significant mixing of the waste, or the diluting plume reaches a fixed distance from the discharge to be specified by the Regional Water Board, whichever results in the lower estimate for initial dilution.

Instantaneous Maximum Effluent Limitation
Highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation
Lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

Kelp Beds
For purposes of the Ocean Plan bacteriological standards, significant aggregations of marine algae of the genera *Macrocystis* and *Nereocystis*. Kelp beds include the total foliage canopy of *Macrocystis* and *Nereocystis* plants throughout the water column.

Mariculture
Culture of plants and animals in marine waters independent of any pollution source.

Material
(a) In common usage: (1) the substance or substances of which a thing is made or composed, (2) substantial

(b) For Ocean Plan purposes relating to waste disposal, dredging, and the disposal of dredged material and fill: matter of any kind or description that is subject to regulation as waste or any material dredged from the navigable waters of the United States. See "dredged material."

Maximum Daily Effluent Limitation (MDEL)
Highest allowable daily discharge of a pollutant.

Method Detection Limit (MDL)
Minimum concentration of a substance that can be reported with 99 percent confidence that the measured concentration is distinguishable from method blank results, as defined in 40 C.F.R. part 136, Appendix B.

Minimum Level (ML)
Concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the

ED_002551_00000697-00028

lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

Natural Light
Reduction of natural light may be determined by measurement of light transmissivity or total irradiance, or both, according to the monitoring needs of the Regional Water Board or U.S. EPA.

No Observed Effect Concentration (NOEC)
Highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specific time of observation. It is determined using hypothesis testing.

Not Detected (ND)
Sample results less than the laboratory's MDL.

PAHs (polynuclear aromatic hydrocarbons)
Sum of acenaphthylene, anthracene, 1,2-benzanthracene, 3,4-benzofluoranthene, benzo[k]fluoranthene, 1,12-benzoperylene, benzo[a]pyrene, chrysene, dibenzo[ah]anthracene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene, and pyrene.

PCBs (polychlorinated biphenyls)
Sum of chlorinated biphenyls whose analytical characteristics resemble those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260.

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

Reporting Level (RL)
Minimum Level (ML) and its associated analytical method chosen by the Discharger for reporting and compliance determination from the MLs included in this Order, including an additional factor if applicable as discussed herein (also known as the "Reported Minimum Level"). The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected either from Ocean Plan Appendix II in accordance with Ocean Plan chapter III.C.5.a or established in accordance with Ocean chapter III.C.5.b. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

ED_002551_00000697-00029

Shellfish
Organisms identified by the California Department of Public Health as shellfish for public health purposes (i.e., mussels, clams and oysters).

Significant Difference
Statistically significant difference in the means of two distributions of sampling results at the 95 percent confidence level.

Six-Month Median Effluent Limitation
Highest allowable moving median of all daily discharges for any 180-day period.

State Water Quality Protection Areas (SWQPAs)
Non-terrestrial marine or estuarine areas designated to protect marine species or biological communities from an undesirable alteration in natural water quality. All "Areas of Special Biological Significance" (ASBS) previously designated by the State Water Board in Resolutions 74-28, 74-32, and 75-61 are now also classified as a subset of SWQPAs and require the special protections the Ocean Plan affords.

TCDD Equivalents
Sum of the concentrations of chlorinated dibenzodioxins (2,3,7,8-CDDs) and chlorinated dibenzofurans (2,3,7,8-CDFs) multiplied by their respective Toxicity Equivalency Factors (TEFs) and Bioaccumulation Equivalency Factors (BEFs), as defined in Table A-1. When calculating TCDD Equivalents, the Discharger shall set congener concentrations below the minimum levels to zero. This approach is based on 40 C.F.R. part 132, Appendix F, Procedure 4, Tables 1 and 2, and TEFs listed in the Ocean Plan. This TCDD equivalents definition supersedes the dioxin-TEQ definition in Attachment G section V.C.1.d.iv.

Table A-1. Minimum Levels, Toxicity Equivalency Factors, and Bioaccumulation Equivalency Factors

Isomer Group	Minimum Level (pg/L)	Toxicity Equivalency Factor (TEF)	Bioaccumulation Equivalency Factor (BEF)
2,3,7,8-TCDD	10	1.0	1.0
1,2,3,7,8-PeCDD	50	0.5	0.9
1,2,3,4,7,8-HxCDD	50	0.1	0.3
1,2,3,6,7,8-HxCDD	50	0.1	0.1
1,2,3,7,8,9-HxCDD	50	0.1	0.1
1,2,3,4,6,7,8-HpCDD	50	0.01	0.05
OCDD	100	0.001	0.01
2,3,7,8-TCDF	10	0.1	0.8
1,2,3,7,8-PeCDF	50	0.05	0.2
2,3,4,7,8-PeCDF	50	0.5	1.6
1,2,3,4,7,8-HxCDF	50	0.1	0.08
1,2,3,6,7,8-HxCDF	50	0.1	0.2
1,2,3,7,8,9-HxCDF	50	0.1	0.6
2,3,4,6,7,8-HxCDF	50	0.1	0.7
1,2,3,4,6,7,8-HpCDF	50	0.01	0.01

Isomer Group	Minimum Level (pg/L)	Toxicity Equivalency Factor (TEF)	Bioaccumulation Equivalency Factor (BEF)
1,2,3,4,7,8,9-HpCDF	50	0.01	0.4
OCDF	100	0.001	0.02

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

Waste
As used in the Ocean Plan, a Discharger's total discharge, of whatever origin (i.e., gross, not net, discharge).

