

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

ITEM NUMBER: 13

FACT SHEET

SUBJECT: General National Pollutant Discharge Elimination System Permit for Discharges with Low Threat to Water Quality, Order No. R3-2006-0063, NPDES No. CAG 993001

KEY INFORMATION:

Location: This permit applies to locations throughout the Central Coast Region

Types of Waste: This permit applies to many types of waste discharges with very low pollutant content and with no likely adverse effect on water quality, including, but not limited to the following:

- Maintenance and hydrostatic testing of water supply wells, tanks, and pipelines;
- Fire hydrant testing or flushing;
- Evaporative cooling discharge;
- Swimming and landscape pool drainage;
- Brine from small desalination facilities to marine waters;
- Seafood processing wash water; and
- Treated bilge water from small watercraft.

This Action: Adopt Waste Discharge Requirements Order No. R3-2006-0063

SUMMARY

This action will reissue the region-wide NPDES General Permit covering low-threat discharges from various sources. Historic monitoring data shows that these common discharge sources typically pose very little or no threat to water quality. By reissuing this permit, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) enables staff to rapidly enroll these discharges and implement appropriate requirements for discharge and monitoring. This benefits water quality by economizing on Central Coast Water Board resources spent on low threat discharges by not issuing individual permits, thereby allowing better resource allocation toward priority water quality threats.

DISCUSSION

Background

In 1972, the Federal Water Pollution Control Act (Clean Water Act [CWA]) was amended to prohibit the discharge of pollutants to waters of the United States from any point source unless the discharge complies with a National Pollutant Discharge Elimination System (NPDES) permit. The federal regulations allow authorized states to issue general NPDES permits or individual NPDES permits to regulate discharges of pollutants to waters of the United States. The Central Coast Water Board adopted its first General NPDES Permit for Discharges with Low Threat to Water Quality (hereafter "General Permit") in December 1996 and has subsequently amended it every five years (2001 and 2006).

The purpose of the General Permit is to facilitate permitting of discharges that Water Board staff determines pose a low water-quality threat, in a timely and cost effective manner. The General Permit can be used in concert with the Board's waiver policy and other low threat permits for regulating low threat discharges to land and surface water.

To obtain authorization under the General Permit for continued and future discharges to waters of the United States, dischargers in categories covered by the General Permit must submit a Notice of Intent (NOI) as provided in 40 CFR Part 122.28 (b)(2). After the effective date of the General Permit (December 1, 2006), all low threat dischargers in categories covered under the General Permit must file either an NOI or an application for an individual NPDES permit. Unmodified existing discharges that are covered under the existing low-threat permit need not file a new NOI.

Discharging pollutants to surface waters without an NPDES permit is illegal, whether or not a discharge is eligible for coverage under the General Permit. Facilities that discharge pollutants and do not obtain coverage under this or another general NPDES permit, or under an individual NPDES permit, are in violation of the CWA and the California Water Code.

To date, 78 dischargers have been authorized to discharge wastewater under the General Permit and 47 dischargers are still actively enrolled. Approximately 20 to 30 new applications for coverage under the General Permit are received each year. Streamlining the permitting process through the General Permit has resulted in regulation of many low threat waste discharges in a timely and resource-efficient manner, thus not expending undue staff time on lower priority work.

Criteria for Enrollment under this General Permit

The General Permit is intended to cover all new or existing discharges with low threat to water quality. To be covered by the General Permit, discharges must meet the following criteria:

1. Pollutant concentrations in the discharge do not (a) cause, (b) have a reasonable potential to cause, or (c) contribute to an excursion above any applicable water quality objectives, including prohibitions of discharge for a given surface water body.
2. The discharge does not include water added for the purpose of diluting pollutant concentrations.
3. Pollutant concentrations in the discharge will not cause or contribute to degradation of water quality or impair beneficial uses of receiving waters.

Types of Discharges Covered by the General Permit

The list below provides examples of discharges potentially meeting the above stated criteria. This is not a complete list of discharges eligible for consideration of coverage under the General Permit. Dischargers may submit NOIs for other proposed discharges to the Water Board for coverage consideration. In addition, local governmental agencies may require controls or management measures for discharges occurring within their jurisdiction in addition to or more stringent than the controls specified in this General Permit. Discharges in the following categories already covered under an individual NPDES permit may receive coverage under the General Permit if the discharger submits an NOI for coverage under the General Permit. Dischargers whose discharges fit in the following categories must submit an NOI to be covered by the General Permit or must submit a complete NPDES application to obtain an individual NPDES permit.

1. Discharges associated with water supply well installation, development, test pumping and purging;
2. Discharges resulting from the maintenance of uncontaminated water supply wells, pipelines, tanks, etc.;
3. Discharges resulting from hydrostatic testing of water supply vessels, pipelines, tanks, etc.;
4. Discharges resulting from the disinfection of water supply pipelines, tanks, reservoirs, etc.;
5. Discharges from water supply systems resulting from system failures, pressure releases, etc.;
6. Discharges from fire hydrant testing or flushing;
7. Commercial cooling tower water;
8. Evaporative condensate;
9. Swimming and landscape pool drainage;
10. Brine from small desalination facilities;
11. Seafood processing wash water;
12. Treated bilge water from small watercraft;
13. Other low-threat discharges not covered by the Construction Activities Storm Water General Permit (i.e., sites with less than one acre of disturbance or where projects are not part of a larger common plan of development that in total disturbs one or more acres), the Industrial Activities Storm Water General Permit, a Caltrans Statewide General Permit, or Statewide General NPDES Permit for Discharges from Utility Vaults and Underground Structures; and,
14. Other similar types of wastes that pose a low threat to water quality yet technically must be regulated under waste discharge requirements.

