ORDER NO. R3-2019-0001

NPDES PERMIT NO. CAG993003

WASTE DISCHARGE REQUIREMENTS
NPDES GENERAL PERMIT
FOR DISCHARGES FROM AQUACULTURE FACILITIES AND AQUARIUMS

Table 1. Administrative Information

This Order was adopted by the Regional Water Quality Control Board on:	**January 31, 2019**
This Order shall become effective on:	**May 13, 2019**
This Order shall expire on:	**January 31, 2024**
This Order is a renewal of Order No. R3-2013-0041 (NPDES Permit No. CAG993003), General Permit for Discharges from Aquaculture Facilities and Aquariums (General Permit). In accordance with Order section VI.A.2, dischargers seeking enrollment under the General Permit for the first time shall submit a Notice of Intent (NOI) to the Water Board to comply with this Order. Dischargers proposing to discharge within the Monterey Bay National Marine Sanctuary seeking enrollment under the General Permit for the first time shall also submit an NOI to the Monterey Bay National Marine Sanctuary. Existing enrollments in Order No. R3-2013-0041 prior to February 1, 2019, shall automatically continue as enrolled in the General Permit until enrollment is terminated by submitting a Notice of Termination (NOT) or an enrollment termination action by the Central Coast Water Board.	

IT IS HEREBY ORDERED, that Order No. R3-2013-0041 is rescinded upon the effective date of this Order except for enforcement purposes and, in order to meet the provisions contained in Division 7 of the California Water Code (commencing with section 13000) and regulations adopted thereunder and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, authorized dischargers shall comply with the requirements in this Order.

I, John M. Robertson, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Central Coast Region on the date indicated above.

John M. Robertson Digitally signed by John M. Robertson
Date: 2019.02.05 11:30:44 -08'00'

John M. Robertson, Executive Officer

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I. DISCHARGE INFORMATION

A. Industry Description

This Order, which is a renewal of Order No. R3-2013-0041 (NPDES Permit No. CAG993003), General Permit for Discharges from Aquaculture Facilities and Aquariums (General Permit), applies to aquaculture facilities and aquariums, including facilities that contain, grow, hold, or study aquatic species (hereafter Dischargers), that discharge from point sources to waters of the United States within the Central Coast Region. There are currently eight Dischargers authorized by the General Permit to discharge to the Pacific Ocean, including four research facilities, three commercial aquaculture facilities, and the Monterey Bay Aquarium (MBA). Information describing the current Dischargers is included in section II of the Fact Sheet (Attachment F). The General Permit also authorizes discharges to inland surface waters from freshwater aquaculture facilities.

B. Pollutants of Concern

Facilities authorized by the General Permit may discharge a variety of pollutants attributed to: (1) feeds, directly or indirectly, including feces, (2) residuals of drugs used for maintenance of animal health, and (3) residuals of chemicals used for cleaning equipment or for maintaining or enhancing water quality conditions. Such pollutants can contribute solids and nutrients to receiving waters, and chemical and drug residuals potentially increase toxicity of the discharges and the promotion of resistance to antibiotics.

C. Eligible Discharges

The General Permit authorizes and regulates similar discharges from aquaculture facilities and aquariums—facilities that contain, grow, hold, or study aquatic species—to waters of the United States in the Central Coast Region. Examples of eligible discharges include those from abalone growing facilities, steelhead trout rearing facilities, salmon rearing facilities, marine mammal laboratories, and aquariums. Suitability for enrollment in the General Permit is determined on a case-by-case basis by California Regional Water Quality Control Board, Central Coast Region (hereinafter the Central Coast Water Board) staff; enrollment is allowed if the discharge meets the terms of the General Permit. To be eligible for enrollment in the General Permit, discharges must meet the following definition of an aquaculture facility contained in the Code of Federal Regulations (CFR) at Title 40, Part 122.

A hatchery, fish farm, or other facility is a concentrated aquatic animal production facility for purposes of 40 CFR § 122.24 if it contains, grows, or holds aquatic animals in any of the following categories:

1. Cold-water fish species or other cold-water aquatic animals in ponds, raceways, or other similar structures that discharge at least 30 days per year but does not include:

    a. Facilities that produce less than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year and

    b. Facilities that feed less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding.

2. Warm-water fish species or other warm-water aquatic animals in ponds, raceways, or other similar structures that discharge at least 30 days per year, but does not include:

    a. Closed ponds that discharge only during periods of excess runoff or

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b. Facilities that produce less than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.

3. Any similar facility that the Executive Officer determines may be a significant contributor of pollution to the waters of the United States (40 CFR §122.24(c)), including those facilities that feed more than 2268 kilograms (approximately 5,000 pounds) of food during the calendar month, regardless of the harvest weight kilograms of aquatic animals produced.

The following discharges are not eligible for coverage:

1. Discharges that contain pollutants for which the receiving water is listed as impaired pursuant to federal Clean Water Act (CWA) Section 303(d).

2. Discharges that can reasonably be expected to contribute to a violation of an applicable State water quality standard.

3. Discharges that are entirely, or in part, of domestic origin.

II. FINDINGS

The California Regional Water Quality Control Board, Central Coast Region finds:

A. Background

1. On September 22, 1989, a Memorandum of Agreement executed by the United States Environmental Protection Agency (USEPA) and the State Water Board authorized and established procedures for the State Water Board to issue general National Pollutant Discharge Elimination System (NPDES) permits pursuant to NPDES regulations at 40 CFR §§ 122.28 and 122.44.

2. NPDES regulations at 40 CFR § 122.28 and California Water Code Section 13263(i) authorize the regional water quality control boards to issue general NPDES permits and provide for the issuance of general waste discharge requirements, respectively, for categories of discharges that:

   a. Involve the same or substantially similar types of operations;

   b. Discharge the same types of wastes;

   c. Require the same types of effluent limitations or operating conditions;

   d. Require similar monitoring; and

   e. Are more appropriately regulated under a General Permit rather than individual permits.

3. On December 5, 2013, the Central Coast Water Board adopted Order No. R3-2013-0041 (General NPDES Permit No. CAG993003) – Waste Discharge Requirements / NPDES General Permit for Discharges from Aquaculture and Aquariums. The Order included, as Attachment E, Monitoring and Reporting Program No. R3-2013-0041. This Order reissues the General Permit, including its accompanying Monitoring and Reporting Program, and incorporates additional provisions to authorize discharges to inland surface waters.

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4. On October 18, 2004, the State Water Board notified a number of entities that they must cease the discharge of point source, storm water, and other nonpoint source waste into areas of special biological significance or request exceptions to the Ocean Plan. The State Water Board received numerous applications for exceptions to the Ocean Plan prohibition against waste discharges into areas of special biological significance. On October 18, 2011, the State Water Board granted exemptions to Hopkins Marine Station and Monterey Bay Aquarium in Resolution No. R3-2011-0050 and Resolution No. R3-2011-0051, respectively.