Water Recycling
Treatment of wastewater to render it suitable for reuse, the transportation of treated wastewater to the place of use, and the actual use of treated wastewater for a direct beneficial use or controlled use that would not otherwise occur.

Wet Weather
Weather in which any one of the following conditions exists as a result of rain (determined on a day-by-day basis):

Commented [WJ5]: SFPUC: EPA and the Regional Water Board would like to discuss the basis for these three conditions.

1. Instantaneous influent flow to the Oceanside Water Pollution Control Plant exceeds 43 MGD; or
2. Average daily influent flow concentration of TSS or BOD is less than 100 mg/L; or
3. Westside Transport flow elevation exceeds 0 feet in the West Box or 18 feet in the East Box. (Flow from the East Box to the West Box occurs only when the East Box storage level exceeds 18 feet.)

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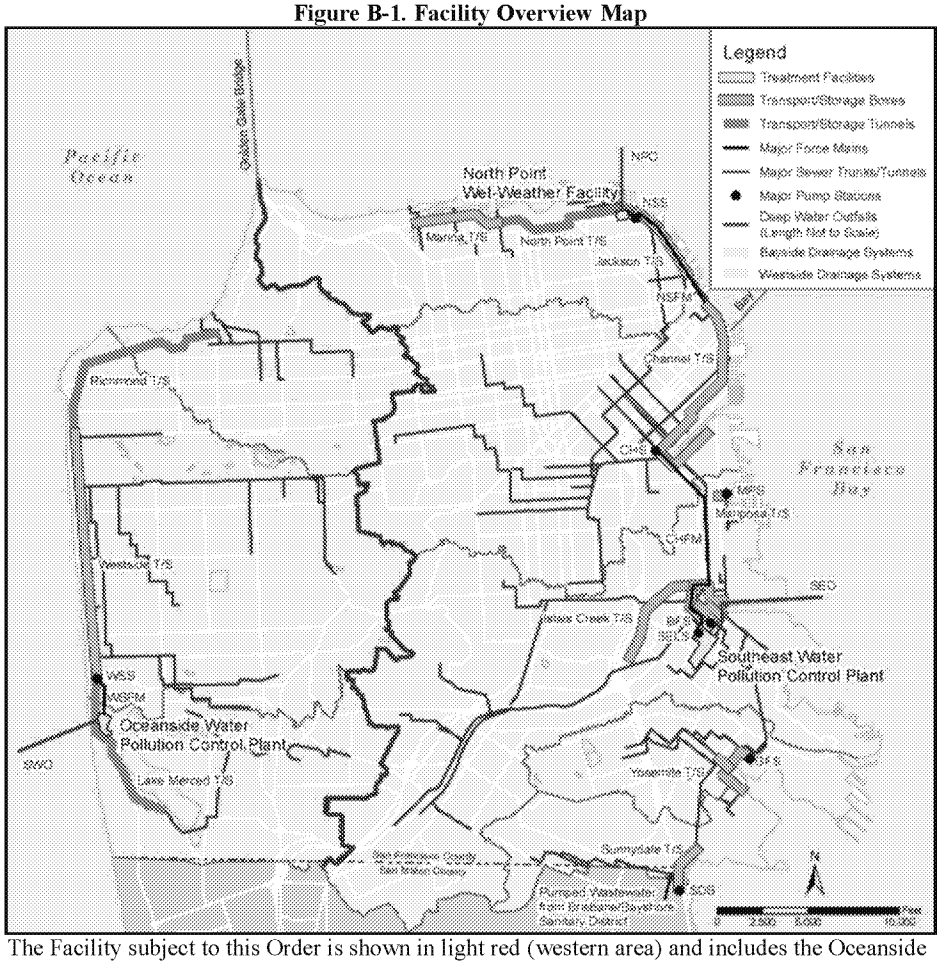
ATTACHMENT B – FACILITY AND RECEIVING WATER MAPS

Figure B-1. Facility Overview Map



The Facility subject to this Order is shown in light red (western area) and includes the Oceanside Water Pollution Control Plant, wastewater collection system, and Westside Recycled Water Project. The Southeast Water Pollution Control Plant, North Point Wet Weather Facility, and Bayside Wet Weather Facilities are shown only for reference in light green (eastern area).

ED_002551_00000697-00032

Figure B-2. Topographical Map

Scale: 1 inch = 24,000 inches (2,000 feet). Contour interval: 20 feet.
North American Vertical Datum of 1988.