These wastewaters may be treated and discharged on either a continuous or batch basis.

Types of Discharges Not Covered by the General Permit

Discharges that are excluded from coverage under the General Permit include (1) discharges from domestic wastewater treatment facilities, (2) discharges from secondary containment structures, (3) discharges from groundwater cleanup projects,

and (4) discharges exhibiting acute or chronic toxicity, containing chemical or organic constituents in concentrations that may impact water quality, or have a temperature adversely impacting beneficial uses. These discharges are appropriately regulated under an individual or another General NPDES Permit.

Discharges from soil and groundwater cleanups are most appropriately regulated under this Region's General NPDES Permit for Discharges of Highly Treated Groundwater to Surface Waters.

Permit Limitations

Effluent, receiving water, ocean water, and groundwater limitations proposed in the General Permit protect the beneficial uses of receiving surface waters, ocean waters, and groundwater. The limitations are specified in the Basin Plan and the California Ocean Plan.

The General Permit expires on December 1, 2011. Those permittees authorized to discharge under the General Permit at the time of expiration will automatically be re-enrolled under the reissued General Permit, unless a Notice of Termination or Transfer is submitted to terminate coverage.

California Toxics Rule

On December 22, 1992, and May 18, 2000, U.S. Environmental Protection Agency adopted the National Toxics Rule and the California Toxics Rule, respectively. These toxic rule regulations are codified in 40 CFR section 131.36 and section 131.38 and establish numeric criteria for priority toxic pollutants for California's inland surface waters, enclosed bays, and estuaries. Concurrently with the California Toxics Rule adoption, the State Board adopted a Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy).

The State Implementation Policy establishes procedures to implement National Toxics Rule

and California Toxics Rule water quality criteria as well as water quality objectives contained in the Basin Plan. The State Implementation Policy requires dischargers to submit sufficient data to determine the need for water quality-based effluent limits and establishes procedures for determining that need, and for calculating these effluent limits, when necessary.

In accordance with the methodology of the State Implementation Policy, the most stringent applicable water quality-based effluent limits and criteria contained in the Basin Plan, the National Toxics Rule, and the California Toxics Rule, were compared to determine the effluent limit for toxic pollutants.

The State Implementation Policy requires periodic monitoring of priority pollutants for which no effluent limitations have been established. However, low-volume discharges are exempt from this monitoring requirement because the discharge is determined to have no significant adverse impact on water quality.

The State Implementation Policy also authorizes exceptions (Section 5.3) for certain categories of discharges, such as those resulting from resource management (e.g. fishery management, etc.), and fulfillment of the federal Safe Drinking Water Act or the California Health and Safety Code (e.g. draining water supply reservoirs, pipelines, and treatment facilities for cleaning and maintenance, etc.).

Central Coast Water Board staff will evaluate information submitted as part of the NOI and will determine if waste discharges have no significant impact on water quality and/or meet the conditions for categorical exceptions from the State Implementation Policy provisions. Following this determination, the discharge can be enrolled under the General Permit. Although the General Permit does not contain numeric effluent limitations for toxic pollutants, granting the exceptions will not compromise the protection of surface water beneficial uses. No discharger can obtain coverage under the permit

if pollutants in the discharge have the reasonable potential to cause or contribute to a water quality standards violation.

OTHER GENERAL NPDES PERMITS

Highly Treated Groundwater to Surface Waters General Permit – On December 7, 2001, the Central Coast Water Board adopted Order No. 01-134 (NPDES No. CAG993002) for discharges of highly treated groundwater to surface waters, which was a renewal and update of Order No. 96-04. That permit applies to discharges of highly treated groundwater resulting from cleanups at leak and spill sites with no likely adverse effect on water quality, including, but not limited to:

- Cleanup of petroleum or other chemicals from underground storage tanks, or other sources of pollution;
- Aquifer pumping tests;
- Dual-phase extraction, or other remedial pilot tests; and
- Excavation dewatering for the removal and installation of underground storage tanks, or during the excavation of contaminated soils.

This highly treated groundwater NPDES permit (No. CAG993002) is also scheduled to be renewed on December 1, 2006.

Industrial Activities Storm Water General Permit – On April 17, 1997, the State Water Board adopted Order No. 97-03-DWQ, NPDES General Permit No. CAS000001 for the regulation of storm water discharges associated with industrial activities. Order No. 97-03-DWQ, Special Condition D-1, authorizes non-storm water discharges, including fire hydrant flushing; potable water sources, including potable water related to the operation, maintenance, or testing of potable water systems; atmospheric condensates, including refrigeration, air conditioning, and compressor condensate; irrigation drainage and landscape watering; springs and groundwater; foundation or footage drainage; sea water

infiltration; and discharges from fire fighting activities.

Order No. 97-03-DWQ (Industrial General Permit) allows the Central Coast Water Board discretion to establish additional monitoring and reporting requirements for any of these non-storm water discharges. The additional monitoring and reporting requirements and discharge limitations contained in the Industrial General permit may serve that purpose. To ensure compliance with water quality objectives, coverage under this General Permit may be necessary for any of the non-storm water discharges not listed in the Industrial General Permit. However, duplicative permit coverage is not required.

Construction Activities Storm Water General Permit – On August 19, 1999, the State Water Board adopted Order No. 99-08-DWQ, NPDES General Permit No. CAS000002 for the regulation of storm water discharges associated with construction activities. Order No. 99-08-DWQ; Special Provision No. C.3 allows for discharges of construction-related non-storm water that do not cause or contribute to a violation of any water quality standard. Such discharges include, but are not limited to irrigation of vegetative erosion control measures, pipe flushing and testing, street cleaning, and dewatering. Order No. 99-08-DWQ provides adequate water quality protection and compliance monitoring. Non-storm water discharges related to construction activities may continue to be regulated under Order No. 99-08-DWQ while construction activities continue.

