

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ORDER NO. 95-014
NPDES NO. CA0104523

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
CITY OF BRAWLEY, OWNER/OPERATOR
MUNICIPAL WASTEWATER TREATMENT PLANT
Brawley - Imperial County

The California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. The City of Brawley, Owner/Operator (hereinafter referred to as the discharger), 400 Main Street, Brawley, California, 92227, submitted a National Pollutant Discharge Elimination System application on August 8, 1994, for permit to discharge secondary treated domestic wastewater to the New River.
2. The discharger owns and operates a wastewater collection and treatment system, and provides a sewerage service to the City of Brawley. The wastewater plant is located in Imperial County in the SW 1/4 of Section 15, T13S, R14E, SBB&M. The street address of the facility is 5015 Best Road, Brawley, California, 92227.
3. The discharger presently discharges a monthly average flow of 3.15 million gallons-per-day of secondary treated wastewater to the New River, from a plant having a design capacity of 3.9 million gallons-per-day. Treatment consists of a bar screen, grit chamber, two primary clarifiers, two aeration ponds and three stabilization ponds. Sludge is treated by anaerobic digestion, dried in sludge drying beds and accumulated at the site prior to disposal.
4. The discharge of wastewater is to the New River, which flows for 18.5 miles and then enters the Salton Sea.
5. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan) was adopted on November 17, 1993, and designates the beneficial uses of ground and surface waters in this Region.
6. The beneficial uses of waters in the New River are:
 - a. Fresh Water Replenishment of Salton Sea (FRSH)
 - b. Water Contact Recreation (REC I)
 - c. Noncontact Water Recreation (REC II)
 - d. Warm Water Habitat (WARM)
 - e. Wildlife Habitat (WILD)
 - f. Preservation of Rare, Endangered or Threatened Species (RARE)
7. This discharge has been subject to an NPDES Permit and to waste discharge requirements, Board Order No. 90-027 (NPDES No. CA0104523), adopted March 14, 1990, which allows discharge to the New River.

8. Effluent and receiving water limitations in this Board Order are based on the Federal Clean Water Act, Basin Plan, State Water Resources Control Board's plans and policies, U. S. Environmental Protection Agency guidance, best professional judgement, and best available technology economically achievable.
9. Effluent limitations and toxic and pretreatment effluent standards, established pursuant to Sections 301, 302, 304, and 307 of the Federal Clean Water Act (CWA) and amendments thereto are applicable to the discharge.
10. The U. S. Environmental Protection Agency and the Regional Board have classified this discharge as a major discharge.
11. The action to adopt an NPDES Permit is exempt from the provisions of the California Environmental Quality Act (CEQA: Public Resources Code Section 21100, et. seq.), pursuant to Section 13389 of the California Water Code.
12. Federal regulations for stormwater discharges were promulgated by the U. S. Environmental Protection Agency on 16 November 1990 (40 CFR Parts 122, 123, and 124). The regulations require specific categories of facilities which discharge stormwater associated with industrial activity to obtain NPDES permits and to implement Best Conventional Pollutant Technology (BCPT) to reduce or eliminate industrial stormwater pollution.
13. The State Water Resources Control Board adopted Order No. 91-13-DWQ (General Permit No. CAS000001), as amended by Water Quality Order No. 92-12-DWQ, specifying waste discharge requirements for discharges of stormwater associated with industrial activities, excluding construction activities, and requiring submittal of a Notice of Intent by industries to be covered under the Permit.
14. The Board has notified the discharger, and all known interested agencies and persons of its intent to renew an NPDES Permit and waste discharge requirements for said discharge and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
15. The Board in a public meeting heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, that Board Order No. 90-027 is terminated, and in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act, and regulations and guidelines adopted thereunder, the discharger shall comply with the following:

A. Effluent Limitations

1. Effluent discharged to New River shall not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Unit</u>	<u>30-Day Arithmetic Mean Discharge Rate¹</u>	<u>7-Day Arithmetic Mean Discharge Rate²</u>	<u>Daily Maximum</u>
20°C BOD ₅	mg/L ³	45	65	--
Total Suspended Solids	mg/L	95	--	--
Settleable Matter	ml/L ⁴	0.3	0.5	--
Flow	MGD ⁵	--	--	3.9

2. The 30-day average percent removal of pollutant parameter BOD₅ and suspended solids shall not be less than 65 percent.
3. The pH of the effluent shall be maintained within the limits of 6.0 to 9.0.
4. The effluent shall not contain heavy metals, chemicals, pesticides or other constituents in concentrations toxic to aquatic life.
5. There shall be no acute toxicity in the treatment plant effluent being discharged to the New River. Acute toxicity is defined as less than ninety percent survival, fifty percent of the time, and less than seventy percent survival, ten percent of the time, of standard test organisms in undiluted effluent in a 96-hour static or continuous-flow test. Compliance with this effluent limitation shall be based annually from the most recent test results.

B. Receiving Water Limitations

1. Effluent discharged to the New River shall not:
 - a. Depress the dissolved oxygen content of New River below 5.0 mg/L. During any period when the receiving water's dissolved oxygen content is already below 5.0 mg/L, the discharge shall not cause any further depression.

¹ 30-Day Mean - The arithmetic mean of pollutant parameter values of samples collected in a period of 30 consecutive days.

² 7-Day Mean - The arithmetic mean of pollutant parameter values of samples collected in a period of 7 consecutive days.

³ mg/L - milligrams-per-Liter

⁴ ml/L - milliliters-per-Liter

⁵ MGD - Million Gallons-per-Day

- b. Cause the presence of oil, grease, scum, or sludge.
 - c. Result in the deposition of objectionable solids.
 - d. Contain metals, chemicals, pesticides, or other constituents in concentrations which are toxic to or which produce detrimental physiological responses in human, plant, animal, or indigenous aquatic life.
 - e. Cause objectionable color and/or odor.
2. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the State Water Resources Control Board as required by the Federal Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act or amendments thereto, the Regional Board will revise and modify this Board Order in accordance with such more stringent standards.

C. Prohibitions

1. The discharge of any untreated or partially treated wastewater to any surface waters or surface drainage courses is prohibited.
2. Discharge of treated wastewater at a location or in a manner different from that described in Findings No. 2 and 3, above, is prohibited.
3. The discharger shall not accept waste in excess of the design treatment capacity of the disposal system.

D. Specifications

1. The treatment or disposal of wastes at this facility shall not cause pollution or nuisance as defined in Sections 13050(l) and 13050(m) of Division 7 of the California Water Code.
2. The Brawley Wastewater Treatment Plant shall be protected from any washout or erosion of wastes or covering material, and from any inundation which could occur as a result of floods having a predicted frequency of once in 100 years.
3. Public contact with undisinfected wastewater shall be precluded through such means as fences, signs, and other acceptable alternatives.
4. The discharge shall not cause degradation of any water supply.
5. Objectionable odors originating at this facility shall not be perceivable beyond the limits of the wastewater treatment and disposal area.
6. Ponds shall be managed to prevent breeding of mosquitoes, In particular,
 - a. An erosion control program should assure that small coves and irregularities are not created around the perimeter of the water surface.
 - b. Weeds shall be minimized through control of water depth, harvesting, or herbicides.