Figure B-3. Oceanside Water Pollution Control Plant Map

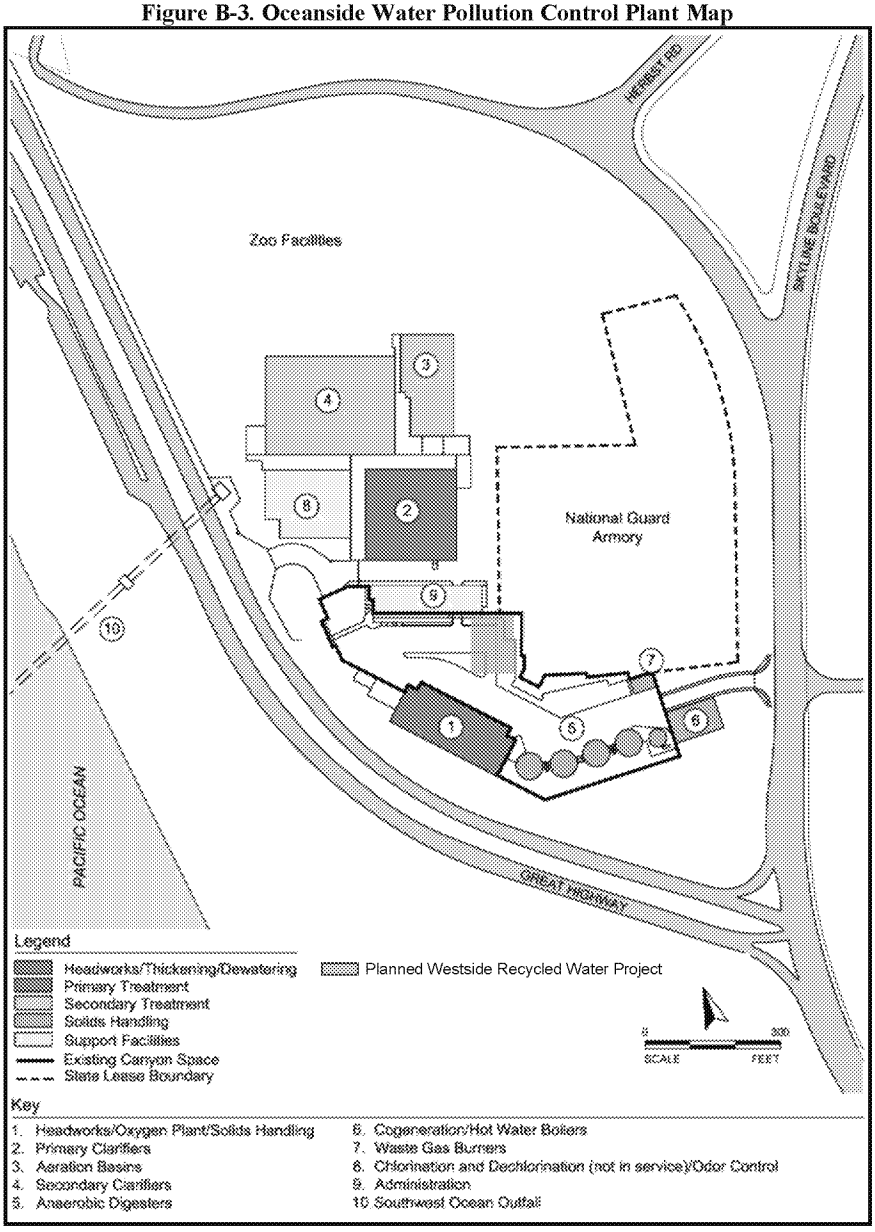


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Figure B-4. Combined Sewer Discharge and Pump Station Locations