Caltrans Statewide Storm Water Permit – On July 15, 1999, the State Water Board adopted Order No. 99-06-DWQ (Caltrans General Permit), NPDES General Permit No. CAS000003 for the regulation of storm water discharges associated with Caltrans activities. Order No. 99-06-DWQ, Provision B, authorizes discharges of non-storm water from sources owned or operated by Caltrans that are not sources of pollutants to receiving waters. To ensure compliance with water quality objectives, coverage under this

General Permit may be necessary for any of the non-storm water discharges not listed in the Caltrans General Permit; therefore, duplicative permit coverage is not required.

Statewide General NPDES Permit for Discharges from Utility Vaults and Underground Structures – On July 19, 2006, the State Water Board adopted Order No. 2006-0008-DWQ, NPDES General Permit No. CAG990002 for the regulation of dewatering of storm water inflow, subterranean seepage, and water condensation from utility vaults and other underground structures. These types of discharges are appropriately regulated under that general permit.

Statewide General NPDES Permits for Discharges of Aquatic Pesticides— On May 20, 2004, the State Water Board adopted Order No. 2004-0009-DWQ, General NPDES Permit No. CAG990005 for the Discharge of Aquatic Pesticides for Aquatic Weed Control in Waters of the United States. General NPDES Permit No. CAG990005 regulates pollutants associated with aquatic pesticide applications including over-applied and misdirected pesticide product and pesticide residues. These types of discharges are appropriately regulated under that general permit.

CHANGES TO GENERAL PERMIT REQUIREMENTS

The following changes to the former General Permit (Order No. 01-119) are included in this General Permit (Order No. R3-2006-0063):

Enrollment Criteria — Four additional criteria have been stated in the General Permit. These are sections:

d. Pollutant concentrations in the discharge shall not exceed the water quality criteria for toxic pollutants (Attachment D and Part C of this Order).

e. The discharge shall not cause acute or chronic toxicity in receiving waters.

f. The discharger shall demonstrate the ability to comply with the requirements of this General Permit.

g. The Discharger shall inform appropriate jurisdictional agencies and the public about the potential significant environmental effects of proposed activities as required by the California Environmental Quality Act (CEQA).

Examples of Other Low Threat Discharges —

Examples of other low threat discharges not covered by other discharge specific general NPDES permits includes the low threat discharges not covered under the Construction Activities Storm Water General Permit. This example required further clarification in that the other low threat discharges not covered under the Construction Activities Storm Water General Permit specifically targets sites with less than one acre of construction disturbance and construction sites less than one acre that are not part of a larger common plan of development that in total disturbs one or more acres.

State Implementation Policy — Examples of State Implementation Policy categorical exceptions have been described in the revised General Permit in Finding No. 7.

Special Circumstances For Enrollment —

Special circumstances allowing enrollees the benefit of submitting a single application for multiple qualifying low threat discharges within a specific groundwater basin or receiving water body is outlined in Finding No. 10 of the General Permit. The special circumstance states that subsequent new discharges from the same sources or discharges into the same groundwater basin or receiving water body may be added to the existing General Permit enrollment at a future date by submitting a notice of intent (NOI) that indicates an “Additional Discharge to Existing Low Threat to Water Quality General Permit.” The Discharger must provide the required

information as stated in Section A in the General Permit.

Ocean Plan — References to the adopted 2005 Ocean Plan have been made in the revised General Permit.

California Toxics Rule, National Toxics Rule and the State Implementation Policy — The revised General Permit provides more detailed and specific information regarding the California Toxics Rule, National Toxics Rule and the State Implementation Policy.

Other General NPDES Permits Section — Water Board staff removed the section entitled, “Other General NPDES Permits” from the General Permit and inserted it into the General Permit Fact Sheet. Central Coast Water Board staff found that this type of information was not critical information for Discharger compliance with the General Permit.

The California Environmental Quality Act (CEQA) — This section of the General Permit is updated to include Categorical Exception CEQA authorizations to the Water Board by the State Implementation Policy and cite additional CEQA exemptions applicable to the permit renewal.

The Clean Water Enforcement and Pollution Prevention Act of 1999 — Provisions regarding mandatory minimum penalties are more clearly stated.

Water Code Section 13241 — The revised General Permit now includes a statement justifying individual pollutant requirements of the revised General Permit that are more restrictive than the federal Clean Water Act.

Annual Fee Clarification — Due to regular fee schedule modifications, the General Permit no longer states a dollar amount for the General Permit application fee. Applicants are directed to contact the Central Coast Regional Water Board for the current fee schedule.

Source of Requirements — The adopted 2005 State Implementation Policy has been added to the source of requirements for this General Permit.

Application Requirements for California Toxic Rule evaluating potential for Water Quality Degradation — The Discharger is now required to provide analytical results of effluent for water quality criteria listed in the new Attachment D of the General Permit. This requirement does not apply to State Implementation Policy Categorical Exceptions as stated in Section 5.3 of the State Implementation Policy.

Application Requirements for Background Analyses of the Receiving Surface Water Body — Previous versions of the General Permit did not require applicants to perform receiving surface water body background sampling and analyses prior to enrollment. Central Coast Water Board staff needs the background receiving surface water body data in order to ascertain if the permitted facility's discharge is meeting the effluent and receiving water limitations. The additional sampling analyses are outlined in Section A.b.6 of the General Permit. The applicant is required to provide pH, temperature, color, turbidity, and dissolved oxygen analytical results to Central Coast Water Board staff from a representative sample of the receiving surface water at a point 50 feet upstream and 50 feet downstream from the point of discharge, or if access is limited, at the first point upstream and downstream which is accessible.