B. Industry Description

This General Permit is intended to authorize and regulate similar discharges from aquaculture facilities and aquariums (facilities that contain, grow, hold, or study aquatic species) to waters of the State within the Central Coast Region. Facilities authorized by the General Permit may discharge a variety of pollutants attributed to: (1) feeds, directly or indirectly, including feces, (2) residuals of drugs used for maintenance of animal health, and (3) residuals of chemicals used for cleaning equipment or for maintaining or enhancing water quality conditions.

C. Legal Authorities

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

D. Background and Rationale for Requirements

The Central Coast Water Board developed the requirements of this Order based on information required by monitoring and reporting programs and experience gained through administration of Order No. R3-2013-0041. Attachments A - F, which contain background information and rationale for requirements of the General Permit, are hereby incorporated into this Order and therefore constitute part of the findings for this Order.

E. California Environmental Quality Act (CEQA)

This action to reissue an NPDES permit for discharges from aquaculture facilities and aquariums is exempt from the provisions of the CEQA, Public Resources Code sections 21100 – 21177, pursuant to California Water Code section 13389.

F. Technology-Based Effluent Limitations

CWA Section 301(b) and USEPA's NPDES regulations at 40 CFR 122.44 require permits to include, at a minimum, applicable technology-based limitations and conditions. CWA section 402(a)(1) and NPDES regulations at 40 CFR § 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based limitations on a case-by-case basis when effluent limitations guidelines are not available for an industrial category and/or pollutants of concern. When BPJ is used, permit writers must consider specific factors outlined at 40 CFR § 125.3.

This Order incorporates technology-based requirements from the *Effluent Limitations Guidelines for the Concentrated Aquatic Animal Production Point Source Category*, established by USEPA at 40 CFR Part 451, and it establishes technology-based requirements using BPJ where the effluent limitations guidelines would not be applicable to dischargers authorized by the Order. A detailed

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discussion of development of technology-based effluent limitations is included in the Fact Sheet (Attachment F).

G. Water Quality-Based Effluent Limitations

CWA Section 301(b) and NPDES regulations at 40 CFR § 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

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

H. Water Quality Control Plans

The Central Coast Water Board has adopted the *Water Quality Control Plan for the Central Coastal Basin* (the Basin Plan), which designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for receiving waters within the Region. To address ocean waters, the Basin Plan also incorporates by reference the *Water Quality Control Plan for Ocean Waters of California* (the Ocean Plan).

Beneficial uses established by the Basin Plan and the Ocean Plan for waters within the Central Coast Region are described in Table 2, below. Requirements of this Order implement the Basin Plan and Ocean Plan.

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Table 2. Basin Plan and Ocean Plan Beneficial Uses

Receiving Water Type	Beneficial Uses
Inland Surface Waters of the Central Coast Region	• Municipal and Domestic Supply • Agricultural Supply • Industrial Process Supply • Industrial Service Supply • Groundwater Recharge • Fresh Water Replenishment • Navigation • Hydropower Generation • Water Contact Recreation • Non-Contact Water Recreation • Commercial and Sport Fishing • Aquaculture • Warm Fresh Water Habitat • Cold Fresh Water Habitat • Inland Saline Water Habitat • Estuarine Habitat • Wildlife Habitat • Preservation of Biological Habitats of Special Significance • Rare, Threatened, or Endangered Species • Migration of Aquatic Organisms • Spawning, Reproduction, and/or Early Development • Shellfish Harvesting
Ocean Waters of the Central Coast Region	• Industrial Process Supply • Industrial Service Supply • Water Contact Recreation • Non-Contact Water Recreation • Navigation • Commercial and Sport Fishing • Mariculture • Preservation and Enhancement of Designated Areas of Special Biological Significance (ASBS) • Preservation of Biological Habitats of Special Significance • Rare, Threatened, or Endangered Species • Marine Habitat • Migration of Aquatic Organisms • Spawning, Reproduction, and/or Early Development • Shellfish Harvesting • Wildlife Habitat

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I. California Ocean Plan

The State Water Board adopted the Ocean Plan in 1972 and amended it in 1978, 1983, 1988, 1990, 1997, 2000, 2005, 2009, 2012 and 2015. The latest amendment was adopted on May 6, 2015, and became effective on January 28, 2016. In order to protect beneficial uses of ocean waters, the Ocean Plan establishes water quality objectives and a program of implementation. Requirements of this Order implement the Ocean Plan, which is applicable, in its entirety, to point source discharges to the ocean. The Ocean Plan is posted on the State Water Board website at

http://www.waterboards.ca.gov/water_issues/programs/ocean/docs/cop2015.pdf

J. Alaska Rule

On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards become effective for CWA purposes. [65 Fed. Reg. 24641 (April 27, 2000), codified at 40 CFR 131.21] Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.

K. Stringency of Requirements for Individual Pollutants

As discussed in section IV.B of the Fact Sheet, the Order establishes technology-based effluent limitations for oil and grease, total suspended solids, settleable solids, turbidity, and pH, which implement requirements of the Basin Plan and Ocean Plan. Where effluent limitations are necessary to meet applicable water quality standards, those limitations are not more stringent than required by the CWA.

WQBELs, if necessary, are scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. Procedures for calculating individual WQBELs, if necessary, are based on the Ocean Plan, Basin Plan, California Toxics Rule, and the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California. All beneficial uses and water quality objectives contained in the Basin Plan and Ocean Plan were approved under State law and submitted to and approved by USEPA prior to May 30, 2000.

Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to 40 CFR § 131.21(c)(1).

Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

L. Antidegradation Policy

NPDES regulations at 40 CFR § 131.12 require that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16, which incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that the existing quality of waters be maintained unless degradation is justified by specific findings. The Central Coast Water Board's Basin Plan implements and incorporates by

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reference both the state and federal antidegradation policies. As discussed in detail in the Fact Sheet, the permitted discharge is consistent with the antidegradation provisions of 40 CFR § 131.12 and State Water Board Resolution No. 68-16.

M. Anti-Backsliding Requirements

CWA Sections 402(o)(2) and 303(d)(4) and NPDES regulations at 40 CFR § 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. As discussed in the Fact Sheet, effluent limitations and other requirements established by this Order satisfy applicable anti-backsliding provisions of the CWA and NPDES regulations.

N. Endangered Species

This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the State. The Discharger is responsible for meeting all requirements of State and federal law regarding threatened and endangered species.

O. Monitoring and Reporting

NPDES regulations at 40 CFR § 122.48 require that all NPDES permits specify requirements for recording and reporting monitoring results. California Water Code section 13383 authorizes the Central Coast Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (Attachment E) establishes monitoring and reporting requirements to implement federal and State requirements.

P. Standard and Special Provisions

Standard Provisions, which apply to all NPDES permits in accordance with NPDES regulations at 40 CFR § 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR § 122.42 are provided in Attachment D. The Central Coast Water Board has also included in this Order special provisions applicable to authorized dischargers. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet.

Q. Provisions and Requirements Implementing State Law

The provisions and requirements in subsections IV.B, IV.C, and V.C. of this Order are included to implement State law only. These provisions/requirements are not required or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations.

R. Notification of Interested Parties

The Central Coast Water Board has notified dischargers authorized by Order No. R3-2013-0041 and interested agencies and persons of its intent to reissue the General Permit for Discharges from Aquaculture Facilities and Aquariums and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet accompanying this Order.