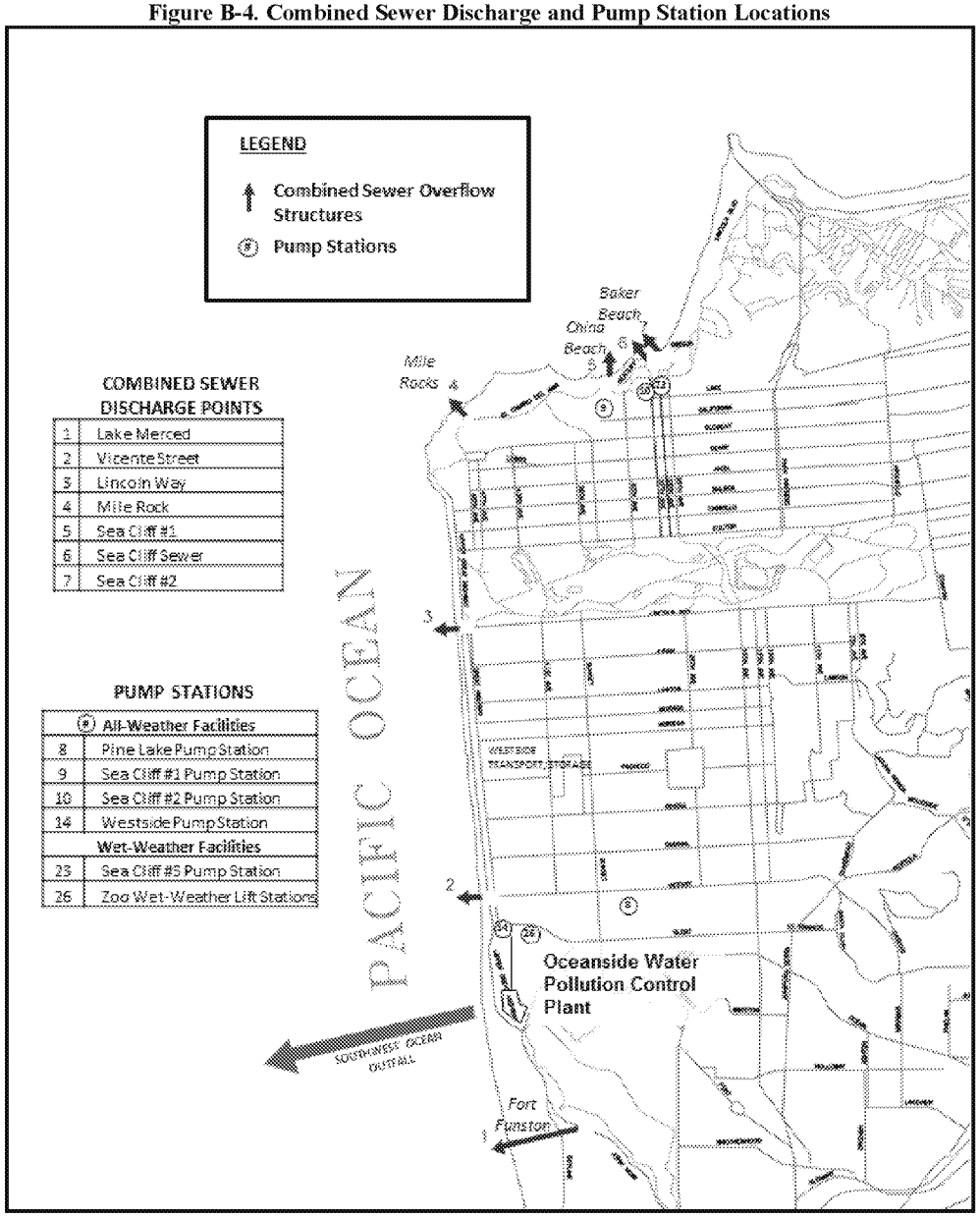

Figure B-5. Combined Sewer Discharge and Transport/Storage Structure Locations

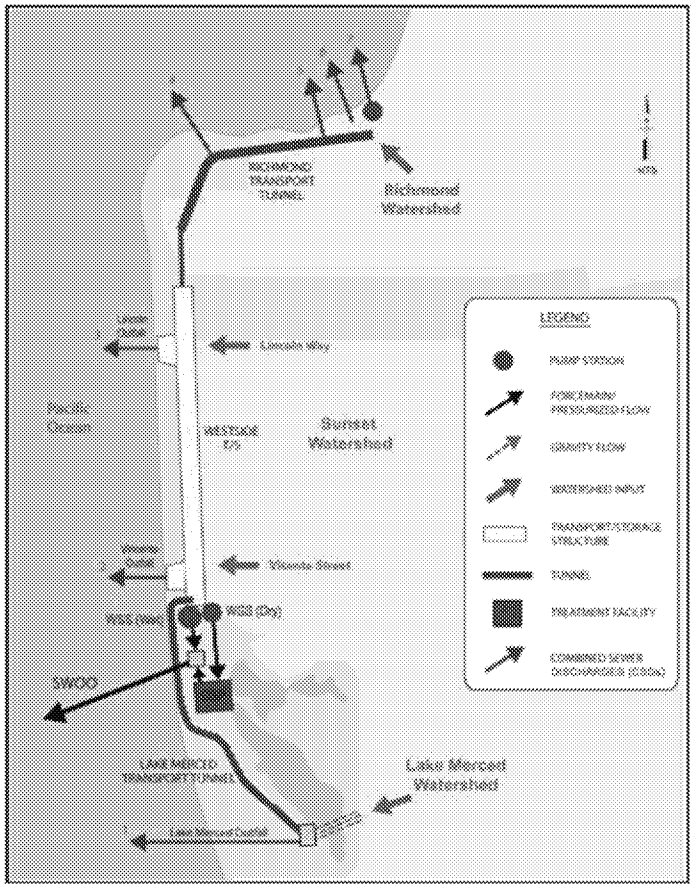

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Figure B-6. Shoreline Receiving Water Monitoring Locations