Reasonable Potential Criteria Qualification — If effluent limits require a reasonable potential analysis as stated in Section 1.3 of the State Implementation Policy, then the Discharger is directed to obtain coverage under an individual NPDES permit or a different General Permit.

State Implementation Policy Categorical Exception Enrollment Criteria — Direction on obtaining a Categorical Exception to the State Implementation Policy is provided in the revised General Permit. Enrollment criteria for these types of discharges include the following requirements:

- a. A detailed description of the proposed action (i.e., draining water supply pipes, cleaning or maintenance of storm water conveyance systems, water supply well purging, etc.), including the proposed method of completing the action;
- b. A time schedule;
- c. A discharge and receiving water quality monitoring plan (before project initiation, during the project, and after project completion, with the appropriate quality assurance and quality control procedures);
- d. CEQA documentation;
- e. Contingency plans;
- f. Identification of alternative water supply (if needed);
- g. Residual waste disposal plans;
- h. Upon completion of the project, the discharger shall provide certification by a qualified biologist that the receiving water beneficial uses have been restored.

Contingency Plan Submittal — The discharger is directed to submit a Contingency Plan if the proposed discharge exceeds 0.3 million gallons

per day (MGD) and is longer than 6 months in duration or if the discharge qualifies for a State Implementation Policy Categorical Exception.

Discharges Already Covered under the General Permit — Application Requirement No. 9 states, “9. As of the effective date of Order No. R3-2006-0063, Dischargers covered under Order No. 01-119 shall be enrolled under Order No. R3-2006-0063. Such Dischargers must comply with all requirements of Order No. R3-2006-0063 beginning with the effective date.”

Additional Discharge Prohibition — To ensure that the discharge does not cause erosion at the point of discharge into the receiving water body, the following discharge prohibition has been added to the General Permit as Section B.7 stating, “The discharge shall cause no scouring or erosion at the point where it discharges into the receiving waters.”

Effluent Limitations for Chlorine Residual — In Effluent Limitations Section C.1, the word ‘measurable’ is now ‘detectable’ based on analytical terminology. Typically, an analytical statement regarding ‘detection’ refers to an instrument’s detection limit or the method detection limit that verifies the existence or non-existence of a constituent but is not necessarily an accurate ‘measurement’ or quantification of the constituent.

Additional Effluent Limitations for Total Dissolved Solids — Water Board staff added an effluent limitation for total dissolved solids (TDS). This is based on the high potential for evaporative cooler discharge water having high TDS concentrations. The new Section C.2 states, “Effluent shall not have measurable total dissolved solids greater than water quality objectives stated for general and specific inland water bodies and groundwater.”

Deletion of Effluent Limitations for Ocean Plan Acute Toxicity — In the last amended version of the Ocean Plan (2005), acute toxicity is no longer a Table A effluent limitation but is

now an ocean water quality objective. Central Coast Water Board staff has removed the acute toxicity effluent limitation from the Section C.5 Table No. 3. Acute toxicity will continue to be monitored on an annual basis.

State Implementation Policy Categorical Exception Effluent Limitations — Discharges qualifying for Categorical Exception criteria must meet California Department of Health Services Maximum Contaminant Levels for drinking water.

Receiving Water Limitations — Receiving waters limitations for pH, temperature, color, turbidity, and dissolved oxygen are not relevant for a dry creek or riverbed; therefore, limitations to receiving water has been furthered specified as, “when surface waters are running.”

Additional Receiving Water Limitation Modifications — The statement “The discharge shall not contain:” alludes to effluent limitations more than for a section describing receiving water limitations. Central Coast Water Board staff removed this statement from Section D of the General Permit.

Standard Provisions and Reporting Requirements — The General Permit now requires enrollees to comply with the Central Coast Region’s Standard Provisions and Reporting Requirements for National Pollutant Discharge Elimination System Permits with the exception of Section A.16. Standard provision A.16 requires annual reports to be submitted on January 30 of each year. Annual reporting for this General Permit will occur as stated in Section G.4 of the Monitoring and Reporting Program No. R3-2006-0063.

Contingency Plan Public Review — Discharges requiring a Contingency Plan will be required to go through the 30-day public comment period before enrollment into the General Permit.

MONITORING AND REPORTING PROGRAM (MRP)

MRP No. R3-2006-0063 is part of the General Permit. This MRP requires routine effluent and receiving water monitoring to verify compliance and protection of water quality. Upon enrollment of each discharge under the General Permit, Staff may modify the MRP to accurately monitor the effect of that specific discharge. For instance, if a particular discharge has no potential to contain oil and grease, the requirement to monitor oil and grease in effluent would be removed. Conversely, if the general MRP is deemed insufficient to monitor a particular discharge, the monitoring frequency may be increased and/or the list of monitored constituents may be expanded.

CHANGES TO GENERAL PERMIT MONITORING AND REPORTING PROGRAM

The following changes to the former MRP; Order No. 01-119 are included in this General Permit MRP (Order No. R3-2006-0063):

Sections A through D Added to the MRP —

Overall, the General Permit MRP now includes background and defining text that supports the requirements of the General Permit MRP. The following sections have been added to the General Permit MRP. A discussion about each section is provided in detail below:

- A. GENERAL
- B. DEFINITION OF TERMS
- C. SPECIFICATIONS FOR SAMPLING AND ANALYTICAL METHODS
- D. START-UP PHASE MONITORING AND REPORTING

Section A. General: The “General” section provides the legal reference requiring a discharger to perform discharge monitoring and reporting. This section also summarizes

the principal purposes of the monitoring program.