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S. Consideration of Public Comment

The Central Coast Water Board, in a public meeting, heard and considered all comments pertaining to discharges eligible for coverage under the General Permit. Details of the public hearing are provided in the Fact Sheet of this Order.

T. Privilege to Discharge

In accordance with California Water Code section 13263(g), no discharge of waste into waters of the state, whether or not the discharge is subject to waste discharge requirements, creates a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights. Authorization to discharge under the General Permit and the privilege to discharge waste into waters of the State are conditional upon the discharge's complying with applicable provisions of division 7 of the California Water Code and of the Clean Water Act (as amended or as supplemented by implementing guidelines and regulations) and with any more stringent effluent limitations necessary to implement water quality control plans, to protect beneficial uses, and to prevent nuisances. This Order shall serve as an NPDES permit pursuant to section 402 of the Clean Water Act.

III. DISCHARGE PROHIBITIONS

A. Discharge of any waste at a location or in a manner different from those described in a Discharger's submitted Notice of Intent (NOI) or as described by this Order is prohibited.

B. Discharges to ocean waters that cause or have the reasonable potential to cause or contribute to excursions above any numerical water quality objective contained in Table 1 of the Ocean Plan are prohibited.

C. Discharges to inland surface waters, enclosed bays, and estuaries that may cause, have a reasonable potential to cause, or contribute to an excursion above the numeric criteria for priority toxic pollutants contained in 40 CFR Section 131.38 (California Toxics Rule) are prohibited.

D. Discharges containing substances in concentrations that are toxic to human, animal, plant, or aquatic life are prohibited.

E. Discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste is prohibited.

F. Discharge of sludge by pipeline to the ocean is prohibited. The discharge of municipal or industrial waste sludge directly to the ocean or into a waste stream that discharges to the ocean is prohibited. The discharge of sludge digester supernatant, without further treatment, directly to the ocean or to a waste stream that discharges to the ocean is prohibited.

G. Discharge of any biota listed in Title 14, Section 245 of the California Code of Regulations, Aquaculture Disease Control Regulations, or referenced in Part a. 8 of the same section, which is not indigenous to the Central Coast Region, is prohibited. In accordance with Section 15500 et seq. of the California Fish and Game Code, enforcement of this prohibition must be requested by the California Department of Fish and Wildlife.

H. Discharge of active malachite green fungicide is prohibited.

I. Discharge to receiving waters designated as an Area of Special Biological Significance (ASBS) is prohibited unless discharger meets the requirements of State Water Resources Control Board

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Resolution No. 2012-0031 (or other applicable resolutions) amending the general exception to the California Ocean Plan for selected discharges into ASBS, including special protections for beneficial uses such as:

1. Cessation of non-storm water runoff;

2. Maintenance of natural water quality within ASBS, including during precipitation events, by limiting wastes in storm water runoff and other activities that would otherwise cause a degradation of ocean water quality in the ASBS; and

3. Adequate monitoring to ensure that beneficial uses are protected.

The Hopkins Marine Station of Stanford University and the Monterey Bay Aquarium are exempt from this prohibition under State Water Resources Control Board Resolution No. 2011-0050 and No. 2011-0051, respectively.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations

1. Final Effluent Limitations

a. Effluent shall not contain substances that:

i. Float or become floatable upon discharge,

ii. May form sediments that degrade aquatic life,

iii. Accumulate to toxic levels in surface waters, sediments, or biota.

iv. Significantly decrease the natural light available to aquatic life,

v. Result in aesthetically undesirable discoloration of the water surface.

b. Effluent shall be settled, screened, or filtered to minimize or eliminate the discharge of waste solids to the greatest extent practicable.

c. Effluent shall not contain pollutants in excess of the following limitations.

Table 3. Final Effluent Limitations[1]

Pollutant	Units	Monthly Average	Weekly Average	Instantaneous Maximum
Oil & Grease	mg/L	25	40	75
Total Suspended Solids (TSS)	mg/L	---	---	60
Settleable Solids	mL/L/hr	1.0	1.5	3.0
Turbidity	NTUs	75	100	225
pH	s.u.	6.0 – 9.0 at all times		

1. Source water quality will be evaluated when determining compliance with effluent limitations.

2. Interim Effluent Limitations

This section of the standardized permit is not applicable to the General Permit.

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B. Land Discharge Specifications

This section of the standardized permit is not applicable to the General Permit.

C. Reclamation Specifications

This section of the standardized permit is not applicable to the General Permit.

V. RECEIVING WATER LIMITATIONS

A. Ocean Water Limitations

The following receiving water limitations are based on water quality objectives contained in the Ocean Plan and are a required part of this Order. Compliance shall be determined from samples collected at stations representative of the area within the waste field where initial dilution is completed.

1. Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone designated for water contact recreation use by the Central Coast Water Board, the following bacteriological objectives shall be maintained throughout the water column.

   30-Day Geometric Mean – The following standards are based on the geometric mean of the five most recent samples from each receiving water monitoring location.

   a. Total coliform density shall not exceed 1,000 per 100 mL;

   b. Fecal coliform density shall not exceed 200 per 100 mL; and

   c. Enterococcus density shall not exceed 35 per 100 mL.

   Single Sample maximum:

   a. Total coliform density shall not exceed 10,000 per 100 mL;

   b. Fecal coliform density shall not exceed 400 per 100 mL; and

   c. Enterococcus density shall not exceed 104 per 100 mL.

   d. Total coliform density shall not exceed 1,000 per 100 mL when the fecal coliform to total coliform ratio exceeds 0.1.

2. At all areas where shellfish may be harvested for human consumption, as determined by the Central Coast Water Board, the following bacteriological objectives shall be maintained throughout the water column:

   a. The median total coliform concentration shall not exceed 70 MPN, and not more than 10 percent of samples shall exceed 230 MPN.

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

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

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

6. 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.

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

8. 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 material.

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

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

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

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

13. Nutrient levels shall not cause objectionable aquatic growths or degrade indigenous biota.

14. Discharges shall not cause exceedances of water quality objectives for ocean waters of the State established in Chapter II, Table 1 of the Ocean Plan.

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

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

17. 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.

18. Discharge of radioactive waste shall not degrade marine life.

B. Inland Surface Waters, Enclosed Bays, and Estuaries Limitations

The following receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. Compliance shall be determined from samples collected at stations representative of the area within the waste field where initial dilution is completed. Discharges shall not cause non-compliance with the following in inland receiving waters:

1. Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 per 100 mL, nor shall more than 10 percent of samples collected during any 30-day period exceed 400 per 100 mL.

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2. Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses. Coloration attributable to materials of waste origin shall not be greater than 15 units or 10 percent above natural background color, whichever is greater.

3. Waters shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.

4. Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.

5. Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.

6. Waters shall not contain settleable material in concentrations that result in deposition of material that causes nuisance or adversely affects beneficial uses.

7. Waters shall not contain oils, greases, waxes, or other similar materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.