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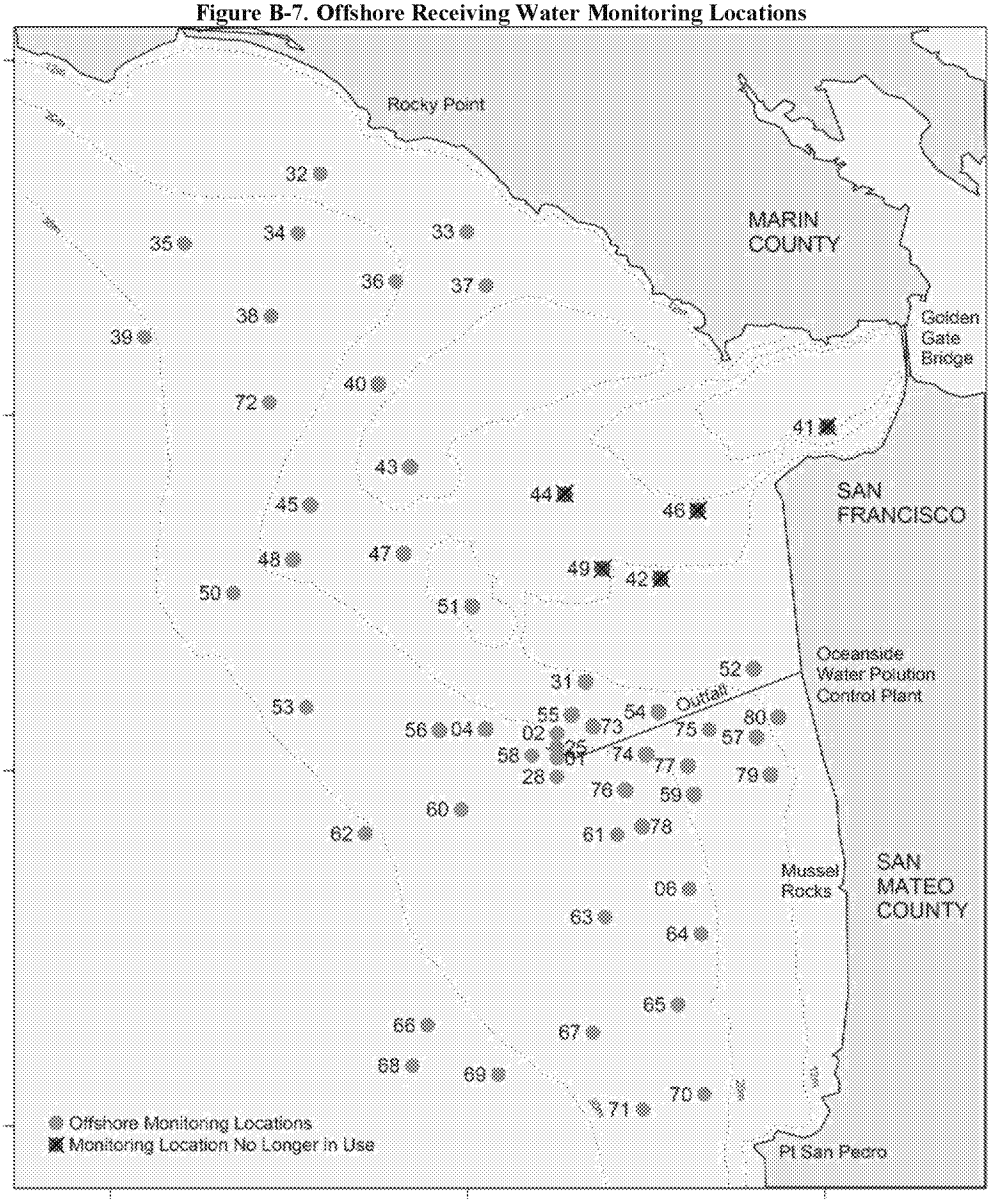
Figure B-7. Offshore Receiving Water Monitoring Locations



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ATTACHMENT C – PROCESS FLOW SCHEMATICS

Figure C-1. Oceanside Water Pollution Control Plant Process Flow

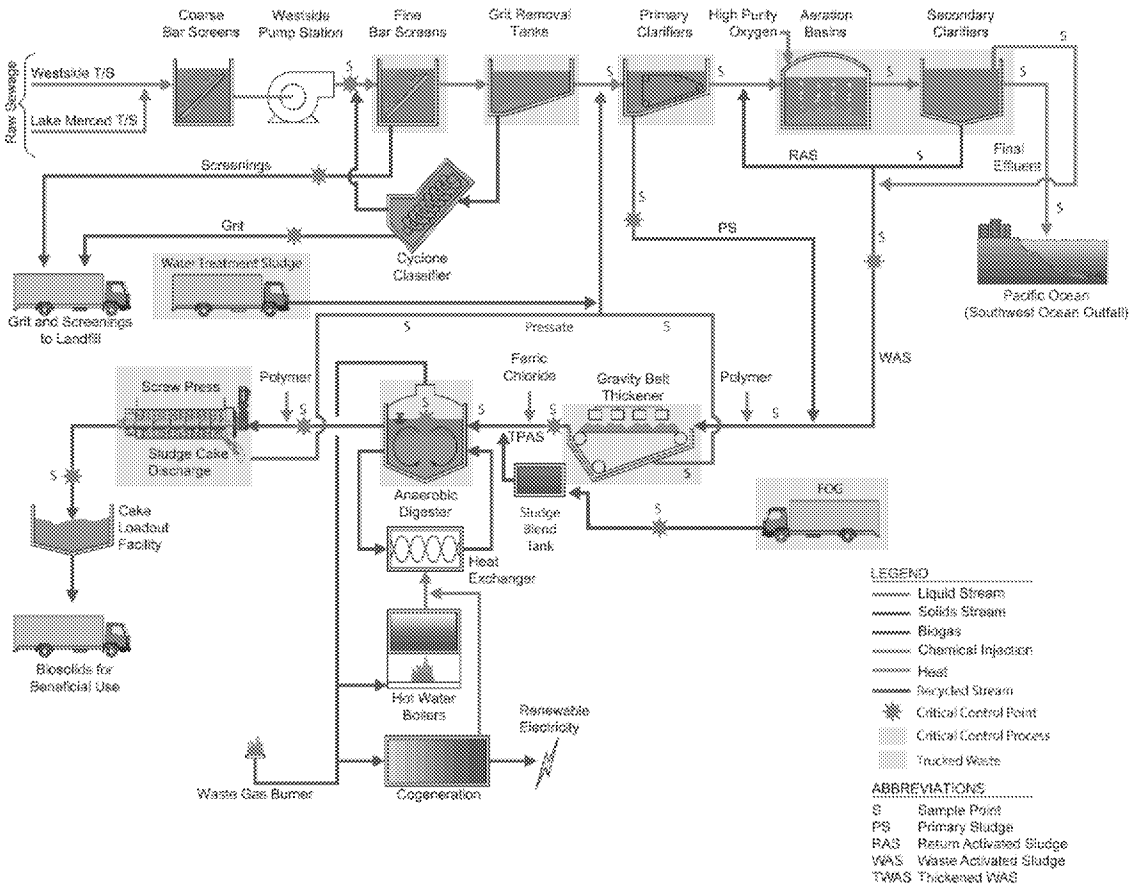
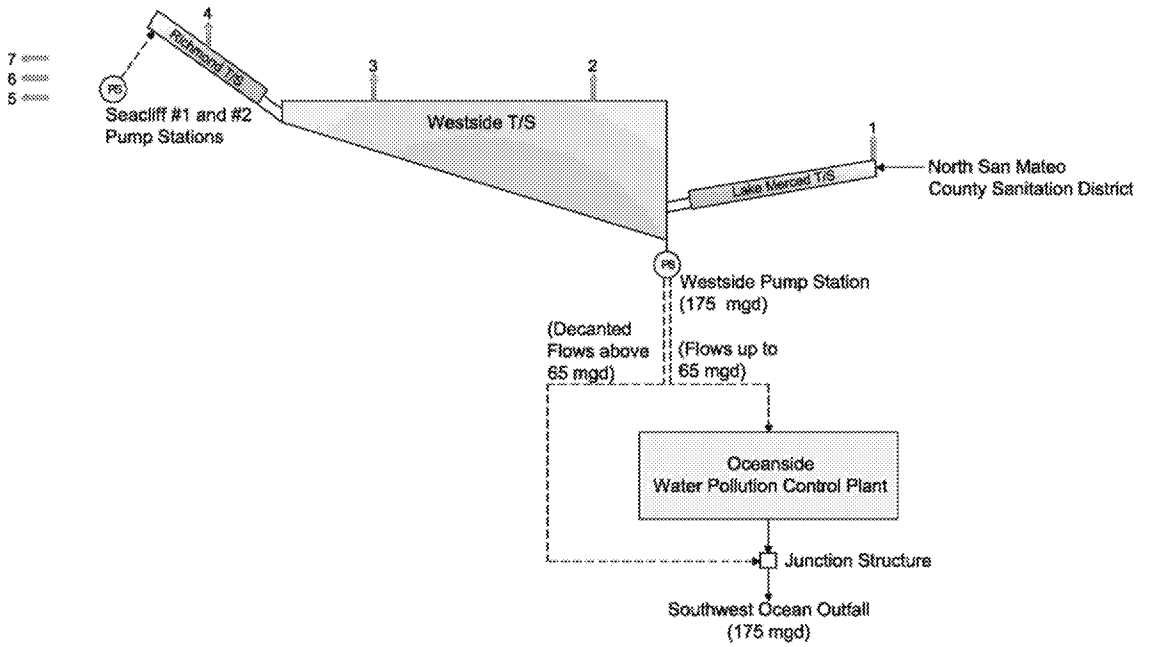