Section B. Definition of Terms: Section B provides guidance to the non-technical Discharger and added clarity of terms for personnel performing the sampling and reporting. Central Coast Water Board staff has defined the terms for effluent and receiving water body sample stations so that sample locations are consistent within all General Permit enrollees.

Section C. Specifications for Sampling and Analytical Methods: Much of the text in this section comes from the previous General Permit MRP Section C, but has been modified to provide more direction during sampling and analyses. The Sampling and Analytical Methods section provides detailed guidance to the Discharger with regard to the collection and analyses of effluent and receiving water samples. This section also covers the authorized analytical methods, calibration requirements, effluent sampling plans, follow-up measures to failing effluent and toxicity results, and frequency of sampling events.

Section D. Start Up Phase Monitoring and Reporting: It is imperative to understand the characteristics of the discharge at the start-up of the project prior to proceeding with discharges to the receiving water body. The requirement for start-up monitoring and reporting confirms effluent characteristics provided in the NOI and is necessary when effluent characteristics have not been determined due to the lack of water source data or other factors. The Discharger will be required to notify Water Board staff of project start-up date 7 to 14 days prior to start-up. This provides ample time for Central Coast Water Board staff to be present at the time of start-up to oversee that operations follow the intent of the permit.

Section E. Discharge Monitoring (Previously Section A in General Permit) — Modifications to the Discharge Monitoring section include:

- A. Start-up analyses are required for all constituents.
- B. ‘Flow Volume’ is now ‘Flow Rate.’ Reporting units remain the same (GPD or gallons per day).
- C. ‘Flow Rate’ is now ‘Discharge Volume’ to be reported as ‘Gallons’ on a ‘Monthly’ basis. The previous reporting unit was (GPM or gallons per minute) and reported on a weekly basis.
- D. Central Coast Water Board staff added a note describing the representative time to collect an effluent sample. The note reads as, “The Discharger will collect annual samples during a volumetric flow period that is representative of the average effluent flow rate or average seasonal effluent flow rate, whichever average is higher.”
- E. Central Coast Water Board staff added a note which defines Acute Toxicity. The note states, “TUa = 100/96-hr LC50%”

Section F. Receiving Water Monitoring (Previously Section B in General Permit) — Section F (previously B) defined receiving water and ocean water monitoring locations and discussed observations and frequency of observations. The monitoring location definitions are now in Section B of the General Permit and are not repeated here. This section is now in table format which directs the Discharger to focus more on the actual visual monitoring location and frequency required by the General Permit. Central Coast Water Board staff believes the previous text format of visual monitoring frequency caused the Discharger to overlook these requirements.

As a measure of receiving water quality prior to start of discharge and throughout the influence of a discharge event, Section F requires the Discharger to collect samples at start-up and on an annual basis. Receiving water analyses

includes pH, temperature, color, turbidity, and dissolved oxygen. This data will assist Water Board staff in determining influence or exceedance of limitations for the receiving water.

Section G. Reporting (Previously Section D in General Permit) — Central Coast Water Board staff has modified this section to provide the Discharger with a description of the minimum amount of data required in the Contingency Plan, Start-up Plan, Chemical Additives Report, and Self Monitoring Report. Items identified in this section, that were not previously discussed, include the requirement for a map or aerial photograph depicting discharge and monitoring locations, reporting of chemicals added to the process but not reported in the NOI, start-up data submittals, and soil erosion measures taken at the point of discharge.

Central Coast Water Board staff modified the annual January 31 report submittal due date. The new report due date is now set for 45 days after collection date of annual samples. This reporting due date allows Central Coast Water Board staff to be informed of any violations encountered within an acceptable time frame and address them early as opposed to potentially ten months after the violation occurred. This modification will require Central Coast Water Board staff to work with the Discharger to set an annual reporting date based on representative flow as stated earlier. The established sampling period and reporting date will be written into the Discharger’s monitoring and reporting program.

ENROLLMENT PROCESS

Submit Notice of Intent to Comply and Effluent and Receiving Water Data

To obtain coverage under the General Permit, a Notice of Intent (NOI) to Comply form and appropriate annual fee must be submitted for each individual discharge or outfall. Signing the certification on the NOI signifies the discharger’s

intent to comply with the provisions of the General Permit. Dischargers who submit an NOI are not required to submit an individual NPDES permit application.

NOI submittals must also include: (1) a list of chemicals (including Material Safety Data Sheets) added to the water; (2) analyses of effluent concentrations for appropriate chemical constituents (Attachment D), and (3) analyses of the receiving water body. Proposed discharges to inland surface waters must also submit results of analyses of effluent for total chlorine, pH, nitrate, turbidity, and total dissolved solids. Proposed discharges to ocean waters must also submit results of analyses of effluent for oil and grease, suspended solids, settleable solids, turbidity, pH, and acute toxicity. Central Coast Water Board staff will determine from the information submittals detailed above if additional monitoring is required.

Facilities with unpermitted existing discharges to surface waters that wish to seek coverage under this permit must submit an NOI. Facilities proposing new discharges must submit an NOI and first annual fee 30-days prior to the commencement of discharge. Dischargers are authorized to discharge upon written approval by the Executive Officer. Facilities failing to file their NOIs on the appropriate deadlines must still file NOIs, but will be in violation until they receive written Executive Officer approval.

The Discharger may receive a written Notification of Exclusion (NOE) indicating the discharge is excluded from coverage under the General Permit, a request to submit an application for an individual permit, or request to apply for another general NPDES permit from the Board. Authorization to discharge under the General Permit shall be terminated upon receipt of an NOE, or adoption of an individual permit or a different general NPDES permit.

Permit Fees

Dischargers required to submit an NOI must pay an annual fee based on relative threat to water quality and complexity. All low threat discharges covered under this General Permit will have a threat to water quality rating of III and a complexity rating of C.

