

State Water Resources Control Board

**REVISED**  
**NOTICE OF PUBLIC HEARING ON CHANGES TO  
MITIGATED NEGATIVE DECLARATION  
AND ADOPTION MEETING FOR**

**FINAL DRAFT RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION AND  
EXCEPTIONS TO THE STATEWIDE IMPLEMENTATION POLICY AND THE CALIFORNIA  
OCEAN PLAN FOR DRINKING WATER SYSTEM DISCHARGES**

**AND**

**FINAL DRAFT STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION  
SYSTEM PERMIT  
FOR DRINKING WATER SYSTEMS DISCHARGES**

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (State Water Board) will hold a public hearing to receive oral comments and testimony **on changes made to the final draft mitigated negative declaration as a result of the oral comments received at the October 21, 2014 public workshop.**

At the conclusion of the public hearing, the State Water Board will consider adoption of the final draft resolution: (1) approving a Mitigated Negative Declaration prepared in accordance with the California Environmental Quality Act; and (2) granting a regulatory exception from specified state water quality standards for mandatory discharges from drinking water systems that result from compliance with the federal Safe Drinking Water Act and the California Health and Safety Code. The State Water Board has previously held a hearing on August 5, 2014, and a public workshop on October 21, 2014, concerning the mitigated negative declaration.

The public hearing will be conducted as part of the State Water Board's consideration of the mitigated negative declaration at its regularly scheduled meeting at the following time and location:

**Tuesday, ~~November 4~~ November 18, 2014 – 9:00 a.m.**  
Joe Serna, Jr. - Cal/EPA Headquarters Building  
Coastal Hearing Room  
1001 I Street, Second Floor  
Sacramento, CA 95814

**Comments at the hearing and adoption meeting will be limited to changes made to the final draft documents as a result of the oral comments received at the October 21, 2014 public workshop. Written comments will be accepted solely at the discretion of the Board Chair.**

Subsequent to the public hearing, the State Water Board will consider adoption of the Final Draft Mitigated Negative Declaration, Final Draft Resolution and Final Draft Statewide General NPDES Permit.

## **BACKGROUND**

Water purveyors, including water districts, are responsible for developing water supplies and providing drinking water to their communities and customers in accordance with statutory requirements of the federal Safe Drinking Water Act and the California Health and Safety Code. Mandatory system-development and system-maintenance activities can result in surface water discharges of drinking and potable water, either via storm drain systems or directly to the ocean, a creek, river, or lake. Clean Water Act section 402 requires that a discharge of any pollutant or combination of pollutants to surface waters that are deemed waters of the United States be regulated by a NPDES permit. The proposed permit would require water purveyors to:

- implement best management practices that are approved by professional associations to minimize erosion and introduction of debris into surface waters,
- implement *in-situ*<sup>1</sup> compliance monitoring,
- demonstrate compliance with chlorine effluent limitations using hand-held monitoring equipment, and/or the presence of a de-chlorination agent in the discharge, and
- implement immediate response activities when made aware of a discharge due to unplanned pipe breaks and/or catastrophic events.

Additionally, the Final Draft Resolution proposes, per Section 5.3 of the State Water Board's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy)*, and Section III.J of the *California Ocean Plan*, the granting of a statewide exception to water districts/purveyors from complying with specified requirements, if determined to be necessary to implement control measures for drinking water systems in order to fulfill statutory requirements under the federal Safe Drinking Water Act or the California Health and Safety Code. Such an exception will allow water districts and purveyors to carry out their mandatory responsibilities to protect public health and safety without violating requirements set forth in the State Implementation Policy and the Ocean Plan. The Final Draft Resolution also proposes the approval of a Draft Mitigated Negative Declaration, prepared in accordance with the California Environmental Quality Act, for the proposed granting of the above-described exceptions.

The State Water Board issued the Final Draft Resolution, the Final Draft Statewide General NPDES Permit for Drinking Water System Discharges and a summary of substantive changes on October 2, 2014. On October 21, 2014, the State Water Board held a public workshop. The Final Draft documents address consideration of the following State Water Board direction to staff:

1. Add turbidity meter monitoring for discharges due to well development and rehabilitation operations.
2. Clarify that proposed best management practices requirements only apply to discharges to waters of the United States.
3. Evaluate if a discharge to a dry creek can be considered a water reuse (i.e. groundwater recharge)

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<sup>1</sup> In the natural or original position or place.

