

C.15. Exempted and Conditionally Exempted Discharges

The objective of this provision is to exempt unpolluted non-stormwater discharges from Discharge Prohibition A.1 and to conditionally exempt non-stormwater discharges that are potential sources of pollutants. In order for non-stormwater discharges to be conditionally exempted from Discharge Prohibition A.1, the Permittees must identify appropriate BMPs, monitor the non-stormwater discharges where necessary, and ensure implementation of effective control measures – as listed below – to eliminate adverse impacts to waters of the State consistent with the discharge prohibitions of the Order.

C.15.a. Exempted Non-Stormwater Discharges (Exempted Discharges):

- i. **Discharge Type** – In carrying out Discharge Prohibition A.1, the following unpolluted discharges are exempted from prohibition of non-stormwater discharges:
 - (1) Flows from riparian habitats or wetlands;
 - (2) Diverted stream flows;
 - (3) Flows from natural springs;
 - (4) Rising ground waters;
 - (5) Uncontaminated and unpolluted groundwater infiltration;
 - (6) Single family homes' pumped groundwater, foundation drains, and water from crawl space pumps and footing drains; and
 - (7) NPDES permitted discharges (individual or general permits).
- ii. **Implementation Level** – The non-stormwater discharges listed in Provision C.15.a.i above are exempted unless they are identified by the Permittees or the Executive Officer as sources of pollutants to receiving waters. If any of the above categories of discharges, or sources of such discharges, are identified as sources of pollutants to receiving waters, such categories or sources shall be addressed as conditionally exempted discharges in accordance with Provision C.15.b below.

C.15.b. Conditionally Exempted Non-Stormwater Discharges:

The following non-stormwater discharges are also exempt from Discharge Prohibition A.1 if they are either identified by the Permittees or the Executive Officer as not being sources of pollutants to receiving waters, or if appropriate control measures to eliminate adverse impacts of such sources are developed and implemented in accordance with the tasks and implementation levels of each category of Provision C.15.b.i-viii below.

- i. **Discharge Type** – Pumped Groundwater, Foundation Drains, and Water from Crawl Space Pumps and Footing Drains
- (1) **Pumped Groundwater from Non Drinking Water Aquifers** –
Groundwater pumped from monitoring wells, used for groundwater basin management, which are owned and/or operated by the Permittees who pump groundwater as drinking water. These aquifers tend to be shallower, when compared to drinking water aquifers.
- (a) **Implementation Level** – Twice a year (once during the wet season and once during the dry season), representative samples shall be taken from each aquifer that potentially will discharge or has discharged into a storm drain. Samples collected and analyzed for compliance in accordance with self-monitoring requirements of other NPDES permits or sample data collected for drinking water regulatory compliance may be submitted to comply with this requirement as long as they meet the following criteria:
- (i) The water samples shall meet water quality standards consistent with the existing effluent limitations or pollutant triggers in the Water Board’s NPDES Groundwater General Permits, NPDES Nos. CAG912002, CAG912003, and CAG912004.
- (ii) The water samples shall be analyzed using approved USEPA Methods: (a) USEPA Method 8015 Modified for total petroleum hydrocarbons (b) USEPA Method 8260B and 8270C or equivalent for volatile and semi-volatile organic compounds; and (c) approved USEPA methods to meet the triggers for the metals listed in the general permits discussed in C.14.(b)i.(1)(a)(i) above.
- (iii) The water samples shall be analyzed for pH and turbidity.
- (iv) If a Permittee is unable to comply with the above criteria, the Permittee shall notify the Water Board upon becoming aware of the compliance issue.
- (b) **Required BMPs and Monitoring** – When uncontaminated (meeting the criteria in C.15.b.i.(1)(a)(i)) groundwater is discharged from these monitoring wells, the following shall be implemented:
- (i) Test the receiving water, upstream and downstream of the discharge point, to determine ambient turbidity and pH prior to discharging.
- (ii) Test water samples for turbidity and pH on the first two consecutive days of dewatering.
- (iii) Maintain proper control of the discharge at the discharge point to prevent erosion, scouring of banks, nuisance, contamination, and excess sedimentation in the receiving waters.
- (iv) Maintain proper control of the flowrate and total flow during discharge so that it will not have a negative impact on the receiving waters.