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

9. The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

10. Receiving waters shall not contain concentrations of chemical constituents in excess of the primary maximum contaminant levels (MCLs) specified for drinking water in Table 64431-A (Primary MCLs for Inorganic Chemicals) and Table 64444-A (Primary MCLs for Organic Chemicals) of Title 22 California Code of Regulations, division 4, chapter 15.

11. Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increase in turbidity attributable to controllable water quality factors shall not exceed the following limits.

    a. Where natural turbidity is between 0 and 50 nephelometric turbidity units (NTU), increases shall not exceed 20 percent.

    b. Where natural turbidity is between 50 and 100 NTU, increases shall not exceed 10 NTU.

    c. Where natural turbidity is greater than 100 NTU, increases shall not exceed 10 percent.

12. For waters not mentioned by a specific beneficial use, the pH value shall not be depressed below 7.0 or raised above 8.3. The change in normal ambient pH levels shall not exceed 0.5 in fresh water.

13. For waters not mentioned by a specific beneficial use, dissolved oxygen concentration shall not be reduced below 7.0 mg/L at any time and median values shall not fall below 85% saturation.

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14. Natural receiving water temperature shall not be altered unless it can be demonstrated to the satisfaction of the Central Coast Water Board that such alteration in temperature does not adversely affect beneficial uses.

15. All waters shall be maintained free of toxic substances in concentrations that are toxic to or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality conditions shall not be less than that for the same water body in areas unaffected by the waste discharge.

16. The discharge of wastes shall not cause concentrations of un-ionized ammonia (NH3) to exceed 0.025 mg/L (as N) in receiving waters.

17. No individual pesticide or combination of pesticides shall reach concentrations that adversely affect the beneficial uses of the receiving water. There shall be no increase in pesticide concentrations found in bottom sediments or aquatic life. For waters where existing concentrations of pesticides are presently nondetectable or where beneficial uses would be impaired by concentrations in excess of nondetectable levels, total identifiable chlorinated hydrocarbon pesticides shall not be present at concentrations detectable within the accuracy of analytical methods as prescribed in *Standard Methods for the Examination of Water and Wastewater*, latest edition, or other equivalent methods approved by the Executive Officer.

18. Waters shall not contain organic substances in concentrations greater than the following:

Methylene Blue Activated Substances	0.2 mg/L
Phenols	1.0 ug/L
PCBs	0.3 µg/L
Phthalate Esters	0.002 µg/L

19. Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life or result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life. In no circumstance shall receiving waters contain concentrations of radionuclides in excess of the maximum contaminant levels for radioactivity presented in Table 4 of Title 22 California Code of Regulations, division 4, chapter 15, article 5.

C. Groundwater Limitations

Activities at the facilities authorized to discharge under the General Permit shall not cause exceedance/deviation from the following water quality objectives for groundwater established by the Basin Plan.

1. Groundwater shall not contain taste- or odor-producing substances in concentrations that adversely affect beneficial uses.

2. Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life or result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.

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VI. PROVISIONS

A. Standard Provisions

1. Dischargers authorized to discharge under the General Permit shall comply with the Standard Provisions (federal NPDES standard conditions from 40 CFR Part 122) included in Attachment D of this Order.

2. General Order Application and Annual Fees

   A Notice of Intent (NOI) serves as the application for enrollment in this General Permit. The required contents of the NOI are described in the form NOI included in Attachment B of this Order. As described below, prospective dischargers shall submit a complete NOI, if required, and application fee to the Executive Officer. All prospective dischargers that will discharge into the Monterey Bay National Marine Sanctuary (MBNMS) shall also send a copy of the NOI to MBNMS for review.

   General Permit applicants must pay an application fee, and enrollees must pay annual fees. The amount of each fee is established by the state's fee schedule as adopted each fiscal year (July 1st through June 30th). The fee schedule and other related information is available at http://www.waterboards.ca.gov/resources/fees/. The application and annual fees for this General Permit are specified in the current fee schedule at California Code of Regulations (CCR), Title 23, Division 3, Chapter 9. Waste Discharge Reports and Requirements, Article 1. Fees, section 2200(b)(9), Category 3, plus applicable surcharges, as revised. Unless otherwise directed by Central Coast Water Board or State Water Resources Control Board (State Water Board) staff, applicants shall submit application fees to the Central Coast Water Board with the application and shall pay annual fees in response to State Water Board invoices issued each year. Fee amounts and payment procedures are subject to change.

   a. *Requirements for Existing Dischargers Enrolled in Order No. R3-2013-0041*

      Submission of a new NOI is not required for existing Dischargers enrolled in Order No. R3-2013-0041 at the time of its expiration, February 1, 2019. For such existing Dischargers, enrollment in this General Permit is automatic upon the Central Coast Water Board's adoption of the General Permit, and these existing Dischargers are authorized to discharge pursuant to this General Permit when it becomes effective. The conditions of Order No. R3-2013-0041 are administratively continued until the effective date of this General Permit. Automatically enrolled existing Dischargers must submit a completed Notice of Termination, available at Attachment G, if they wish to terminate enrollment in this General Permit.

   b. *Requirements for Existing Dischargers Authorized by an Individual Permit*

      To enroll in this General Permit, existing Dischargers who are authorized to discharge under an individual permit shall submit an NOI (Attachment B of this Order) at least 180 days prior to the date enrollment is desired. Upon enrollment in the General Permit, any unexpired individual permit will be terminated, and any administratively-continued conditions of an expired individual permit will no longer be effective.

c. *Requirements for New Dischargers*

New dischargers seeking authorization to discharge under this General Permit shall submit an NOI (Attachment B of this Order) at least 180 days prior to the planned commencement of the discharge.

3. Central Coast Water Board Authorization

a. Enrollment and authorization to discharge under this General Permit requires written notification and approval from the Executive Officer. Upon issuance of the Notice of Applicability or another effective date specified in the NOA, the Discharger is subject to the terms and conditions of this Order. The Discharger is responsible for submitting monitoring reports and the annual fee associated with this Order until a Notice of Termination (Attachment G of this Order) is received.

b. Pursuant to National Pollutant Discharge Elimination System (NPDES) regulations at 40 CFR § 122.28(b)(2)(vi), the Executive Officer may notify a person that it is covered by this General Permit even if the person has not submitted a Notice of Intent to enroll in the General Permit. Such a discharger must comply with the conditions of this General Permit and shall become obligated to meet all discharge limitations and monitoring and reporting requirements of the General Permit.

c. Pursuant to NPDES regulations at 40 CFR § 122.28(b)(3), the Executive Officer may require any Discharger authorized by the General Permit to apply for and obtain an individual permit. Coverage under the General Permit will terminate immediately upon the effective date of such an individual permit.

d. Public notification and/or Central Coast Water Board review of the Executive Officer's intent to authorize a discharge under this General Permit may delay authorization to discharge under this General Permit.

e. A discharger authorized to discharge under the General Permit shall submit an updated NOI when there is a material change in the information submitted with its original NOI or any change in activities at the facility that may affect the character (quality or quantity) of discharges from the facility.

f. New dischargers will not be authorized to discharge until a complete NOI has been submitted to the Central Coast Water Board and the Executive Officer has given Notice of Applicability (NOA) in accordance with Section VI. A. 2. b of this Order.