- c. Dead algae, vegetation, and debris shall not accumulate on the water surface.
7. A minimum depth of freeboard of two (2) feet shall be maintained at all times in all treatment ponds.
8. Bioassays shall be performed to evaluate the toxicity of the discharged wastewater in accordance with the following procedures unless otherwise specified by the Regional Board's Executive Officer or his designee:
 - a. Bioassays shall be conducted on a sensitive fish species and an invertebrate species as approved by the Regional Board's Executive Officer. Pimephales promelas (fathead minnow) and Ceriodaphnia are suggested test species which may be utilized. The bioassays shall be conducted in accordance with the protocol given in EPA/600/4-89/001 - Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Waters to Freshwater Organisms.
 - b. The bioassay test shall be performed as specified in the Monitoring and Reporting Program.
9. If the discharge consistently exceeds the applicable chronic or acute toxicity limitation, a toxicity reduction evaluation (TRE) is required. The TRE shall include all reasonable steps to identify the source(s) of toxicity. Once the source(s) of toxicity is identified, the discharger shall take all reasonable steps necessary to reduce toxicity to the required level.

E. Provisions

1. This Board Order shall serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Federal Clean Water Act, as amended, and shall become effective at the end of ten (10) days from the date of the hearing at which this Board Order was adopted by the Regional Board, provided the Regional Administrator, U. S. Environmental Protection Agency, has no objections.
2. This Board Order expires five years from date of adoption on March 29, 2000, and the discharger shall file a complete Report of Waste Discharge in accordance with Title 23, California Code of Regulations, at least 180 days in advance of such date as an application for issuance of a new Board Order.
3. The discharger shall ensure that all site operating personnel are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.
4. The discharger shall comply with all of the conditions of this Board Order. Any noncompliance with this Board Order constitutes a violation of the Porter-Cologne Water Quality Control Act and is grounds for enforcement action.
5. The discharger shall comply with all conditions of this Board Order. Noncompliance constitutes a violation of the Federal Clean Water Act, and is grounds for enforcement action; for Board Order termination, revocation and reissuance, or modification; or denial of a Board Order renewal application.
6. The discharger shall comply with "Standard Provisions for National Pollutant Discharge Elimination System Permit", dated October 1990, which is attached and incorporated herein as part of this Board Order.

7. This Board Order does not authorize violation of any federal, state, or local laws or regulations.
8. The Federal Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Federal Clean Water Act is subject to a civil or criminal penalty.
9. The discharger is the responsible party for the waste discharge requirements, and the monitoring and reporting program for the facility. The discharger shall comply with all conditions of these waste discharge requirements. Violations may result in enforcement actions, including Regional Board Orders or court orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Board.
10. The discharger shall inform the Regional Board office by telephone of all sewage bypasses to the New River, within one business day of the occurrence. Within five business days of the occurrence, the discharger shall send a report to the Regional Board office which shall include the starting date and time of the occurrence, the actual or estimated ending date and time, an estimate of the total discharge and the corrective measures taken (or which will be taken) by the discharger. The discharger shall maintain a log of this information. The said log shall be kept at the facility and shall be available during facility inspection.

The discharger shall also report all failures which occur in the wastewater collection system in similar procedure as the one stated above.

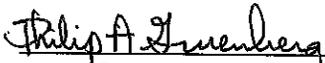
11. This Board Order may be modified by the Regional Board prior to the expiration date to include effluent or receiving water limitations for toxic constituents determined to be present in significant amounts of discharges regulated in this Board Order.
12. This Board Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a Board Order modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include the promulgation of new regulations, modification of land application plans, or modification in sludge use or disposal practices or adoption of new regulations by the State Board or the Regional Board, including revisions to the Basin Plan.
13. The discharger shall provide adequate notice to the Regional Board's Executive Officer of the following:
 - a. Any new introduction of pollutants into any of the treatment facilities described in the findings of this Board Order from an indirect discharger which would be subject to Section 301 or 306 of the Federal Clean Water Act if it were directly discharging the pollutants.
 - b. Any substantial change in the volume or character of pollutants being introduced into any of the treatment facilities described in the Findings of this Board Order by an existing or new source.
 - c. Any planned physical alterations or additions to the facilities described in this Board Order, or changes planned in the discharger's sludge use or disposal practice, where such alterations, additions, or changes may justify the application of Board Order conditions that are different from or absent in the existing Board Order, including notification of additional disposal sites not reported during the Board Order application process, or not reported pursuant to an approved land application plan.

- d. Adequate notice shall include information on the quality and quantity of effluent introduced, and any anticipated impact of the change on the quantity or quality of the discharger's effluent and/or sludge.
 - e. The discharger shall report all instances of noncompliance. Reports of noncompliance shall be submitted with the discharger's next scheduled self-monitoring report or earlier if requested by the Regional Board's Executive Officer or if required by an applicable standard for sludge use and disposal.
14. The discharger shall allow the Regional Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
- a. Enter upon the premises regulated by this Board Order, or the place where records must be kept under the conditions of this Board Order;
 - b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Board Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
 - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Board Order or as otherwise authorized by the California Water Code, any substances or parameters at this location.
15. The discharger shall comply with "Monitoring and Reporting Program No. 95-014", and future revisions thereto as specified by the Regional Board's Executive Officer; and shall be in accordance with the following:
- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. All monitoring, including that of sludge use or disposal must be conducted according to test procedures approved under 40 CFR Part 136 or as specified in this Board Order.
 - c. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Board Order and records of all data used to complete the application for this Board Order, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Board's Executive Officer.
 - d. Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurement(s);
 - 2. The individual(s) who performed the sampling or measurement(s);
 - 3. The date(s) analyses were performed;
 - 4. The individual(s) who performed the analyses;
 - 5. The results of such analyses.