Figure C-2. Oceanside Water Pollution Control Plant Wet Weather Operations



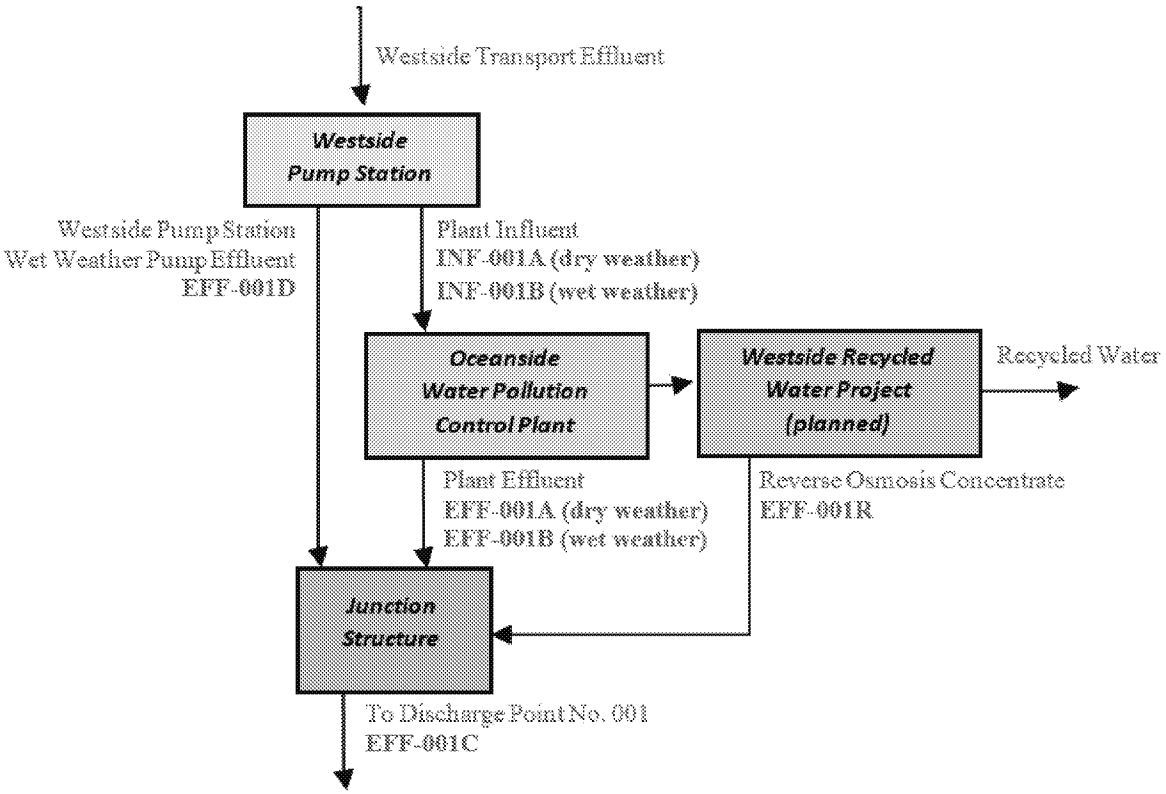
Pump/Lift Stations	
Peak Wet-Weather Flows (mgd)	
Name	
Seacliff #1	0.005
Seacliff #2	0.090
Westside	175.000