4. Transfer of Authorization

Authorization to discharge in accordance with this General Permit may not be transferred to another person except after notice to the Central Coast Water Board and issuance of an updated NOA to the new Discharger by Central Coast Water Board staff. Notice to the Central Coast Water Board shall include:

a. Notification of the proposed transfer from the existing authorized Discharger;

b. Submittal of a Notice of Termination by the existing authorized Discharger; and

c. Submittal by the new Discharger of a NOI to change the name of the Discharger in the NOA, update information to address any changes to the facility and discharge, and

incorporate such other requirements as may be necessary under the CWA and the California Water Code.

5. Termination of Enrollment

A Discharger may request to terminate its enrollment in the General Permit by submitting a Notice of Termination (Attachment G of this Order). In accordance with 40 C.F.R. section 122.28(b)(3)(iii), any Discharger may request to be excluded from coverage under a general NPDES permit by applying for an individual NPDES permit. Upon receipt of the request and application for an individual permit, the Executive Officer shall determine if an individual permit should be issued. When the Central Coast Water Board issues an individual permit to a Discharger, the applicability of this General Order to that Discharger is automatically terminated on the effective date of the individual permit. Dischargers shall also request termination of coverage under this General Order when either (a) the facility has ceased operations or (b) the facility's operations have changed and are no longer eligible for coverage under the General Order.

6. General Order Expiration

This Order will expire five years after the effective date, as specified on the cover page of this Order. In accordance with 40 C.F.R. sections 122.6 and 122.28(b)(2), if the General Permit is not reissued and has not taken effect by the expiration date, the conditions of this Order will continue in force and effect until a new general order is adopted. Only those facilities authorized to discharge under this Order will remain authorized to continue discharge under the administratively continued permit conditions until a new general order is adopted and has taken effect or the Discharger is issued an individual permit. Under no circumstance shall the NOI to enroll in this Order be submitted later than the expiration date of this Order.

B. Monitoring and Reporting Program (MRP) Requirements

Dischargers shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment E of this Order. All monitoring shall be conducted according to procedures established at 40 CFR Part 136, *Guidelines Establishing Test Procedures for Analysis of Pollutants*.

C. Special Provisions

1. Reopener Provisions

a. This permit may be reopened and modified in accordance with NPDES regulations at 40 CFR Parts 122 and 124, as necessary, to include additional conditions or limitations based on newly available information or to implement any new USEPA-approved State water quality objective.

2. Special Studies, Technical Reports and Additional Monitoring Requirements

a. Toxicity Reduction Evaluation Workplan

The Discharger shall maintain a Toxicity Reduction Evaluation (TRE) Workplan that describes steps that the Discharger intends to follow in the event that a toxicity effluent limitation or monitoring "trigger" established by this Order is exceeded in the discharge. The workplan shall be prepared in accordance with current technical guidance and reference material, including EPA/600/2-88-070 (for industrial discharges) or EPA/600/2-88/062 (for municipal discharges), and shall include, at a minimum:

i. Actions that will be taken to investigate/identify the causes/sources of toxicity,

ii. Actions that will be evaluated to mitigate the impact of the discharge, to correct the non-compliance, and/or to prevent the recurrence of acute or chronic toxicity (this list of action steps may be expanded, if a TRE is undertaken), and

iii. A schedule under which these actions will be implemented.

b. Toxicity Reduction Requirements

If whole effluent chronic toxicity exceeds 1.0 chronic toxicity unit (TUc) with any test species, following monitoring required by section V of the Monitoring and Reporting Program (Attachment E), the Discharger shall conduct a Toxicity Reduction Evaluation (TRE) in accordance with the Discharger's TRE Workplan.

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

When initial monitoring measures whole effluent chronic toxicity in the effluent above 1.0 TUc, the Discharger shall resample immediately, if the discharge is continuing, and retest for whole effluent toxicity. Results of an initial failed test and results of subsequent monitoring shall be reported to the Executive Officer (EO) as soon as possible following receipt of monitoring results. The EO will determine whether to initiate enforcement action or to implement other measures. The Discharger shall conduct a TRE giving due consideration to guidance provided by the USEPA's Toxicity Reduction Evaluation Procedures, Phases 1, 2, and 3 (EPA document nos. EPA 600/3-88/034, 600/3-88/035, and 600/3-88/036, respectively). A TRE, if necessary, shall be conducted in accordance with the following schedule.

Table 4. Toxicity Reduction Evaluation—Schedule

Action Step	When Required
Take all reasonable measures necessary to immediately reduce toxicity, where the source is known.	Within 24 hours of identification of noncompliance.
Initiate the TRE in accordance to the Workplan.	Within 7 days of notification by the EO
Conduct the TRE following the procedures in the Workplan.	Within the period specified in the Workplan (not to exceed one year, without an approved Workplan)
Submit the results of the TRE, including summary of findings, required corrective action, and all results and data.	Within 60 days of completion of the TRE
Implement corrective actions to meet Permit limits and conditions.	To be determined by the EO

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3. Best Management Practices and Pollution Prevention

a. Dischargers shall develop and maintain a Best Management Practices (BMP) Plan which describes how they will meet the goals and General Permit requirements established below.

b. Existing dischargers and new dischargers seeking authorization under the General Permit shall submit a BMP Plan to the Executive Officer with their Notice of Intent / application for coverage under the General Permit. The BMP Plan shall be fully implemented by the effective date of enrollment under the General Permit.

c. The BMP Plan shall ensure that the following objectives are met.

   i. The number and quantity of pollutants discharged or potentially discharged from the facility shall be minimized to the extent feasible by appropriately managing each waste stream.

   ii. Each facility system shall be examined for its potential to cause a release of pollutants and opportunities to minimize waste. The examination shall include all normal facility operations, including, but not limited to: structural maintenance, cleaning, feed management, transfer and importation of species, removal of mortalities, storage and handling of raw material, disposal of solid waste, employee training, and recordkeeping.

d. The BMP Plan shall establish and document specific BMPs and operating procedures to attain the objectives specified above and shall follow the general guidance contained in the *Guidance Manual for Developing Best Management Practices* (USEPA, 1993) and the *Compliance Guide for the Concentrated Aquatic Animal Production Point Source Category* (USEPA, 2006). The BMP Plan shall include a statement of BMP policy and describe, at a minimum, feeding procedures, cleaning and maintenance procedures, schedules of activities, prohibited practices, treatment methods, and employee training.

e. Dischargers shall amend their BMP Plans whenever there is a change in the facility or in its operation that increases the generation of pollutants or their discharge to receiving waters. Revision dates and summaries of revisions shall be documented in the BMP Plan.

f. Dischargers shall maintain a copy of their BMP Plans at the facility and shall make the Plan available to the Executive Officer or representatives thereof upon request.

g. Dischargers shall include in the BMP Plan and implement the following best management practices (BMPs).