16. The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with this Board 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 which are installed by a discharger only when necessary to achieve compliance with the conditions of this Board Order. A yearly report shall be submitted to the Regional Board indicating any operational or maintenance problems.
17. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Federal Clean Water Act for toxic pollutants, and with standards for sludge use and disposal established under Section 405(d) of the Federal Clean Water Act within the time provided in the regulations, even if the Board Order has not yet been modified to incorporate the requirements.
19. The discharger shall obtain prior written approval from the Regional Board's Executive Officer specifying location and method of disposal, before disposing of treated or untreated sludge, or similar solid waste materials. In addition, the discharger shall provide the results of any sludge analyses as specified by the Regional Board's Executive Officer.
20. The discharger shall maintain a permanent log of all solids hauled away from the treatment facility for use/disposal elsewhere and shall provide a monthly summary of the volume, type (screenings, grit, raw sludge, digested sludge), use (agricultural, composting, etc.), and the destination. The sludge that is stockpiled at the treatment facility shall be sampled and analyzed for the inorganic toxic substances listed in Article 11, Title 22 of the California Code of Regulations and moisture content on an annual basis. The results of the analyses should be submitted to the Regional Board as part of the Monitoring and Reporting Program.
21. All sludge generated at the wastewater treatment plant will be disposed, treated, or applied to land in accordance with Federal Regulations 40 CFR 503.
22. The discharger shall investigate and exclude from the wastewater treatment plant any liquid or solid waste which could adversely effect the plant operation or effluent quality. The excluded liquid or solid waste shall be disposed in accordance with applicable regulations.
23. The discharger shall furnish, under penalty of perjury, technical monitoring program reports, and such reports shall be submitted in accordance with the specifications prepared by the Regional Board's Executive Officer. Such specifications are subject to periodic revisions as may be warranted.
24. All maintenance performed shall be reported with the monitoring reports as required.
25. Unless otherwise approved by the Regional Board's Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the United States Environmental Protection Agency.
26. The wastewater treatment plant, pump stations and the collection system shall be readily accessible for sampling and inspection.

27. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
28. Adequate measures shall be taken to assure that unauthorized persons are effectively excluded from contact with the wastewater disposal facilities.
29. The discharger shall provide an inventory of all hazardous materials which will be handled at the facility by June 30, 1995.
30. Facilities shall be available to keep the plant in operation in the event of commercial power failure.
31. The discharger's wastewater treatment plant shall be supervised and operated by persons possessing certification of appropriate grade pursuant to Division 4, Chapter 14, Title 23 of the California Code of Regulations.
32. All stormwater discharges from this facility must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies, regarding discharges of stormwater to stormwater drain systems or other courses under their jurisdiction.
33. Stormwater discharges from the facility shall not cause or threaten to cause pollution, contamination, or nuisance.
34. Stormwater discharges from the facility shall not contain hazardous substances equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.
35. The discharger shall provide a report to the Regional Board when it determines that the plant is operating at 80 percent of the design capacity specified in Finding No. 3, above. The report should indicate what steps, if any, the discharger intends to take to provide for the expected wastewater treatment capacity necessary when the plant reaches design capacity.
36. Prior to any change in ownership or management of this operation, the discharger shall transmit a copy of this Board Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Regional Board.

I, Philip A. Gruenberg, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on March 29, 1995.


Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

MONITORING AND REPORTING PROGRAM NO. 95-014
FOR
CITY OF BRAWLEY, OWNER/OPERATOR
MUNICIPAL WASTEWATER TREATMENT PLANT
Brawley - Imperial County

Location of Discharge: SW 1/4 of Section 15, T13S, R14E, SBB&M

MONITORING

1. The collection, preservation and holding times of all samples shall be in accordance with U. S. Environmental Protection Agency approved procedures. All analyses shall be conducted by a laboratory certified by the State Department of Health Services to perform the required analyses.
2. Compliance with the discharge limitations shall be determined at the end of the discharge pipe.
3. If the facility is not in operation, or there is no discharge during a required reporting period, the discharger shall forward a letter to the Regional Board indicating that there has been no activity during the required reporting period.

INFLUENT MONITORING

The wastewater influent to the treatment facilities shall be monitored for the following:

<u>Constituent</u>	<u>Unit</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
20°C BOD ₅	mg/L ¹	24-Hour Composite	Weekly
Suspended Solids	mg/L	24-Hour Composite	Weekly

EFFLUENT MONITORING

A sampling station shall be established at the point of discharge and shall be located where representative samples of effluent can be obtained. Wastewater discharged into New River shall be monitored for the following constituents:

<u>Constituent</u>	<u>Unit</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
Volume of Discharge to New River	MGD ²	Average Daily ³	Daily

¹ mg/L - milligrams-per-Liter

² MGD - Million Gallons-per-Day

³ Reported monthly with monthly average daily flow calculated.

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Superseded
by: 95-014
Rev. I

<u>Constituent</u>	<u>Unit</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
20°C BOD ₅	mg/L ⁴	24-Hr. Composite	Weekly
Suspended Solids	mg/L	24-Hr. Composite	Weekly
Settleable Matter	ml/L ⁵	Grab at Peak Flow	Weekly
Hydrogen Ion	pH Units	Grab	Daily ⁶
Bioassay	tu _c ⁷	Composite	(See Section on Effluent Toxicity Testing)
Pesticides (EPA Method 608)	μg/L ⁸	Grab	Annually

RECEIVING WATER MONITORING

Representative samples upstream and downstream from the point of discharge shall be collected in accordance with the following:

<u>Constituent</u>	<u>Unit</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
Dissolved Oxygen	mg/L	Grab	Monthly (upstream and downstream)
Hardness	mg/L	Grab	Monthly
Hydrogen Ion	pH Units	Grab	Monthly

⁴ mg/L - milligrams-per-Liter

⁵ ml/L - milliliters-per-Liter

⁶ Daily - Monday through Friday excluding holidays

⁷ tu_c - chronic toxicity units

⁸ μg/L - microgram-per-Liter

OPERATION AND MAINTENANCE

The discharger shall report the following:

<u>Activity</u>	<u>Reporting</u>
To inspect and document any operation/maintenance problems by inspecting each unit process	Annually

SLUDGE MONITORING

The discharger shall report quarterly on the quantity, location and method of disposal of all sludge and similar solid materials being produced at the wastewater treatment plant facility.

The sludge that is generated at the treatment facility shall be sampled and analyzed for the following:

<u>Constituent</u>	<u>Unit</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
Arsenic	mg/kg ⁹	Composite	Annually
Cadmium	mg/kg	Composite	Annually
Chromium	mg/kg	Composite	Annually
Copper	mg/kg	Composite	Annually
Lead	mg/kg	Composite	Annually
Mercury	mg/kg	Composite	Annually
Nickel	mg/kg	Composite	Annually
Selenium	mg/kg	Composite	Annually
Zinc	mg/kg	Composite	Annually
Fecal Coliform	MPN ¹⁰	Composite	Annually
Total Petroleum Hydrocarbons	mg/kg	Composite	Annually

⁹ mg/kg - milligrams-per-kilogram on a dry weight basis

¹⁰ MPN - Most Probable Number

EFFLUENT TOXICITY TESTING

The discharger shall conduct toxicity testing on the treatment plant effluent as follows:

<u>Test</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Minimum Frequency Test</u>
Chronic Toxicity	tu _c	Composite	Quarterly
Acute Toxicity	Percent Survival	Composite	Quarterly

Both test species given below shall be used to measure chronic toxicity:

<u>Species</u>	<u>Effect</u>	<u>Test Duration (Days)</u>	<u>Reference</u>
Fathead Minnow (Pimephales promelas)	Larval Survival and Growth Rate	7	Horning & Weber, 1989
Water Flea (Ceriodaphnia dubia)	Survival; Number of Young	7	Horning & Weber, 1989

Toxicity Test Reference: Horning W. B. and C. I. Weber (eds). 1989. "Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms". Second Edition. U. S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory, Cincinnati, Ohio. EPA/600/4-89/001.