4. Consider whether to amend the State Water Board's fee schedule to address to concerns by water purveyors who operate multiple water supply systems.
5. Clarify the minimal level of effort necessary for best management practice implementation for de minimis discharges.
6. Clarify language on total maximum daily loads (TMDLs) to also allow the proposed statewide permit to implement TMDL requirements as the Deputy Director of Water Quality determines appropriate.
7. Extend the application due date to six months after the permit adoption date.
8. Address the Los Angeles Department of Water and Power's concerns regarding monitoring and notification of emergency discharges and other security concerns.
9. Address proposed permit language for natural dechlorination of chlorine and potential false positives resulting from chlorine residual field monitoring.
10. Clarify that information required to be submitted in an application package does not include a detailed map.

#### **AVAILABILITY OF DOCUMENTS**

The Final Draft Resolution and Final Draft Statewide General NPDES Permit for Drinking Water Systems Discharges may be viewed and downloaded from the State Water Board's Web site at: [http://www.waterboards.ca.gov/water\\_issues/programs/npdes/drinkingwatersystems.shtml](http://www.waterboards.ca.gov/water_issues/programs/npdes/drinkingwatersystems.shtml)

You may request a paper copy by contacting Mr. Renan Jauregui at (916) 341-5505 or by emailing your request to [renan.jauregui@waterboards.ca.gov](mailto:renan.jauregui@waterboards.ca.gov).

#### **PROCEDURAL MATTERS**

At the public hearing and adoption meeting, participants will be given an opportunity to comment orally. To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral presentations may be time-limited. Any person desiring to receive future notices concerning the Draft Resolution and/or the Draft Statewide General NPDES Permit for Drinking Water Systems Discharges must sign up for the Lyris email list. Interested persons are encouraged to subscribe to an email list serve for future notices about the General NPDES Permit for Drinking Water System Discharges

at: [http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml), (select *Discharges from Drinking Water Systems* under the *Water Quality Topics* category). The email list serve will be the primary method for providing future notices related to the implementation of a newly issued Resolution and Permit. Persons without access to email may request paper copies of future notices by mailing such request to the above address.

#### **EX PARTE DISCLOSURE REQUIREMENTS FOR PENDING GENERAL ORDERS**

This item is subject to the ex parte communication disclosure requirements of Water Code section 13287, as explained in [http://www.waterboards.ca.gov/laws\\_regulations/docs/exparte.pdf](http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf). Any communications between interested persons and board members (other than at a noticed board meeting or submitted as a comment letter in compliance with the public notice) must be disclosed by the interested person within seven days of the communication. Sample disclosure forms are available at: [http://www.waterboards.ca.gov/laws\\_regulations/docs/swrcb\\_godf\\_fillin.pdf](http://www.waterboards.ca.gov/laws_regulations/docs/swrcb_godf_fillin.pdf).

Beginning Tuesday, ~~October 21, 2014~~ **November 4, 2014**, ex parte communications between interested persons and board members concerning this item are prohibited.

**PARKING AND ACCESSIBILITY**

There is a parking garage across from the building with entrances on 10th and 11th Streets between "I" and "J" Streets, and metered parking spaces in the vicinity of the building. For a map, see our Web site: <http://www.calepa.ca.gov/EPAldg/location.htm>.


Please note: All visitors to the Joe Serna Jr. - Cal/EPA Headquarters Building are required to sign in and receive a badge at the Visitor Services Center located inside the main entrance. Valid picture identification may be required due to the security level. Please allow up to 15 minutes for receiving clearance before proceeding to the Coastal Hearing Room on the second floor.

The Joe Serna Jr. - Cal/EPA Headquarters Building is accessible to persons with disabilities. Individuals who require special accommodations are requested to call (916) 341-5880, at least five working days prior to the meeting date. Persons with hearing or speech impairments can contact us by using the California Relay Service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD Device. HEARING IMPAIRED RELAY SERVICE: TDD to voice (800) 735-2929; voice to TDD (800) 735-2922.

**ADDITIONAL INFORMATION**

Please direct questions about this notice to Mr. Renan Jauregui at (916) 341-5505 or [renan.jauregui@waterboards.ca.gov](mailto:renan.jauregui@waterboards.ca.gov).

October 31, 2014  
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Date

  
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Jeanine Townsend  
Clerk to the Board