   Solids Control

   i. Dischargers shall employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth to minimize potential discharges of uneaten feed and waste products to waters of the U.S. In net pen and submerged cage systems, authorized dischargers shall collect, return to shore, and properly dispose of feed bags, packaging materials, waste rope, and netting.

ii. Dischargers shall identify and implement procedures for routine cleaning of rearing units and off-line settling basins, and procedures to minimize discharges of accumulated solids during inventorying, grading, and harvesting in production systems.

iii. Dischargers shall remove and dispose of mortalities on a regular basis and shall minimize any discharge associated with the transport or harvesting of aquatic animals including blood, viscera, carcasses, or transport water containing blood.

Materials Storage

i. Dischargers must ensure proper storage of drugs, pesticides, and feed to prevent spills that may result in discharges to waters of the U.S.

ii. Dischargers must implement procedures for properly containing, cleaning, and disposing of any spilled material.

Structural Maintenance

i. Dischargers must inspect production and wastewater treatment systems on a routine basis to identify and promptly repair damage.

ii. Dischargers must conduct regular maintenance of production and wastewater treatment systems to ensure their proper function.

Recordkeeping

i. Dischargers must maintain records that document feed amounts and the numbers and weight of aquatic animals.

ii. Dischargers must keep records documenting the frequency of cleaning, inspections, maintenance, repairs, and (for net pen and submerged cage systems) net changes.

iii. Dischargers must keep records of any drugs, pesticides, or other chemicals administered at the facility.

Training

i. Dischargers must train facility personnel in spill prevention and spill response.

ii. Dischargers must train staff regarding proper operation and cleaning of production and wastewater treatment systems, including feeding procedures and equipment use.

4. Construction, Operation and Maintenance Specifications

This section of the standardized permit template is not applicable to the General Permit.

5. Special Provisions for Municipal Facilities (POTWs Only)

This section of the standardized permit template is not applicable to the General Permit.

6. Other Special Provisions

a. **Discharges of Storm Water**

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For the control of storm water discharged from the sites of facilities authorized to discharge by the General Permit, if applicable, Dischargers shall seek authorization to discharge storm water under and meet the requirements of the State Water Resources Control Board's Water Quality Order 2014-0057-DWQ, NPDES General Permit No. CAS000001, *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities* and any applicable successor statewide general order regulating stormwater discharges associated with industrial activities.

b. **Notice Requirements**

Drugs

Authorized dischargers shall notify the Executive Officer and MBNMS staff, for those facilities discharging into the Monterey Bay National Marine Sanctuary, of the use of any investigational new animal drug (INAD) or any extralabel drug use where such a use may lead to a discharge of the drug to waters of the U.S. Reporting is not required for an INAD or extralabel drug use that has been previously approved by the U.S. Food and Drug Administration (FDA) for a different species or disease if the INAD or extralabel use is at or below the approved dosage and involves similar conditions of use.

A written report is required within seven days of agreeing to participate in an INAD study. The report must identify the INAD, method of use, dosage, and the disease or condition the INAD is intended to treat.

An oral report is required no later than seven days after initiating use of an INAD or extralabel drug (report must identify the drug used, method of application, and reason for using that drug), and a written report is required within 30 days of initiating use of that INAD or extralabel drug (report must identify the drug used; reason for treatment; dates, times, and duration of treatment; method of application; and the amount added).

Reportable Failures

Authorized dischargers shall notify the Executive Officer and, for facilities discharging into the MBNMS, shall notify MBNMS staff regarding failures in, or damage to, the structure of an aquatic animal containment system resulting in an unanticipated material discharge of pollutants.

Authorized dischargers shall provide an oral report within 24 hours of discovery of any reportable failure or damage that results in a material discharge of pollutants, describing the cause and identifying the materials released.

Authorized dischargers shall provide a written report within seven days of discovery of failure or damage, documenting the cause, the duration of the failure or damage, a description of the material released, and steps being taken to prevent a recurrence.

Spilled Material

Authorized dischargers shall notify the Executive Officer (and MBNMS staff if the spill is within MBNMS) of all spills of drugs, pesticides, or feed that result in a discharge to waters of the State and/or United States. In the event of such a spill, dischargers shall provide an oral report within 24 hours of its occurrence and a written report within seven days. The reports shall include the identity and quantity of material spilled and the remedy implemented to prevent future spills.

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7. Compliance Schedules

This section of the standardized permit template is not applicable.

8. Solid Waste Disposal

Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed in a manner consistent with Title 27 of the California Code of Regulations (CCR) and approved by the Executive Officer.

VII. COMPLIANCE DETERMINATION

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

A. General

Compliance with effluent limitations for reportable pollutants shall be determined using sample reporting protocols defined in the MRP and Attachment A of this Order. For purposes of reporting and administrative enforcement by the Regional and State Water Boards, the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the reportable pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (ML).

B. Multiple Sample Data

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

1. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.

2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

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ATTACHMENT A – DEFINITIONS

Acute Toxicity:

a. Acute Toxicity (TUa), expressed in Toxic Units Acute (TUa)

$$TUa = \frac{100}{96\text{-hr LC } 50\%}$$

b. Lethal Concentration 50% (LC 50)

LC 50 (percent waste giving 50% survival of test organisms) shall be determined by static or continuous flow bioassay techniques using standard marine test species as specified in Ocean Plan Appendix III. If specific identifiable substances in wastewater can be demonstrated by the discharger as being rapidly rendered harmless upon discharge to the marine environment, but not as a result of dilution, the LC 50 may be determined after the test samples are adjusted to remove the influence of those substances.

When it is not possible to measure the 96-hour LC 50 due to greater than 50 percent survival of the test species in 100 percent waste, the toxicity concentration shall be calculated by the expression:

$$TUa = \frac{\log (100 - S)}{1.7}$$

where: S = percentage survival in 100% waste. If S > 99, TUa shall be reported as zero.

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

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

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

Chlordane shall mean the sum of chlordane-alpha, chlordane-gamma, chlordene-alpha, chlordene-gamma, nonachlor-alpha, nonachlor-gamma, and oxychlordane.

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

a. Chronic Toxicity (TUc)

Expressed as Toxic Units Chronic (TUc)

$$TUc = \frac{100}{NOEL}$$

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b. No Observed Effect Level (NOEL)

The NOEL is expressed as the maximum percent effluent or receiving water that causes no observable effect on a test organism, as determined by the result of a critical life stage toxicity test listed in Ocean Plan Appendix II.

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

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

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

DDT shall mean the 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(s) 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) are those sample results less than the reported Minimum Level, but greater than or equal to the laboratory's method detection level (MDL).

Dichlorobenzenes shall mean the sum of 1,2- and 1,3-dichlorobenzene.

Downstream Ocean Waters shall mean 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".

Enclosed Bays are 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 shall mean the sum of endosulfan-alpha and -beta and endosulfan sulfate.

Estuaries and Coastal Lagoons are 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

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waters. The waters described by this definition include but are not limited to the Sacramento-San Joaquin Delta as defined by Section 12220 of the California Water Code, Suisun Bay, Carquinez Strait downstream to Carquinez Bridge, and appropriate areas of the Smith, Klamath, Mad, Eel, Noyo, and Russian Rivers.