All toxicity testing must be performed by a laboratory certified by the California Department of Health Services. Dilution and control waters should be obtained from an unaffected area of the receiving waters. Standard dilution water should be used if the above source water is believed to exhibit toxicity greater than 1.0 tu_c.

Chronic toxicity shall be expressed and reported as toxic units (tu_c) where:

$$TU_c = 100/NOEL$$

and the No Observed Effect Level (NOEL) is expressed as the maximum percent effluent of test water that causes no observed effect on a test organism, as determined in a critical life stage toxicity test (indicated above).

Acute toxicity shall be calculated from the results of the chronic toxicity test described above and shall be reported along with the results of each chronic test. Acute toxicity shall be expressed as percent survival of test organism over a ninety-six hour period.

REPORTING

1. The discharger shall arrange the data in tabular form so that the specified information is readily discernible. The data shall be summarized in such a manner as to clearly illustrate whether the facility is operating in compliance with waste discharge requirements.
2. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurement(s);
 - b. The individual(s) who performed the sampling or measurement(s);
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or method used; and
 - f. The results of such analyses.
3. Monitoring reports shall be certified under penalty of perjury to be true and correct, and shall contain the required information at the frequency designated in this monitoring report.
4. Each report shall contain the following statement:

"I declare under the penalty of law that I have personally examined and am familiar with the information submitted in this document, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, 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 for knowing violations."
5. A duly authorized representative of the discharger may sign the documents if:
 - a. The authorization is made in writing by the person described above;
 - b. The authorization specified an individual or person having responsibility for the overall operation of the regulated disposal system; and
 - c. The written authorization is submitted to the Regional Board's Executive Officer.
6. Report immediately any failure in the waste disposal system to the Regional Board and Director of County Environmental Health by telephone with follow-up by letter.
7. Report immediately any instances of non-compliance with the requirements of this Board Order in the monthly monitoring report.
8. Daily, weekly, and monthly monitoring reports shall be submitted by the 15th day of the following month. Annual monitoring reports shall be submitted to the Regional Board by January 15 of each year.
9. Submit monitoring reports to:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring, Suite 100
Palm Desert, CA 92260

10. A copy of the Monitoring Report shall also be sent to:

Regional Administrator
U. S. Environmental Protection Agency
Region 9, Attn: 65/MR, W-1
75 Hawthorne Street
San Francisco, CA 94105

Ordered By: Philip A. Guenberg
Executive Officer

March 29, 1995

Date

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

MONITORING AND REPORTING PROGRAM NO. 95-014 (Revision 1)

FOR

**CITY OF BRAWLEY, OWNER/OPERATOR
MUNICIPAL WASTEWATER TREATMENT PLANT
Brawley - Imperial County**

Location of Discharge: SW 1/4 of Section 15, T13S, R14E, SBB&M

MONITORING

1. The collection, preservation and holding times of all samples shall be in accordance with U. S. Environmental Protection Agency approved procedures. All analyses shall be conducted by a laboratory certified by the State Department of Health Services to perform the required analyses.
2. Compliance with the discharge limitations shall be determined at the end of the discharge pipe.
3. If the facility is not in operation, or there is no discharge during a required reporting period, the discharger shall forward a letter to the Regional Board indicating that there has been no activity during the required reporting period.

INFLUENT MONITORING

The wastewater influent to the treatment facilities shall be monitored for the following:

<u>Constituent</u>	<u>Unit</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
20°C BOD ₅	mg/L ¹	24-Hour Composite	Weekly
Suspended Solids	mg/L	24-Hour Composite	Weekly
TPH ²	mg/L	Grab	Monthly

¹ mg/L - milligrams-per-Liter

² TPH - Total Petroleum Hydrocarbons

EFFLUENT MONITORING

A sampling station shall be established at the point of discharge and shall be located where representative samples of effluent can be obtained. Wastewater discharged into New River shall be monitored for the following constituents:

<u>Constituent</u>	<u>Unit</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
Volume of Discharge to New River	MGD ³	Average Daily ⁴	Daily
20°C BOD ₅	mg/L ⁵	24-Hr. Composite	Weekly
Suspended Solids	mg/L	24-Hr. Composite	Weekly
Settleable Matter	ml/L ⁶	Grab at Peak Flow	Weekly
Hydrogen Ion	pH Units	Grab	Daily ⁷
Bioassay	tu _c ⁸	Composite	(See Section on Effluent Toxicity Testing)
Pesticides (EPA Method 608)	μg/L ⁹	Grab	Annually
TPH	mg/L	Grab	Monthly

³ MGD - Million Gallons-per-Day

⁴ Reported monthly with monthly average daily flow calculated.

⁵ mg/L - milligrams-per-Liter

⁶ ml/L - milliliters-per-Liter

⁷ Daily - Monday through Friday excluding holidays

⁸ tu_c - chronic toxicity units

⁹ μg/L - microgram-per-Liter

RECEIVING WATER MONITORING

Representative samples upstream and downstream from the point of discharge shall be collected in accordance with the following:

<u>Constituent</u>	<u>Unit</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
Dissolved Oxygen	mg/L	Grab	Monthly (upstream and downstream)
Hardness	mg/L	Grab	Monthly
Hydrogen Ion	pH Units	Grab	Monthly

OPERATION AND MAINTENANCE

The discharger shall report the following:

<u>Activity</u>	<u>Reporting</u>
To inspect and document any operation/maintenance problems by inspecting each unit process	Annually

SLUDGE MONITORING

The discharger shall report quarterly on the quantity, location and method of disposal of all sludge and similar solid materials being produced at the wastewater treatment plant facility.

The sludge that is generated at the treatment facility shall be sampled and analyzed for the following:

<u>Constituent</u>	<u>Unit</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
Arsenic	mg/kg ¹⁰	Composite	Annually
Cadmium	mg/kg	Composite	Annually
Chromium	mg/kg	Composite	Annually
Copper	mg/kg	Composite	Annually
Lead	mg/kg	Composite	Annually

¹⁰ mg/kg - milligrams-per-kilogram on a dry weight basis

<u>Constituent</u>	<u>Unit</u>	<u>Type of Sample</u>	<u>Sampling Frequency</u>
Mercury	mg/kg	Composite	Annually
Nickel	mg/kg	Composite	Annually
Selenium	mg/kg	Composite	Annually
Zinc	mg/kg	Composite	Annually
Fecal Coliform	MPN ¹¹	Composite	Annually
TPH	mg/kg	Composite	Monthly

EFFLUENT TOXICITY TESTING

The discharger shall conduct toxicity testing on the treatment plant effluent as follows:

<u>Test</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Minimum Frequency Test</u>
Chronic Toxicity	tu _c	Composite	Quarterly
Acute Toxicity	Percent Survival	Composite	Quarterly

Both test species given below shall be used to measure chronic toxicity:

<u>Species</u>	<u>Effect</u>	<u>Test Duration (Days)</u>	<u>Reference</u>
Fathead Minnow (Pimephales promelas)	Larval Survival and Growth Rate	7	Horning & Weber, 1989
Water Flea (Ceriodaphnia dubia)	Survival; Number of Young	7	Horning & Weber, 1989

Toxicity Test Reference: Horning W. B. and C. I. Weber (eds). 1989. "Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms". Second Edition. U. S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory, Cincinnati, Ohio. EPA/600/4-89/001.