Authorization of Enrollment

After Central Coast Water Board staff determines that enrollment of a proposed discharge is appropriate, staff will notify to the enrollee and other interested parties of the Central Coast Water Board's intent to enroll the proposed discharge under the General Permit. The enrollee and other interested parties are allowed a two-week period in which to comment. Assuming there are no significant objections, enrollment of the discharge under the General Permit is authorized in writing by the Executive Officer of the Water Board.

Central Coast Water Board Approval

All discharges authorized for enrollment under the General Permit are described in the *Low Threat Cases* section of each Central Coast Water Board meeting's agenda, in order for the Central Coast Water Board to review individual enrollees. Through this public review process, the Central Coast Water Board may determine that a particular waste discharge is not suitable for enrollment under the General Permit and will be more appropriately regulated under an individual NPDES permit, another general NPDES permit, or waste discharge requirements.

PUBLIC COMMENTS TO DRAFT GENERAL PERMIT ORDER NO. 06-0063

County of Santa Barbara, Public Works Dept. – Santa Barbara County requested that the Water Board defer action on the proposed General Permit until the following issues are addressed. The County's letter is included as Attachment No. 7 to this Fact Sheet.

1. A public process, including workshops and outreach, is needed to adequately inform dischargers regarding the permit program and the general permit itself.

Staff Response: As indicated in the Fact Sheet, the proposed action is renewal of an existing permit. The Central Coast Water Board initially held multiple public hearings regarding the Low Threat General Permit in 1996, resulting in adoption of the General Permit as a streamlining measure for regulating waste discharges with low potential threat to water quality. After additional public notice and hearing, the General Permit was renewed in 2001. The draft Fact Sheet summarizing the current renewal was circulated to all known interested parties, and the scheduled public hearing will provide additional information and public education opportunities. Additional public information is also available on the Central Coast Water Board's website. In short, the proposed permit renewal constitutes continuation of a permitting program which has been in place for many years.

Discharges typically enrolled under the Low Threat General Permit vary in source, setting, and characteristics. Therefore, Water Board staff frequently meet (either in person or by telephone) with applicants to review permit requirements and evaluate applicability. Water Board staff do not believe that additional public workshops would increase effectiveness in addressing public information needs. No change to the proposed Order or action is needed to address this comment.

2. The proposed revised Permit requires additional constituent monitoring (beyond that required in the existing permit), without providing the basis for such monitoring requirements. The additional constituent monitoring and requirement for "certified analytical results" will be unreasonably expensive for dischargers and provide no water quality benefit. Also, the County does

not believe that Water Board staff has adequate available time to review additional monitoring data generated by these expanded requirements. Accordingly, the monitoring program associated with the Low Threat Permit should be revised to reflect the State Water Board's General Low Threat Permit (Order No. 2003-0003-DWQ).

Staff Response: As described in the Fact Sheet (Pages 3 & 4) the proposed Permit includes constituent monitoring necessary to demonstrate compliance with the California Toxics Rule and State Implementation Policy. The proposed monitoring requirements are as streamlined (minimized) as possible to fit the low threat posed by these discharge types, while still meeting the requirements of the Implementation Policy. NPDES Permit monitoring is required and must be performed using U. S. EPA approved analytical methods and certified laboratories. This requirement (from the State Implementation Policy and federal regulations) is normally implemented through Standard Provisions and Reporting Requirements accompanying all Permits. The proposed General Permit simply states the requirement within the permit itself, to ensure that it is not overlooked. Also, the State Water Board's General Order No. 2003-0003-DWQ applies only to discharges to land, not surface waters. Accordingly, the State Implementation Policy (designed to protect surface waters) is not applicable to such discharges. No change to the proposed Order is needed to address this comment.

3. The proposed Low Threat General Permit provides for applicants to submit a single Notice of Intent (application) for multiple discharges of the same type within a single watershed. Due to the many small watersheds that make up the south coast of Santa Barbara County, this provision should be expanded to allow for a single application covering multiple discharges within multiple watersheds. For example, fire hydrant

discharges throughout the area could submit a single application.

Staff Response: Water Board staff agrees that similar discharges from a single entity can (in many cases) be effectively regulated using a single application. The fire hydrant testing example provided by Santa Barbara County is an excellent case-in-point. In fact, staff have been using this technique to streamline review efforts and minimize the burden of multiple application fees from a single applicant. Accordingly, the proposed Order is revised to remove the limitation of multiple discharge points so that discharges to multiple watersheds may be considered (Page 4, Finding 9). Water Board staff will continue to evaluate applications on a case-by-case basis to ensure effective use of this streamlining procedure.

City of Santa Barbara, Public Works Dept. – The City of Santa Barbara stated its support for comments presented by Santa Barbara County (above) and requested that the Water Board defer action on the proposed Permit until the following issues are addressed. The City's letter is included as Attachment No. 8 to this Fact Sheet.

1. The proposed Permit requires additional constituent monitoring, above and beyond that currently required. Such additional monitoring will create a financial burden for permit enrollees and an administrative burden for Water Board staff.

Staff Response: See staff response to County of Santa Barbara comment No. 2 (above).

2. The City requests that the revised Permit include an option for single application to cover similar discharges by a single agency, even if the discharges are in different groundwater basins.

Staff Response: See staff response to County of Santa Barbara comment No. 3 (above).

3. The City requests that additional workshops be conducted to facilitate public education regarding the General Permit.

Staff Response: See staff response to County of Santa Barbara comment No. 1 (above).

Steve Lawry, LTS Environmental Inc. – Editorial comments and corrections identified by Mr. Lawry have been incorporated into the proposed Order. In addition to those minor corrections, Mr. Lawry submitted the following comments. Mr. Lawry's letter is included as Attachment No. 9 to this Fact Sheet.