Halomethanes shall mean the sum of bromoform, bromomethane (methyl bromide) and chloromethane (methyl chloride).

HCH shall mean the sum of the alpha, beta, gamma (lindane) and delta isomers of hexachlorocyclohexane.

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

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

Kelp Beds, for purposes of the bacteriological standards of the Ocean Plan, are 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 is the 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 purposes of the Ocean Plan relating to waste disposal, dredging and the disposal of dredged material and fill, MATERIAL means matter of any kind or description which is subject to regulation as waste, or any material dredged from the navigable waters of the United States. See also, DREDGED MATERIAL.

Maximum Daily Effluent Limitation (MDEL): the highest allowable daily discharge of a pollutant.

MDL (Method Detection Limit) is the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero, as defined in title 40 of the Code of Federal Regulations, PART 136, Appendix B.

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

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

Not Detected (ND) are those sample results less than the laboratory's MDL.

Ocean Waters are the territorial marine waters of the state as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. If a discharge outside the territorial waters of the state could affect the quality of the waters of the state, the discharge may be regulated to assure no violation of the Ocean Plan will occur in ocean waters.

PAHs (polynuclear aromatic hydrocarbons) shall mean the 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) shall mean the 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.

Reported Minimum Level is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Water Board either from Appendix II of the Ocean Plan in accordance with section III. C. 5. a. of the Ocean Plan or established in accordance with section III. C. 5. b. of the Ocean Plan. 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 reported ML.

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

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

Significant Difference is defined as a statistically significant difference in the means of two distributions of sampling results at the 95 percent confidence level.

Six-month Median Effluent Limitation: the highest allowable moving median of all daily discharges for any 180-day period.

State Water Quality Protection Areas (SWQPAs) are 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) that were previously designated by the State Water Board in Resolution No.s 74-28, 74-32, and 75-61 are now also classified as a subset of State Water Quality Protection Areas and require special protections afforded by the Ocean Plan.

TCDD Equivalents shall mean the 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 factors, as shown in the table below.

Isomer Group	Toxicity Equivalence Factor
2,3,7,8-tetra CDD	1.0
2,3,7,8-penta CDD	0.5
2,3,7,8-hexa CDDs	0.1
2,3,7,8-hepta CDD	0.01
octa CDD	0.001
2,3,7,8 tetra CDF	0.1
1,2,3,7,8 penta CDF	0.05
2,3,4,7,8 penta CDF	0.5
2,3,7,8 hexa CDFs	0.1
2,3,7,8 hepta CDFs	0.01
octa CDF	0.001

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

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

Water Reclamation: The 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.

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ATTACHMENT B – NOTICE OF INTENT FORM

NOTICE OF INTENT TO COMPLY WITH ORDER NO. R3-2019-0001
NPDES GENERAL PERMIT NO. CAG993003
FOR DISCHARGES FROM AQUACULTURE FACILITIES AND AQUARIUMS

I. FACILITY INFORMATION

A. Facility

Name:			
Previous Name and Date of Change, If Applicable:			
Physical Address:			
City:	County:	State:	Zip Code:
Contact Person, Title:			
Telephone Number:		Fax Number:	
E-mail Address:			
☐ New Discharger or Facility ☐ Existing Discharger Covered by the General Permit in a Previous Order ☐ Existing Discharger Previously Covered by an Individual Permit ☐ Other (explain):			
NPDES Permit Numbers Currently or Previously Assigned to the Facility:			

B. Facility Owner

Name:		
Mailing Address:		
City:	State:	Zip Code:
Owner Type: ☐ Individual ☐ Corporation ☐ Government Agency ☐ Partnership ☐ Other (describe)	Federal Tax ID:	
Contact Person, Title:		
Telephone Number:	Fax Number:	
Email Address:		

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C. Facility Operator (If different from Owner)

Name:		
Mailing Address:		
City:	State:	Zip Code:
Contact Person, Title:		
Telephone Number:	Fax Number:	
Email Address:		

D. Receiving Water / Discharge Points

Discharge Point	Receiving Water	Latitude	Longitude
001			
002			
003			
004			

E. Location Map

Attach a Location Map identifying the location of the facility, discharge points, and monitoring locations. The map should be based upon an official U.S. Geological Survey map, with an appropriate scale shown, and include the latitude and longitude of the facility and identifiable location descriptors, such as cross streets and landmarks.

II. OPERATIONS AND PRODUCTION DESCRIPTION

Applicants for coverage under the General Permit shall submit, with the NOI, a Best Management Practices Plan that satisfies the requirements of section VI. C. 3 of the General Permit. Applicants shall also submit a description of the facility that includes the following.

A. A general description of the facility, indicating the total number of ponds, raceways, holding tanks, and similar water containing or conveyance structures.

B. A flow diagram of the facility that describes major system components: all sub-flows, inputs to and outputs from the facility, sources of wastewater, and wastewater treatment systems.

C. The projected number of operating days for the facility on a monthly basis throughout a calendar year.

D. A list of species of aquatic animals and plants held and fed or introduced to the facility. For each species, give the total weight produced by the facility per year in pounds of harvestable weight, and the maximum weight present at any one time. The values given should be representative of normal operation.

E. The total pounds of food fed during the calendar month of maximum feeding, based upon normal operation.

F. A list of the drugs, disinfectants, and other chemicals that are or will be used at the facility, including their purpose, active ingredient(s); rates, location, and method (flush or static) of application; and concentrations present in the discharge. Dischargers shall submit Material Safety Data Sheets for each drug, disinfectant, or chemical used; calculations of concentrations present in the discharge, and descriptions of analytical methods, including method detection limits, that are available for each material.

III. DISCHARGE CHARACTERIZATION

Attach a description of the discharge for each Discharge Point. The description shall include: the origin of the water (seawater, fresh water wells, municipal supply, etc.), the origin of the discharge (facility systems), daily average and maximum rates of discharge, seasonal or other discharge cycles, and whether the discharge is continuous or intermittent. Include representative water quality data that are descriptive of the discharge, if such data are available, and include the minimum probable initial dilution, expressed as parts seawater per part wastewater, if available. The minimum probable initial dilution shall be calculated in accordance with a model approved by the State Water Board and shall be accompanied by a figure which delineates the zone of initial dilution.

IV. NEW DISCHARGERS

Facilities that are subject to Effluent Limitations Guidelines for the Concentrated Aquatic Animal Production Point Source Category at 40 CFR Part 451 and built after the effective date of these regulations are defined as new sources.

V. LIST OF INTERESTED PARTIES

Attach a complete list of the names and addresses of all property owners within a 300 foot radius of the facility or the point(s) of discharge, and include any other parties known to have an interest in the discharge.