CSD Number and Name
CSD-001 Lake Merced
CSD-002 Vicente Street
CSD-003 Lincoln Way
CSD-004 Mile Rock
CSD-005 Seacliff #1 PS
CSD-006 Seacliff
CSD-007 Seacliff #2 PS

Transport/Storage Structures	
Name	Usable Storage (MG)
Richmond Transport	12.0
Westside Transport	49.3
Lake Merced Transport	10.0

Legend	
CSD	Combined Sewer Discharge
MG	million gallons
mgd	million gallons per day
T/S	Transport/Storage Structure
--→	Force Main
——→	Gravity Flow Lines
# ⟸	Combined Sewer Discharge
(PS)	Pump Station

Figure C-3. Oceanside Water Pollution Control Plant and Planned Westside Recycled Water Project Monitoring Locations



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ATTACHMENT D – STANDARD PROVISIONS

I. STANDARD PROVISIONS—PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the terms, requirements, and conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application; or a combination thereof. (40 C.F.R. § 122.41(a); Wat. Code §§ 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385.)

2. The Discharger shall comply with effluent standards or prohibitions established under CWA section 307(a) for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. § 122.41(a)(1).)

B. Need to Halt or Reduce Activity Not a Defense

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

C. Duty to Mitigate

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

D. Proper Operation and Maintenance

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

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. § 122.41(g).)

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 C.F.R. § 122.5(c).)

F. Inspection and Entry

The Discharger shall allow the Regional Water Board, State Water Board, U.S. EPA, or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (33 U.S.C. § 1318(a)(4)(B); 40 C.F.R. § 122.41(i); Wat. Code, §§ 13267, 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (33 U.S.C. § 1318(a)(4)(B)(i); 40 C.F.R. § 122.41(i)(1); Wat. Code, §§ 13267, 13383);

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (33 U.S.C. § 1318(a)(4)(B)(ii); 40 C.F.R. § 122.41(i)(2); Wat. Code, §§ 13267, 13383);

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (33 U.S.C. § 1318(a)(4)(B)(ii); 40 C.F.R. § 122.41(i)(3); Wat. Code, §§ 13267, 13383); and

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (33 U.S.C. § 1318(a)(4)(B); 40 C.F.R. § 122.41(i)(4); Wat. Code, §§ 13267, 13383.)

G. Bypass

1. Definitions

a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. (40 C.F.R. § 122.41(m)(1)(i).)

b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 C.F.R. § 122.41(m)(1)(ii).)

2. **Bypass not exceeding limitations.** The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions—Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 C.F.R. § 122.41(m)(2).)

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3. **Prohibition of bypass.** Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless (40 C.F.R. § 122.41(m)(4)(i)):

   a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 C.F.R. § 122.41(m)(4)(i)(A));

   b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 C.F.R. § 122.41(m)(4)(i)(B)); and

   c. The Discharger submitted notice to the Regional Water Board as required under Standard Provisions—Permit Compliance I.G.5 below. (40 C.F.R. § 122.41(m)(4)(i)(C).)

4. **Approval.** The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions—Permit Compliance I.G.3 above. (40 C.F.R. § 122.41(m)(4)(ii).)

5. **Notice**

   a. **Anticipated bypass.** If the Discharger knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass. The notice shall be sent to the Regional Water Board. As of December 21, 2020, a notice shall also be submitted electronically to the initial recipient defined in Standard Provisions—Reporting V.J below. Notices shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(m)(3)(i).)

   b. **Unanticipated bypass.** The Discharger shall submit a notice of an unanticipated bypass as required in Standard Provisions—Reporting V.E below (24-hour notice). The notice shall be sent to the Regional Water Board. As of December 21, 2020, a notice shall also be submitted electronically to the initial recipient defined in Standard Provisions—Reporting V.J below. Notices shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(m)(3)(ii).)

H. Upset

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

1. **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions—Permit Compliance I.H.2 below are met. No determination made

during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 C.F.R. § 122.41(n)(2).)

2. **Conditions necessary for a demonstration of upset.** A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 C.F.R. § 122.41(n)(3)):

   a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 C.F.R. § 122.41(n)(3)(i));

   b. The permitted facility was, at the time, being properly operated (40 C.F.R. § 122.41(n)(3)(ii));

   c. The Discharger submitted notice of the upset as required in Standard Provisions—Reporting V.E.2.b below (24-hour notice) (40 C.F.R. § 122.41(n)(3)(iii)); and

   d. The Discharger complied with any remedial measures required under Standard Provisions—Permit Compliance I.C above. (40 C.F.R. § 122.41(n)(3)(iv).)

3. **Burden of proof.** In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 C.F.R. § 122.41(n)(4).)

II. STANDARD PROVISIONS—PERMIT ACTION

A. General

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

B. Duty to Reapply

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

C. Transfers

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

III. STANDARD PROVISIONS—MONITORING

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 C.F.R. § 122.41(j)(1).)

