

**STATE WATER RESOURCES CONTROL BOARD
BOARD HEARING SESSION – DIVISION OF WATER QUALITY
AUGUST 5, 2014**

ITEM 10

SUBJECT

PUBLIC HEARING ON THE PROPOSED RESOLUTION APPROVING EXCEPTIONS TO THE STATEWIDE IMPLEMENTATION POLICY AND THE CALIFORNIA OCEAN PLAN, AND PROPOSED STATEWIDE GENERAL NPDES PERMIT FOR DRINKING WATER SYSTEMS DISCHARGES

DISCUSSION

Water purveyors are responsible for developing water supplies and providing drinking water to 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 often result in surface water discharges, either via storm drain systems or directly to a creek, river, lake, estuary, or the ocean. The mandatory discharges consist of raw water, potable water, and/or treated drinking water, and may contain constituents that threaten to impair surface water quality.

The draft Resolution proposes: 1) to approve the Initial Study/Mitigated Negative Declaration (IS/MND) for the project, and 2) to grant water purveyors statewide an exception to the State Water Board's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* and the *California Ocean Plan* for compliance with California Toxics Rule priority pollutant criteria/objectives. These state policies allow for the granting of this regulatory exception for discharges from mandated activities necessary to implement system control measures to fulfill statutory requirements under the federal Safe Drinking Water Act or the California Health and Safety Code. Such an exception will allow water purveyors statewide to proceed with mandated responsibilities to protect public health without conflicting restrictions or concern of violating elements of the California Toxics Rule.

State Water Board staff prepared a draft IS/MND to fulfill the California Environmental Quality Act requirements for the State Water Board's proposed granting of an exception to the above-mentioned policies. The [draft IS/MND is attached to the draft Resolution](#). Adoption of the proposed Resolution includes the State Water Board's approval of the IS/MND.

The [proposed permit](#) is a statewide general National Pollutant Discharge Elimination System (NPDES) permit for discharges from drinking water systems that serve 15 or more connections and are regulated through the [Department of Public Health or State Water Board] Drinking Water Program or a local county health department. The permit is intended to promote regulatory efficiency, consistency and reduced cost of compliance, and to implement regulatory exceptions specifically for mandated water system activities (as proposed per the draft resolution). Through proposed effluent limitations and provisions for implementation of best management practices, the proposed permit targets specific water quality threats from drinking water system discharges. Beneficial uses of receiving waters are proposed to be protected through permit requirements that target: (1) toxicity from chlorinated water, (2) sediment and solids loading from transport of debris and trash, and erosion, and (3) hydromodification due to high velocity and/or high volume discharges.

The proposed permit is also intended to promote multiple uses of the generally high quality water that is discharged from drinking water systems. This would be accomplished through reduction or elimination of monitoring requirements for beneficial use or reuse of water prior to reaching surface water (especially discharge to the ocean).

POLICY ISSUE

The draft statewide general NPDES permit is proposed to provide regulatory coverage to water purveyors statewide for discharges that comply with specified requirements and, for those constituents covered by the California Toxics Rule and California Ocean Plan exceptions, have less-than-significant impact on the environment with appropriate mitigation. The proposed permit requires enrollment of all community water systems that provide drinking water to a community through 15 connections or more, other than the following: (1) water purveyors that are named as a permittee or co-permittee on a municipal NPDES storm water permit, or (2) water purveyors that have entered into a local agreement with a municipal NPDES storm water permittee to discharge into its storm water system. The proposed permit additionally allows Regional Water Boards to permit water purveyors with a separate NPDES permit if the discharge from the water purveyor's system does not comply with the eligibility components of the proposed permit.

FISCAL IMPACT

The NPDES program is a fee based program. State Water Board staff work resulting from this action will not require resources above and beyond the existing and future budgeted resources.

REGIONAL BOARD IMPACT

Yes. If adopted, the proposed permit will initially require Regional Water Boards to address existing enrollment in existing NPDES permits for water purveyors. State Water Board staff will implement the proposed permit. Once implemented, Regional Water Boards will no longer need to provide staff resources for the permitting of discharges from drinking water systems enrolled in the statewide permit. No changes are proposed to the existing staff resources provided by regional water boards for enforcement purposes.

STAFF RECOMMENDATION

None. The Board will not be asked to make a decision at this public hearing.

<p>State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Strategic Plan Update: 2008-2012 to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures. In particular, approval of this item will assist in fulfilling Objective 6.2 to target consistency improvements in program delivery identified through past input, and solicit input to identify consistency issues as they arise.</p>