All toxicity testing must be performed by a laboratory certified by the California Department of Health Services. Dilution and control waters should be obtained from an unaffected area of the receiving waters.

¹¹ MPN - Most Probable Number

Standard dilution water should be used if the above source water is believed to exhibit toxicity greater than 1.0 tu_c.

Chronic toxicity shall be expressed and reported as toxic units (tu_c) where:

$$TU_c = 100/NOEL$$

and the No Observed Effect Level (NOEL) is expressed as the maximum percent effluent of test water that causes no observed effect on a test organism, as determined in a critical life stage toxicity test (indicated above).

Acute toxicity shall be calculated from the results of the chronic toxicity test described above and shall be reported along with the results of each chronic test. Acute toxicity shall be expressed as percent survival of test organism over a ninety-six hour period.

REPORTING

1. The discharger shall arrange the data in tabular form so that the specified information is readily discernible. The data shall be summarized in such a manner as to clearly illustrate whether the facility is operating in compliance with waste discharge requirements.
2. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurement(s);
 - b. The individual(s) who performed the sampling or measurement(s);
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or method used; and
 - f. The results of such analyses.
3. Monitoring reports shall be certified under penalty of perjury to be true and correct, and shall contain the required information at the frequency designated in this monitoring report.
4. Each report shall contain the following statement:

"I declare under the penalty of law that I have personally examined and am familiar with the information submitted in this document, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, 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 for knowing violations."
5. A duly authorized representative of the discharger may sign the documents if:
 - a. The authorization is made in writing by the person described above;
 - b. The authorization specified an individual or person having responsibility for the overall operation of the regulated disposal system; and
 - c. The written authorization is submitted to the Regional Board's Executive Officer.

6. Report immediately any failure in the waste disposal system to the Regional Board and Director of County Environmental Health by telephone with follow-up by letter.
7. Report immediately any instances of non-compliance with the requirements of this Board Order in the monthly monitoring report.
8. Daily, weekly, and monthly monitoring reports shall be submitted by the 15th day of the following month. Annual monitoring reports shall be submitted to the Regional Board by January 15 of each year.

9. Submit monitoring reports to:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring, Suite 100
Palm Desert, CA 92260

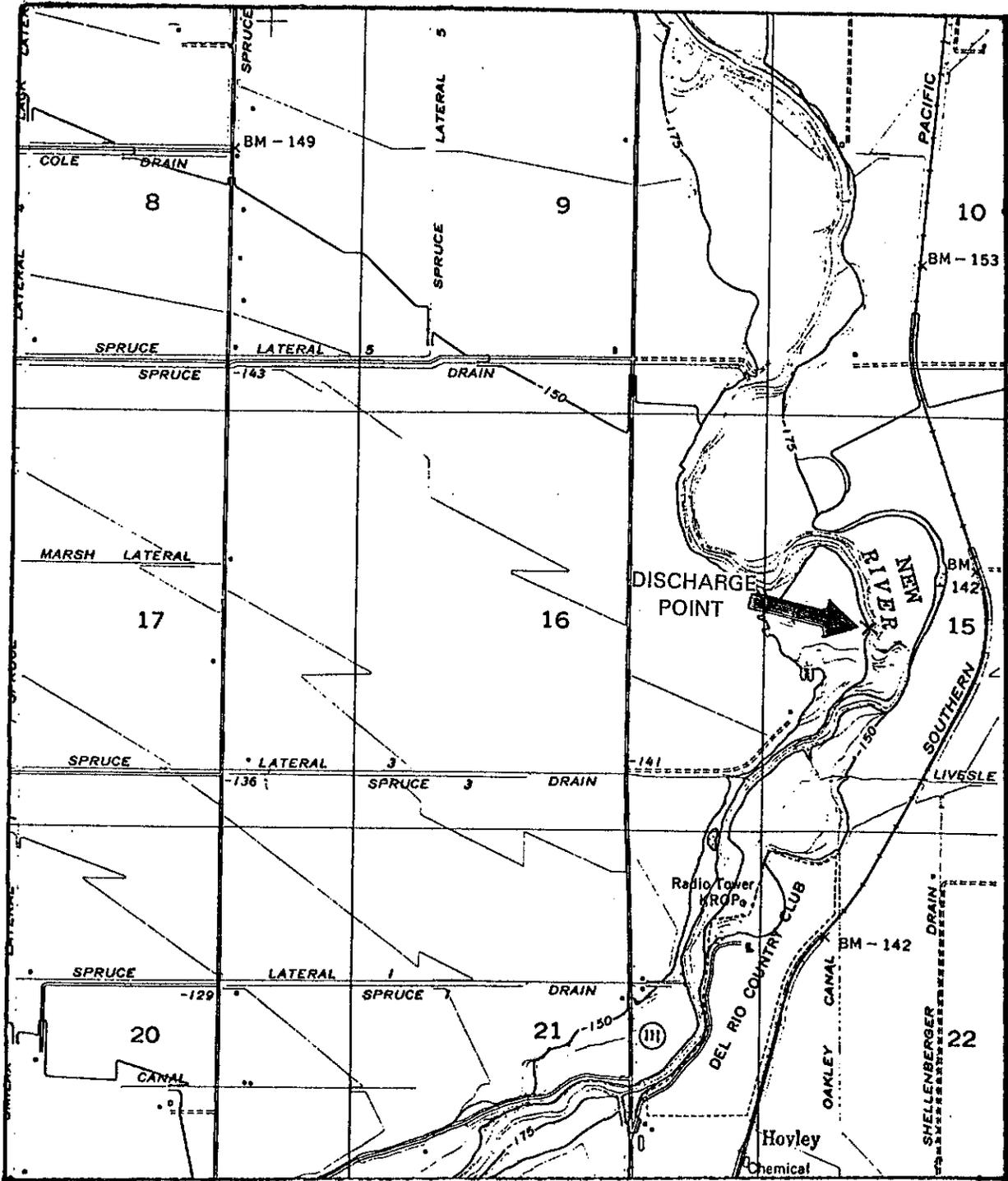
10. A copy of the Monitoring Report shall also be sent to:

Regional Administrator
U. S. Environmental Protection Agency
Region 9, Attn: 65/MR, W-1
75 Hawthorne Street
San Francisco, CA 94105

Ordered By: Philip A. Gruenberg
Executive Officer

September 21, 1995
Date

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - 7



SCALE:
1:24,000

FIGURE A

CITY OF BRAWLEY, OWNER/OPERATOR
MUNICIPAL WASTEWATER TREATMENT PLANT
Brawley - Imperial County
SW 1/4 of Section 15, T13S, R14E, SBB&M
USGS Westmorland 7.5 min. Topographic Map

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - 7

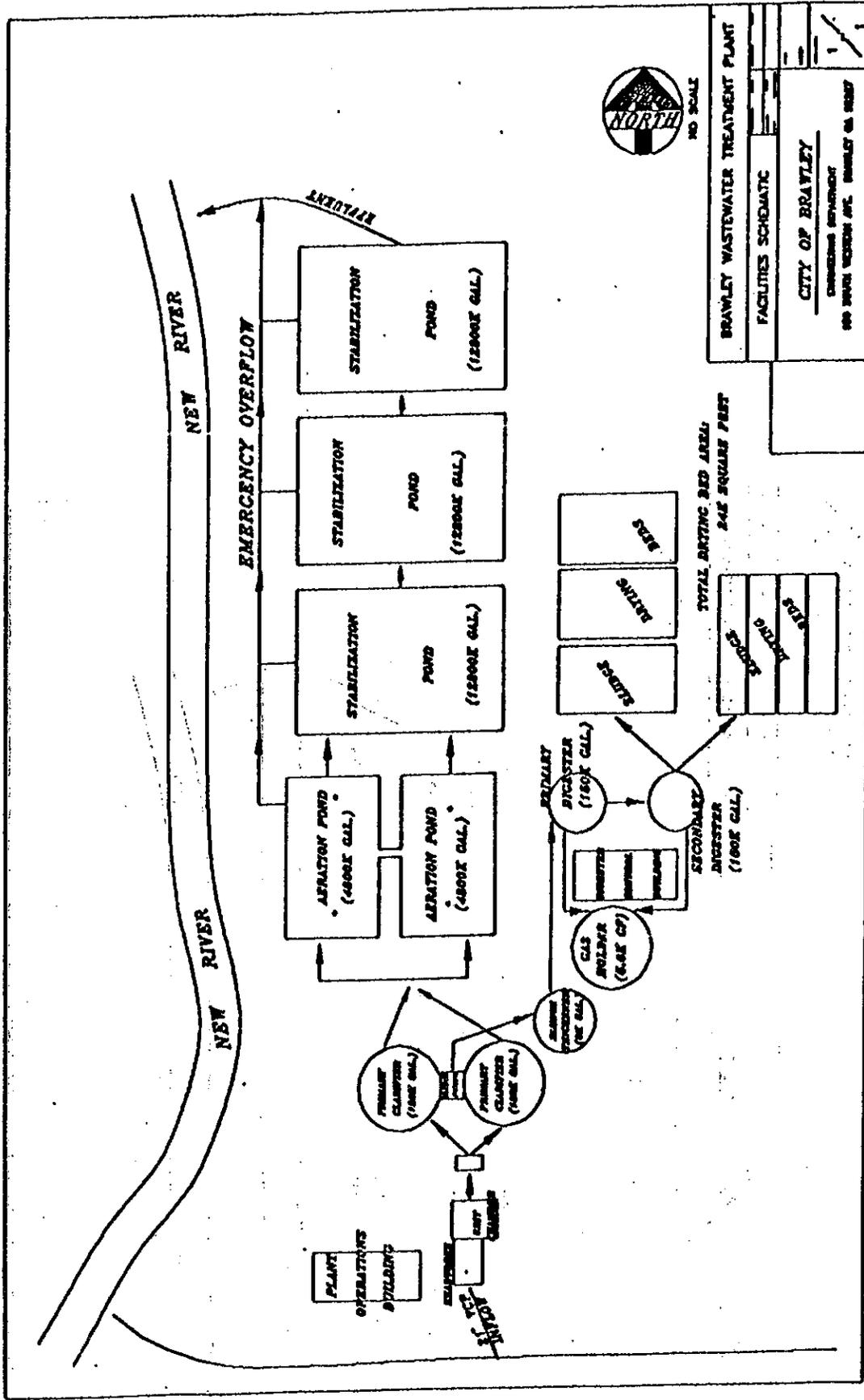


FIGURE B

BRAWLEY WASTEWATER TREATMENT PLANT FLOW DIAGRAM

CITY OF BRAWLEY, OWNER/OPERATOR
 MUNICIPAL WASTEWATER TREATMENT PLANT
 Brawley - Imperial County

BRAWLEY WASTEWATER TREATMENT PLANT
 FACILITIES SCHEMATIC
 CITY OF BRAWLEY
 CHEMISTRY DEPARTMENT
 900 MAIN WESTERN AVE. BRAWLEY CA 92521

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

**FACT SHEET
APPLICATION FOR
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
TO DISCHARGE TO STATE WATERS**

Public Notice No. 7-95-1
Application NPDES No. CA0104523
Board Order No. 95-014

City of Brawley
400 Main Street
Brawley, CA 92227

On the basis of preliminary staff review and application of lawful standards and regulations, the Regional Board proposes to renew waste discharge requirements for the discharge. The tentative proposed determinations are described below.

I. Description of Proposed Discharge:

The discharger owns and operates a wastewater collection and treatment system and provides a sewerage service to the City of Brawley. The wastewater plant has a design capacity of 3.9 MGD. The treatment system consists of a bar screen, grit chamber, two primary clarifiers, two aeration ponds and three stabilization ponds. Sludge is treated by anaerobic digestion, dried in sludge drying beds and sent to a solid waste management facility for disposal.

II. Rationale for Effluent and Receiving Water Limitations

A. Receiving Waters:

New River
Salton Sea

B. Beneficial Uses of Water in the New River are:

- a. Fresh Water Replenishment of Salton Sea (FRSH)
- b. Water Contact Recreation (REC I)
- c. Noncontact Water Recreation (REC II)
- d. Warm Water Habitat (WARM)
- e. Wildlife Habitat (WILD)
- f. Preservation of Rare, Endangered or Threatened Species (RARE)

C. Proposed Effluent Limitations:

Effluent discharged to New River shall not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Unit</u>	<u>30-Day Arithmetic Mean Discharge Rate¹</u>	<u>7-Day Arithmetic Mean Discharge Rate²</u>	<u>Daily Maximum</u>
20°C BOD ₅	mg/L ³	45	65	--
Total Suspended Solids	mg/L	95	--	--
Settleable Matter	ml/L ⁴	0.3	0.5	--
Flow	MGD ⁵	--	--	3.9

The 30-day average percent removal of pollutant parameter BOD₅ and suspended solids shall not be less than 65 percent.