1. Requirement for the discharger to provide agency and public notification in accordance with CEQA requirements, is missing from the draft Order.

Staff Response: The notification requirement (described on Page 6 of the Fact Sheet) is part of CEQA and described in the Fact Sheet for informational purposes only. Redundant requirements are not, and need not be included in the Permit. No change to the proposed Order is needed to address this comment.

2. Brine discharges are included in Low Threat Continuous Discharge Guidelines (draft Permit Page 3, Table 1) but are missing from Low Threat Intermittent Discharge Guidelines (draft Permit Page 3, Table 2). Desalination brine discharges are intermittent and can be 0.5 MGD, and should be included in Table 2 accordingly.

Staff Response: Tables 1 and 2 provide guidelines of types of discharges typically enrolled in the Low Threat General Permit, but are not all-inclusive lists of such discharges. Intermittent brine discharges may be considered for enrollment on a case-by-case basis. Accordingly, no changes are needed to the proposed Order.

3. Due dates should be included in Application Requirements 1.a and 1.b, such as “The following requirements are due 30 days after the effective date of the permit”.

Staff Response: Applications for coverage under the General Permit are submitted on an “as needed” basis (depending upon the needs of the dischargers). A specific due date is not appropriate for such submittal, except that applications must be submitted with adequate time for review and approval prior to discharge commencing. No change to the proposed Order is needed to address this comment.

4. The exception to priority pollutant monitoring (Application Requirement A.1.b.2) should be restated in the definitions section of the Monitoring and Reporting Program. Also, if dischargers can monitor for just those priority pollutants expected to be present (similar to the process for NPDES Permit application form 2C), that too should be clearly stated.

Staff Response: In response to the request, *Exception* is added to definitions section of the Monitoring and Reporting Program. The State Implementation Policy does not provide for a process similar to that used in NPDES Permit application form 2C. In addition, in a General Permit it is not possible to specify which constituents must be included in the analysis for the NOI. Therefore, in order to fully implement state policy, such reductions in constituent monitoring are not allowed in the proposed Order.

5. The draft Permit states that no discharges may occur until written confirmation of enrollment. This limitation should be limited to new enrollments.

Staff Response: Application Requirement No. 7 is clarified by adding “new” to the provision. It should be noted that re-enrollment of discharges covered by the expiring permit is addressed in Application Requirement No. 9.

6. Effluent Limitation C.1 (chlorine residual) should be added to Table 3 so as not to be overlooked. Also, a footnote should be added to indicate that chlorine monitoring is not required if the discharge is not chlorinated.

Staff Response: Table 3 specifies effluent limits applicable to ocean discharges only and does not take into account dilution within ocean waters. The preceding limitations (where chlorine limit is listed) apply to all discharges. Therefore, inclusion of the chlorine limit in Table 3 would be inaccurate (depending upon dilution of any discharge structure) and/or duplicative. The requested footnote, stating that chlorine residual monitoring need not be performed on non-chlorinated discharges, is added to the Monitoring and Reporting Program.

7. The commenter proposed alternative language for Standard Provision G.1. as it applies to annual reports.

Staff Response: Standard Provision G.1. calls for compliance with all of the Standard Provisions and Reporting Requirements, with the exception of alternate due dates for annual reports. The provision (as currently stated) calls for compliance with annual reporting requirements specified in the Monitoring and Reporting Program. Since the Monitoring and Reporting Program is subject to modification to accommodate unique circumstances, staff believes that the flexibility of Standard Provision G.1. remains valuable. Accordingly, no change to the proposed Order is needed to address this comment.

8. A definition of “Start up” should be added to the Monitoring and Reporting Program, in order to clarify that “Start up Phase Monitoring and Reporting” does not apply to discharges previously authorized under the existing permit.

Staff Response: The proposed Permit describes “start up” procedures (notification, monitoring and reporting) relative to the initial effluent discharge. As stated in response to comment No. 5 (above), re-enrollment of discharges covered by the expiring permit is addressed in Application Requirement No. 9. No change to the proposed Order is needed to address this comment.

9. Since there are no ammonia or toxicity limits in the draft Permit, it is not clear how dischargers will determine compliance with Monitoring Specification C.3.b. and C.3.d.

Staff Response: The referenced monitoring specifications call for additional monitoring if analysis results indicate toxicity (as described within the specifications). Ammonia analysis is specifically called out because ammonia is frequently the cause of effluent toxicity in freshwater environments. This requirement directly reflects Basin Plan water quality objectives and no change is recommended.

10. A footnote should be added to Page 6 of the Monitoring and Reporting Program, clarifying that Top Smelt or other acceptable species shall be used for toxicity analyses.

Staff Response: Test species are not listed since the appropriate species depends upon the receiving water characteristics. Toxicity analyses are required to comply with approved methods (stated in proposed Order) which will take into account appropriate species for the receiving waters.

11. The Monitoring Program should specify methods for performing observations of bottom sediments. Also, the commenter requests exemption from such monitoring for discharges more than one mile offshore.

Staff Response: Bottom sediment requirements and associated monitoring are simply visual observations. Typically the discharger, or agent, visually observes the discharge vicinity and

records observations relative to settled material. Similar visual observations characterize floating/suspended matter, discoloration, visible films/sheens, slimes, and nuisance conditions. These requirements are consistent with individual NPDES Permits issued by the Central Coast Water Board and reflect Basin Plan requirements. No change to the proposed Order is needed to address this comment.

12. The Standard Provisions and Reporting Requirements (included as Attachment No. 5 of this Fact Sheet) is old and in need of updating.