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B. Monitoring must be conducted according to test procedures approved under 40 C.F.R. part 136 for the analyses of pollutants unless another method is required under 40 C.F.R. chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 C.F.R. part 136 for the analysis of pollutants or pollutant parameters or required under 40 C.F.R. chapter 1, subchapter N . For the purposes of this paragraph, a method is sufficiently sensitive when:

1. The method minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant or pollutant parameter, and either (a) the method ML is at or below the level of the applicable water quality criterion for the measured pollutant or pollutant parameter, or (b) the method ML is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in a facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or

2. The method has the lowest ML of the analytical methods approved under 40 C.F.R. part 136 or required under 40 C.F.R. chapter 1, subchapter N, for the measured pollutant or pollutant parameter.

In the case of pollutants or pollutant parameters for which there are no approved methods under 40 C.F.R. part 136 or otherwise required under 40 C.F.R. chapter 1, subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters. (40 C.F.R. §§ 122.21(e)(3), 122.41(j)(4), 122.44(i)(1)(iv).)

IV. STANDARD PROVISIONS—RECORDS

A. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time. (40 C.F.R. § 122.41(j)(2).)

B. Records of monitoring information shall include the following:

1. The date, exact place, and time of sampling or measurements (40 C.F.R. § 122.41(j)(3)(i));

2. The individual(s) who performed the sampling or measurements (40 C.F.R. § 122.41(j)(3)(ii));

3. The date(s) the analyses were performed (40 C.F.R. § 122.41(j)(3)(iii));

4. The individual(s) who performed the analyses (40 C.F.R. § 122.41(j)(3)(iv));

5. The analytical techniques or methods used (40 C.F.R. § 122.41(j)(3)(v)); and

6. The results of such analyses. (40 C.F.R. § 122.41(j)(3)(vi).)

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

1. The name and address of any permit applicant or Discharger (40 C.F.R. § 122.7(b)(1)); and

2. Permit applications and attachments, permits, and effluent data. (40 C.F.R. § 122.7(b)(2).)

V. STANDARD PROVISIONS—REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, State Water Board, or U.S. EPA within a reasonable time, any information which the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, State Water Board, or U.S. EPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, §§ 13267, 13383.)

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed and certified in accordance with Standard Provisions—Reporting V.B.2, V.B.3, V.B.4, V.B.5, and V.B.6 below. (40 C.F.R. § 122.41(k).)

2. For a corporation, all permit applications shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (40 C.F.R. § 122.22(a)(1).)

   For a partnership or sole proprietorship, all permit applications shall be signed by a general partner or the proprietor, respectively. (40 C.F.R. § 122.22(a)(2).)

   For a municipality, State, federal, or other public agency, all permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA). (40 C.F.R. § 122.22(a)(3).).

3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or U.S. EPA shall be signed by a person described in Standard Provisions—Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described in Standard Provisions—Reporting V.B.2 above (40 C.F.R. § 122.22(b)(1));

   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and

   c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)

4. If an authorization under Standard Provisions—Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions—Reporting V.B.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)

5. Any person signing a document under Standard Provisions—Reporting V.B.2 or V.B.3 above shall make the following certification:

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

6. Any person providing the electronic signature for documents described in Standard Provisions—V.B.1, V.B.2, or V.B.3 that are submitted electronically shall meet all relevant requirements of Standard Provisions—Reporting V.B, and shall ensure that all relevant requirements of 40 C.F.R. part 3 (Cross-Media Electronic Reporting) and 40 C.F.R. part 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 C.F.R § 122.22(e).)

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C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program in this Order. (40 C.F.R. § 122.22(l)(4).)

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board. As of December 21, 2016, all reports and forms must be submitted electronically to the initial recipient defined in Standard Provisions—Reporting V.J and comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(l)(4)(i).)

3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 C.F.R. part 136, or another method required for an industry-specific waste stream under 40 C.F.R. chapter 1, subchapter N, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR reporting form specified by the Regional Water Board or State Water Board. (40 C.F.R. § 122.41(l)(4)(ii).)

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 C.F.R. § 122.41(l)(4)(iii).)

D. Compliance Schedules

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

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written report shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

   For noncompliance related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (i.e., combined sewer overflow, sanitary sewer overflow, or bypass event), type of overflow structure (e.g., manhole, combined sewer overflow outfall), discharge volume untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the event, and whether the noncompliance was related to wet weather.

   As of December 21, 2020, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events must be submitted to the Regional Water Board and must be

submitted electronically to the initial recipient defined in Standard Provisions—Reporting V.J. The reports shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. The Regional Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. § 122.41(l)(6)(i).)

2. The following shall be included as information that must be reported within 24 hours:

   a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(A).)

   b. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(B).)

3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 C.F.R. § 122.41(l)(6)(iii).)

F. Planned Changes

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

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 C.F.R. section 122.29(b) (40 C.F.R. § 122.41(l)(1)(i)); or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (Alternatively, for an existing manufacturing, commercial, mining, or silvicultural discharge as referenced in 40 C.F.R. section 122.42(a), this notification applies to pollutants that are subject neither to effluent limitations in this Order nor to notification requirements under 40 C.F.R. section 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1).) (40 C.F.R. § 122.41(l)(1)(ii).)

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements. (40 C.F.R. § 122.41(l)(2).)

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions—Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provisions—Reporting V.E above. For noncompliance related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports shall contain the information described in Standard Provisions—

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