The pH of the effluent shall be maintained within the limits of 6.0 to 9.0.

The effluent shall not contain heavy metals, chemicals, pesticides or other constituents in concentrations toxic to aquatic life.

There shall be no acute toxicity in the treatment plant effluent being discharged to the New River. Acute toxicity is defined as less than ninety percent survival, fifty percent of the time, and less than seventy percent survival, ten percent of the time, of standard test organisms in undiluted effluent in a 96-hour static or continuous-flow test. Compliance with this effluent limitation shall be based annually from the most recent test results.

¹ 30-Day Mean - The arithmetic mean of pollutant parameter values of samples collected in a period of 30 consecutive days.

² 7-Day Mean - The arithmetic mean of pollutant parameter values of samples collected in a period of 7 consecutive days.

³ mg/L - milligrams per Liter

⁴ ml/L - milliliters per Liter

⁵ MGD - Million Gallons-per-Day

D. Basis of Effluent Limitations:

Biological Oxygen Demand (BOD)	Discharge is to waters that support aquatic life that are dependent on oxygen. Organic matter in the discharge may consume oxygen as it breaks down.
Total Suspended Solids (TSS)	High levels of suspended solids can adversely impact aquatic habitat. Untreated or improperly treated municipal wastewater can contain high amounts of suspended solids.
Settleable Matter	High levels of settleable matter can have an adverse effect on aquatic habitat. Untreated or improperly treated municipal wastewater can contain high amounts of settleable matter.
Flow	The existing plant has a design capacity of 3.9 MGD.
Toxicity	Toxicity testing ensures that the effluent does not contain metals, chemicals, pesticides or other constituents in concentrations toxic to aquatic life.
pH	pH is a measure of Hydrogen Ion concentration in the water. A range specified between 6 to 9 ensures suitability of the biological life. This limitation has been adopted in the Basin Plan of the Region.

E. Basis of Receiving Water Limitations:

The limitations for Receiving Water are based to protect aquatic life.

III. Written Comments

All interested persons and agencies are invited to submit written comments on these proposed waste discharge requirements. Comments should be submitted in writing, not later than January 13, 1995, either in person or by mail to:

Executive Officer
California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

All comments received by the above date will be considered in the formulation of the final determinations.

IV. Information and Copying

Persons wishing further information may write to the above address or call the Regional Board at (619) 346-7491. Copies of the application, proposed waste discharge requirements and other documents (other than those which the Regional Board's Executive Officer maintains as confidential), are available at the Regional Board office for inspection and copying.

V. Register of Interested Persons

Any person interested in a particular application or group of applications may leave his/her name, address and phone number as part of the file for the application. This list of names will be maintained as a means for persons with an interest in an application to contact others with similar interests.

VI. Public Hearing

If submitted comments indicate a significant public interest in the application, or if the Regional Board's Executive Officer believes useful information may be produced thereby, the Regional Board's Executive Officer, at his discretion, may hold a public hearing on the application. Any person may request the Regional Board's Executive Officer to hold a public hearing on the application.

Public notice of a hearing will be circulated at least 30 days in advance of the hearing. Further information regarding the conduct and nature of public hearings concerning discharge permits may be obtained by writing or visiting the Regional Board office.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

**STANDARD PROVISIONS
FOR
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
OCTOBER 1990**

FOR ALL PERMIT HOLDERS

1. Duty to Comply

- a. The discharger must comply with all of the conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. [40 CFR Part 122.41(a)]
- b. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not been modified to incorporate the requirement. [40 CFR Part 122.41(a)(1)]

2. Duty to Reapply:

If the discharger wishes to continue an activity regulated by this permit after the expiration date of this permit, the discharger must apply for and obtain a new permit. [40 CFR Part 122.41(b)]

- a. Any publicly owned treatment works (POTW) with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Regional Board. (The Regional Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) [40 CFR Part 122.41(d)(1)]
- b. All other dischargers with currently effective permits shall submit a new application 180 days before the existing permit expires except that:
 - 1. The Regional Administrator of the Environmental Protection Agency may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date; and
 - 2. The Regional Administrator of the Environmental Protection Agency may grant permission to submit the information after the permit expiration date required by paragraphs (g)(7), (9), and (10) of 40 CFR Part 122.21.

3. 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 permit. [40 CFR part 122.41(c)]

4. Duty to Mitigate

The discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR Part 122.41(d)]

5. 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) that are installed or used by the discharger to achieve compliance with this permit. 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 which are installed by a discharger only when necessary to achieve compliance with the conditions of this permit. [40 CFR Part 122.41(e)]

6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit; or
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

The Regional Board may also review and revise this permit at any time upon application of any person, or on the Regional Board's own motion [CWC 13263(e)]

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant to this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the discharger so notified [40 CFR Part 122.41(f)]

The filing of a request by the discharger for a permit modification, revocation, and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit conditions. [40 CFR Part 122.41(f)]

7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State, or local laws or regulations. [40 CFR Part 122.41(g)]

8. Duty to Provide Information

The discharger shall furnish the Regional Board, State Board, or EPA, within a reasonable time, any information which the Regional Board, State Board, or EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating a permit or to determine compliance with a permit. The discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this permit. [40 CFR Part 122.41(h)]

The discharger shall conduct analysis on any sample provided by EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to EPA's DMQA manager.

9. Inspection and Entry

The discharger shall allow the Regional Board, State Board, EPA, and/or other authorized representatives upon the presentation of credentials and other documents as may be required by law, to:

- a. 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 permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location. [40 CFR Part 122.41(i)]

10. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 5 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Board, State Board, or EPA at any time.
- c. Records of monitoring information shall include:
 1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;

5. The analytical techniques or methods used; and
 6. The results of such analyses.
- d. Monitoring must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this permit.

11. Signatory Requirements

- a. All permit applications, reports, or information submitted to the Regional Board, State Board, and/or EPA shall be signed as follows;
 1. For a corporation: by a responsible corporate officer. For the purpose of this provision, a responsible corporate officer means: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding %25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 3. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a Federal agency includes: the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA). [40 CFR Part 122.22(a)]
- b. All reports required by this permit, other information requested by the Regional Board, State Board, or EPA, and all permit applications submitted for Group II stormwater discharges under 40 CFR Part 122.26(b)(3) shall be signed by a person described in paragraph a. of this provision, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 1. The authorization is made in writing by a person described in paragraph a. of this provision;
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 3. The written authorization is submitted to the Regional Board. [40 CFR Part 122.22(b)]

- c. Changes to authorization. If an authorization under paragraph b. of this provision is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. of this provision must be submitted to the Regional Board prior to or together with any reports, information, or applications to be signed by an authorized representative. [40 CFR Part 122.22(c)]
- d. Certification. Any person signing a document under paragraph a. or b. of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment of knowing violations." [40 CFR Part 122.22(d)]
- e. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years per violation, or by both.