Staff Response: Staff agrees and is in the process of updating the 20+ year old document as resources and priorities permit. No change to the proposed Order is needed to address this comment. However, updates to the Standard Provisions will not take effect until this permit is next reissued. Until that time, the Standard Provision attached to this permit (Attachment E) will be in place

Central Coast Water Authority – The Central Coast Water Authority supplies water from the state aqueduct system to communities throughout the Central Coast. Its comment letter is included as Attachment No. 10 to this Fact Sheet.

1. The permit should clarify whether required chemical lists extend to all treatment chemicals or just those not removed in the treatment processes.

Staff Response: Application Requirement A.1.b.1. is expanded to require “A list of **all** chemicals...” added to the water. It should be noted however, that concentrations of such additives in the discharged effluent will account for removal within any treatment process.

2. Application Requirement A.1.b.6. calls for certified analyses of constituents most appropriately measured in the field (temperature for example). Also, the timing

of receiving water samples does not indicate if they should be taken before, during or after discharge.

Staff Response: Field analyses, such as temperature, are to be implemented using a certified thermometer (certified for accuracy). Similarly, quality control measures for sampling and analyses of other constituents must be consistent with procedures described in the State Implementation Policy and 40 CFR 136. Receiving water sampling specified under Application Requirements must be implemented prior to discharge, since it is part of the application process (no discharge is yet authorized). No changes to the proposed Order are needed to address these comments.

3. The proposed Order specifies that discharge cannot occur until the applicant receives written confirmation of enrollment. Water Board staff should commit to responding within a specified time frame, so that dischargers can plan accordingly.

Staff Response: Central Coast Water Board staff implement statewide policy, which states "Although not legally required, the RWQCB policy is to consider each ROWD submitted for a new discharge within 180 days of completeness. Objections to the WDRs, however, may cause significant delays." General Permits are specifically designed to streamline the application and permitting process and corresponding timeframes and enrollment notification is normally provided within 30-90 days. The Fact Sheet states (Page 11, paragraph 3) that the application must be submitted at least 30 days in advance of the proposed discharge to allow staff review time, however a corresponding requirement does not appear in the draft Permit.

4. Receiving Water Limitation D.1. prohibits the discharge from altering background receiving water pH and temperature more than a specified range. A numeric limit, rather than an arbitrary range, might be a better approach.

Staff Response: Receiving Water Limitation D.1. reflects Basin Plan Water Quality Objectives specifically designed to protect beneficial uses of receiving waters. As part of the enrollment criteria, the Discharger must provide receiving water quality prior to start of discharge and throughout the influence of a discharge event. Section F requires the Discharger to collect samples at start-up and on an annual basis. Receiving water analyses includes pH, temperature, color, turbidity, and dissolved oxygen. This data will be the numeric basis in determining influence or exceedance of limitations for the receiving water. Accordingly, no change to this requirement is recommended.

5. Receiving Water Limitation D.3. prohibits discharge from depressing dissolved oxygen concentrations in receiving waters below 7.0 mg/L. This requirement should be revised to state that dissolved oxygen should not be degraded by more than 3 mg/L.

Staff Response: The limitation reflects water quality objectives specified in the Basin Plan which was incorrectly stated as 7.0 mg/l for dissolved oxygen. Staff appreciates you pointing out this error and has corrected Section D.3 of the General Permit which now states, "The discharge shall not cause: Dissolved oxygen concentrations to be depressed below 5.0 mg/L or median values to fall below 85% of the saturation."

6. Receiving Water Limitation D.12 is too broad to be meaningful. Please clarify the intent of the requirement.

Staff Response: Receiving Water Limitation D.12. prohibits the discharge from causing, threatening or contributing to violation of an applicable water quality standard. This limitation is carried over from the existing permit in lieu of reiterating all federal and state water quality criteria that might be applicable to the great variety of discharges that could be enrolled under this General Permit. No changes

to the proposed Order are needed to address this comment.

STAFF CLARIFICATIONS TO DRAFT GENERAL PERMIT ORDER NO. 06-0063

Staff made several clarifications to the draft permit in addition to the changes discussed above. First, staff clarified that for facilities that seek permit coverage before construction, the analysis of toxic pollutants required in the NOI may be provided after facility completion as long as the discharger provides an analysis of expected results in the NOI, based on facility design. Second, existing dischargers must provide this information in the first Annual Report due after this permit revision. In either case, if the analytical results show that the Discharger should seek an individual permit, General Permit coverage will continue as long as the Discharger remains in compliance with the General Permit requirements. This includes compliance with Receiving Water Limitation D.12, which provides that the discharge shall not cause or contribute to an exceedence of any applicable water quality objective.

Attachment D, of the draft permit circulated for comment, included Table B water quality criteria from the California Ocean Plan. The public-comment draft included instantaneous maximum constituent concentrations from the Ocean Plan. However, low threat discharges are not likely (or required) to perform frequent monitoring needed to determine compliance with more stringent criteria for daily maximum and 6-month median. Therefore, the proposed General Permit includes revisions to Attachment D to reflect the most stringent Ocean Plan criteria (6-month median values). Those criteria revised from

the public-comment draft are shown in bold type.

RECOMMENDATION

Adopt order No. R3-2006-0063, NPDES No. CAG 993001.

ATTACHMENTS

1. WDR Order No. R3-2006-0063, NPDES No. CAG 993001
2. Attachment A – Notice of Intent
3. Attachment B - MRP Order No. R3-2006-0063
4. Attachment C – Notice of Termination
5. Attachment D – Low Threat Water Quality Criteria
6. Attachment E - Standard Provisions and Reporting Requirements for National Pollutant Discharge Elimination System Permits (1985)
7. Comment letter from Santa Barbara County
8. Comment letter from City of Santa Barbara
9. Comment letter from Steve Lawry
10. Comment letter from Central Coast Water Authority