VI. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this Notice of Intent and all attachments, and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the Notice of Intent, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name and Title (type or print)	Signature	Date

VII. APPLICATION FEE

General Permit applicants shall submit an application fee as established by the state's applicable fee schedule. The fee schedule and other related information is available at http://www.waterboards.ca.gov/resources/fees/. The application fee for this General Permit is based on the current fee schedule at California Code of Regulations (CCR), Title 23, Division 3, Chapter 9. Waste Discharge Reports and Requirements, Article 1. Fees, section 2200(b)(9), Category 3, plus

any applicable surcharge(s), and as revised. Unless otherwise directed by Central Coast or State Water Board staff, applicants shall submit application fees to the Central Coast Water Board with the application, and make checks payable to "SWRCB Fees". Fee amounts and payment procedures are subject to change. After enrollment, the State Water Board will issue annual fee invoices for each fiscal year or part thereof that the enrollee remains enrolled.

VIII. SUBMITTAL

A. Submit this Notice of Intent electronically to:

Central Coast Water Board, centralcoast@waterboards.ca.gov

For discharges originating in Monterey County, Santa Cruz County, and those portions of San Luis Obispo County that drain into the Pacific Ocean northerly of the southern boundary of the Monterey Bay National Marine Sanctuary, the discharger shall also submit a copy of the Notice of Intent to:

Monterey Bay National Marine Sanctuary
Attn: Sophie De Beukelaer
sophie.debeukelaer@noaa.gov
99 Pacific Street, Building 455A
Monterey, CA 93940

B. The Executive Officer may request any additional information from applicants for coverage under the General Permit, beyond the information provided in the Notice of Intent, to determine whether the discharge meets criteria for authorization to discharge under the General Permit.

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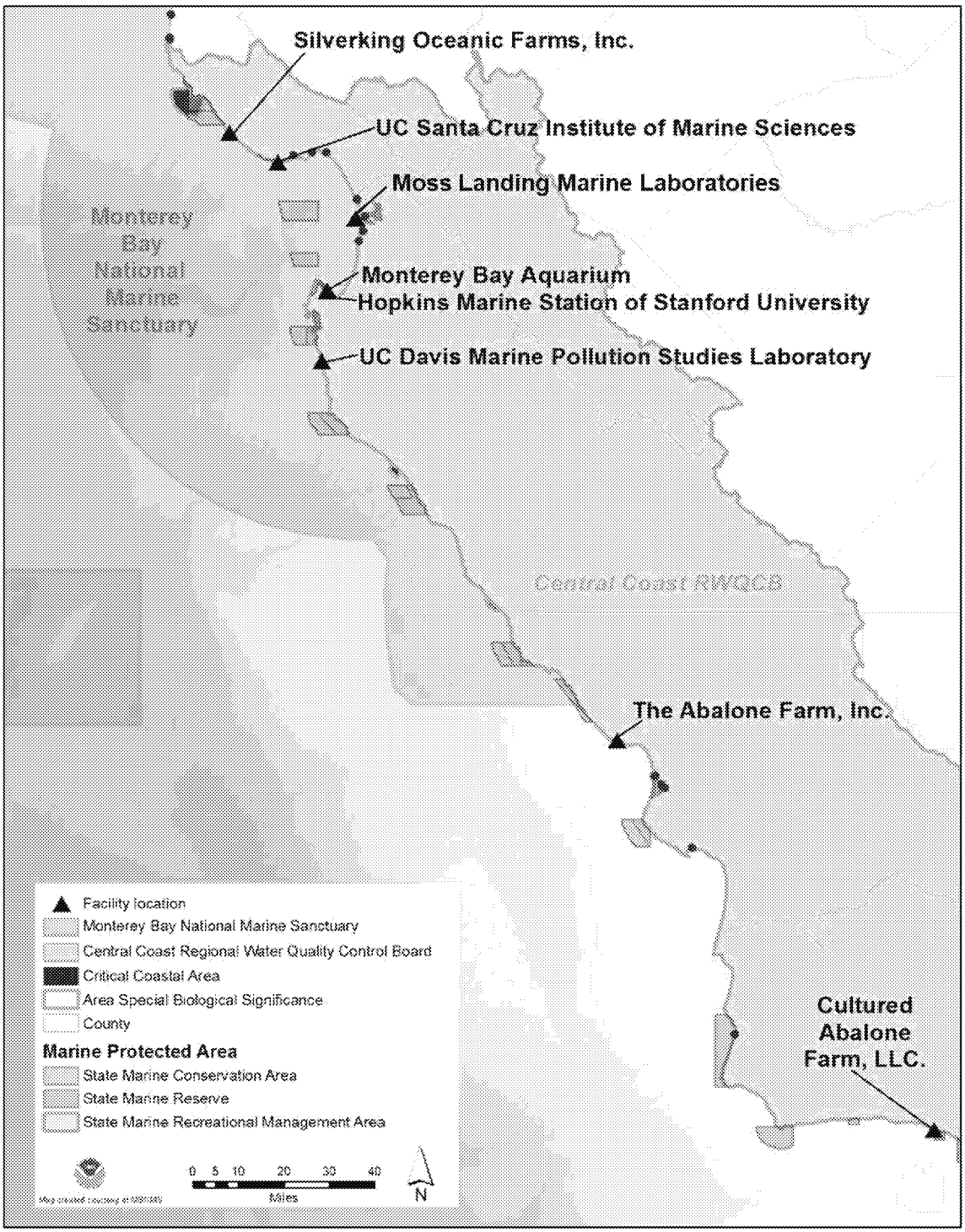
ATTACHMENT C

2019 Facility Discharge Locations



ATTACHMENT D –STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action; permit termination; permit revocation or modification and reissuance; 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 Section 307(a) of the CWA 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 Central Coast Water Board, State Water Board, United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other

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documents, as may be required by law, to (33 U.S.C. § 1318(a)(4)(B); 40 CFR § 122.41(i); Wat. Code, § 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (33 U.S.C. § 1318(a)(4)(B)(i); 40 CFR § 122.41(i)(1); Wat. Code, § 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 CFR § 122.41(i)(2); Wat. Code, § 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 CFR § 122.41(i)(3); Wat. Code, § 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 California Water Code, any substances or parameters at any location. (33 U.S.C. § 1318(a)(4)(B); 40 CFR § 122.41(i)(4); Wat. Code, § 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).)

3. Prohibition of bypass. Bypass is prohibited, and the Central Coast 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 Central Coast Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 C.F.R. § 122.41(m)(4)(i)(C).)

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4. The Central Coast Water Board may approve an anticipated bypass, after considering its adverse effects, if the Central Coast 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 a notice, if possible at least 10 days before the date of the bypass. (40 C.F.R. § 122.41(m)(3)(i).)

   b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). (40 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).)

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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 Central Coast Water Board. The Central Coast 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 California 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).)

B. Monitoring results must be conducted according to test procedures approved under 40 CFR part 136 for the analyses of pollutants unless another method is required under 40 CFR chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 CFR part 136 for the analysis of pollutants or pollutant parameters or as required under 40 CFR 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 most stringent effluent limitation established in the permit for the measured pollutant or pollutant parameter, and either the method ML is at or below the level of the most stringent applicable water quality criterion for the measured pollutant or pollutant parameter or the method ML is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in the 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 CFR part 136 or required under 40 CFR 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 CFR part 136 or otherwise required under 40 CFR chapter 1, subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters. (40 CFR §§ 122.21(e)(3), 122.41(j)(4), 122.44(i)(1)(iv).)