12. Reporting Requirements

- a. Planned changes. The discharger shall give notice to the Regional Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when:
 - 1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b); or
 - 2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged.
- b. Anticipated noncompliance. The discharger will give advance notice to the Regional Board of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c. Transfers
 - 1. This permit is not transferable to any person except after notice to the Regional Board. The Regional Board may require modification or revocation and reissuance of the permit to change the name of the discharger and incorporate such other requirements as may be necessary under the Clean Water Act and the Porter-Cologne Water Quality Control Act.

2. Transfer by modification. Except as provided in paragraph (3) below, a permit may be transferred by the discharger to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made to identify the new discharger and incorporate such other requirements as may be necessary under the Clean water Act (CWA).
3. Automatic transfers. As an alternative to transfers under paragraph (2) of this provision, any NPDES may be automatically transferred to a new discharger if:
 - a. The current discharger notifies the Regional Board at least 30 days in advance of the proposed transfer date in paragraph (3)(b) of this provision.
 - b. The notice includes a written agreement between the existing and new dischargers containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The Regional Board does not notify the existing discharger and the proposed new discharger of its intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR Part 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (3)(b) of this provision.
- d. Definitions. The following definitions shall apply unless specified in this permit;
 1. "Daily Discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during the sampling day.
 2. "Daily Average" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
 3. "Daily Maximum" discharge limitations means the highest allowable "daily discharge" during the calendar month.
- e. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 1. Monitoring results must be reported on a Discharge Monitoring Report (DMR).
 2. If the discharger monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

3. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
4. As required by 40 CFR Parts 122.45(b)(2), if a non-POTW discharger has production-based limitation, then the discharger shall submit with the DMR the level of production that actually occurred during each month and the limitations, standards, or prohibitions applicable to that level of production.
- f. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- g. Twenty-four hour reporting. The discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

The following shall be included as information that must be reported within 24 hours under this paragraph:

1. Any unanticipated bypass that exceeds any effluent limitation in the permit.
2. Any upset that exceeds any effluent limitation in the permit.
3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Board in this permit to be reported within 24 hours.

The Executive Officer may waive the above-required written report on a case-by-case basis for reports under this provision if the oral report has been received within 24 hours.

- h. Other noncompliance. The discharger shall report all instances of noncompliance not reported under paragraphs a., e., f, and g. of this provision, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph g. of this provision.
- i. Other information. Where the discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Board, the discharger shall promptly submit such facts or information. [40 CFR Part 122.41(1)]

13. Bypass

a. Definitions

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that 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.
 - b. Bypass not exceeding limitations. The discharger may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is essential maintenance to assure efficient operation. These bypasses are not subject to paragraphs c. and d. of this provision.
 - c. Notice
 1. Anticipated bypass. If the discharger knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 2. Unanticipated bypass. The discharger shall submit notice of an unanticipated bypass as required in paragraph g. of provision 12 above (24-hour notice).
 - d. Prohibition of bypass. Bypass is prohibited, and the Regional Board may take enforcement action against the discharger for bypass, unless:
 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. 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 which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The discharger submitted notices as required under paragraph c. of this provision.
 - e. Approval of anticipated bypass. The Regional Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Board determines that it will meet the three conditions listed above in paragraph d. of this provision. [40 CFR Part 122.41(m)]
14. Upset
- a. Definition. "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.
 - b. 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 paragraph c. of this provision 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.

- c. Conditions necessary for a demonstration of upset. A discharger that wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and that the discharger can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated;
 3. The discharger submitted notice of the upset as required in paragraph g. of provision 12 (24-hour notice); and
 4. The discharger complied with any remedial measures required under provision 4.
- d. Burden of proof. In any enforcement proceeding, the discharger seeking to establish the occurrence of an upset has the burden of proof. [40 CFR Part 122.41(n)]

15. Enforcement

The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of violation. Any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than 1 year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the Clean Water Act.

EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Regional Board as soon as they know or have reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this permit, if that discharge will exceed the highest of the following "notification levels":
 - a. One hundred micrograms per liter (100 $\mu\text{g/l}$);
 - b. Two hundred microgram per liter (200 $\mu\text{g/l}$) for acrolein and acrylonitrile; five hundred microgram per liter (500 $\mu\text{g/l}$) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR Part 122.21(g)(7); or
 - d. The level established by the Regional Board in accordance with 40 CFR Part 122.44(f). [40 CFR Part 122.42(a)(1)]

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. Five hundred microgram per liter (500 µg/l);
 - b. One milligram per liter (1 mg/l) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR Part 122.21(g)(7)
 - d. The level established by the Regional Board in accordance with 40 CFR Part 122.44(f) [40 CFR Part 122.42(a)(2)]

PUBLICLY OWNED TREATMENT WORKS (POTWs)

1. Notice of Changes

All POTWs must provide adequate notice to the Regional Board of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to Section 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the provision.

For purposes of this provision, adequate notice shall include information on (1) the quality and quantity of effluent introduced into the POTW, and (2) any anticipated impacts on the quantity or quality of effluent to be discharged from the POTW. [40 CFR Part 122.42(b)]

2. Pretreatment

Any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) and receiving from industrial users pollutants which pass through or interfere with the operation of the POTW or are otherwise subject to Pretreatment Standards will be required to establish a POTW Pretreatment Program. The Regional Board may require that a POTW with a design flow of 5 mgd or less develop a POTW Pretreatment Program if it finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent interference with the POTW or Pass Through. [40 CFR Part 403.8]

3. National Pretreatment Standards: Prohibited Discharges

- a. General Prohibitions. No source may introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph b. of this provision apply to all non-domestic sources introducing pollutants into a POTW whether or not the source is subject to other National Pretreatment Standards or any national, state, or local Pretreatment Requirements.

- b. Specific prohibitions. In addition, the following pollutants shall not be introduced into a POTW:
1. Pollutants which create a fire or explosion hazard in the POTW, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Part 261.21;
 2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;
 3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
 4. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW; and
 5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C(104°F) unless the Regional Board, upon request of the POTW, approves alternate temperature limits.
 6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
 7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- c. When specific limits must be developed by a POTW.
1. POTWs developing POTW Pretreatment Programs pursuant to 40 CFR Part 403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs a. and b. of this provision.
 2. All POTWs shall, in cases where pollutant contributed by user(s) result in interference or pass through, and such violation is likely to recur, develop and enforce specific effluent limits for industrial user(s), and all other users, as appropriate, which, together with appropriate changes in the POTW treatment plant's facilities or operations, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.
 3. Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.
- d. Local limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with paragraph c. above, such limits shall be deemed Pretreatment Standards for the purposes of Section 307(d) of the Clean Water Act. [40 CFR Parts 403.5 (a) through (d)].