- (v) Appropriate BMPs shall be implemented to remove total suspended solids and silt to allowable discharge levels. Appropriate BMPs may include filtration, settling, coagulant application with no residual coagulant discharge, minor odor or color removal with activated carbon, small scale peroxide addition, or other minor treatment.
 - (vi) Turbidity of the discharged groundwater shall be maintained below 50 NTUs for discharges to dry creeks, 110 percent of the ambient stream turbidity for a flowing stream with turbidities greater than 50 NTU, or 5 NTU above ambient turbidity for flowing streams with turbidities less than or equal to 50 NTU.
 - (vii) The pH of the discharged groundwater shall be maintained within the range of 6.5 to 8.5 and shall not vary from normal ambient pH by more than 0.5 pH units.
 - (c) If the Permittee is unable to comply with the above criteria, discharge shall cease immediately and the Permittee shall employ treatment to meet the above criteria, use other means of disposal, or apply for coverage under one of the Water Board's NPDES General Groundwater Permits.
 - (d) **Reporting** – The Permittees shall maintain records of these discharges, BMPs implemented, and any monitoring data collected.
- (2) **Pumped¹ Groundwater, Foundation Drains, and Water from Crawl Space Pumps and Footing Drains**
- (a) Proposed new discharges of uncontaminated groundwater at flows of 10,000 gallons/day or more and all new discharges of potentially contaminated groundwater shall apply for coverage under one of the Water Board's Groundwater General Permits.
 - (b) Proposed new discharges of uncontaminated groundwater at flows of less than 10,000 gallons/day shall be encouraged to discharge to a landscaped area or bioretention unit that is large enough to accommodate the volume.
 - (c) Groundwater can only be considered for discharge once the following sampling is done to verify that the discharge is uncontaminated.
 - (i) The discharge shall meet water quality standards consistent with the existing effluent limitations or pollutant triggers in Water Board's NPDES Groundwater General Permits, NPDES Nos. CAG912002, CAG912003, and CAG912004.
 - (ii) The Permittees shall require that water samples from these discharge types be analyzed using the following approved USEPA Methods:

¹ Pumped groundwater not exempted in C.15.a or conditionally exempted in C.15.b.i.(1).

- USEPA Method 8015 Modified for total petroleum hydrocarbons and (b) USEPA Method 8260B and 8270C or equivalent for volatile and semi-volatile organic compounds.
- The approved USEPA Methods for the metals listed below that meet the corresponding Reporting Limits:

Metal	Reporting Limit
Antimony	6 µg/l
Arsenic	10 µg/l
Beryllium	4 µg/l
Cadmium	1.1 µg/l
Chromium VI	11 µg/l
Copper ²	5.9 µg/l
Copper ³	3.4 µg/l
Copper ⁴	4.7 µg/l
Lead	3.2 µg/l
Mercury	0.025 µg/l
Nickel	19 µg/l
Selenium	5 µg/l
Silver	2.2 µg/l
Thallium	1.7 µg/l
Zinc	86 µg/l
Cyanide	2.9 µg/l

- (d) **Monitoring and Required BMPs** – When the discharge has been verified as uncontaminated per sampling completed in C.15.b.i.(2)(c) above, the Permittees shall require the following:
- (i) Test the receiving water, upstream and downstream of the discharge point, to determine ambient turbidity and pH prior to discharging.
 - (ii) Test water samples for turbidity and pH on the first two consecutive days of dewatering.
 - (iii) Maintain proper control of the discharge at the discharge point to prevent erosion, scouring of bank, nuisance, contamination, and excess sedimentation in the receiving waters.
 - (iv) Maintain proper control of the flowrate and total flow during discharge so that it will not have a negative impact on the receiving waters.
 - (v) Appropriate BMPs to render pumped groundwater free of pollutants and therefore exempted from prohibition may include the following: filtration, settling, coagulant application with no residual coagulant discharge, minor odor or color removal with

² Applicable to Suisun Bay and San Pablo Bay segments of San Francisco Bay.

³ Applicable to Central Bay and Lower Bay segments of San Francisco Bay.

⁴ Applicable to South San Francisco Bay segments of San Francisco Bay.

activated carbon, small scale peroxide addition, or other minor treatment.

- (vi) Turbidity of discharged groundwater shall be maintained below 50 NTU for discharges to dry creeks, 110 percent of the ambient stream turbidity for a flowing stream with turbidities greater than 50 NTU, or 5 NTU above ambient turbidity for a flowing stream with turbidities less than or equal to 50 NTU.
- (vii) The pH of discharged water shall be maintained within the range of 6.5 to 8.5 and shall not vary from normal ambient pH by more than 0.5 pH units.
- (e) If a Permittee determines that a discharger or a project proponent is unable to comply with the above criteria, discharge shall cease immediately and the discharger shall employ treatment to meet the above criteria, use other means of disposal, or apply for coverage under one of the Water Board's NPDES General Groundwater Permits.
- (f) **Reporting** – The Permittees shall maintain records of these discharges, BMPs implemented, and any monitoring data collected.

ii. Discharge Type – Air Conditioning Condensate

Required BMPs – Condensate from air conditioning units shall be directed to landscaped areas or the ground. Discharge to a storm drain system may be allowed if discharge to landscaped areas or the ground is not feasible.

iii. Discharge Type –Emergency Discharges of the Potable Water System

- (1) **Emergency Discharges** – Emergency discharges are the result of firefighting, unauthorized hydrant openings, natural or man-made disasters (e.g., earthquakes, floods, wildfires, accidents, terrorist actions).

Required BMPs

- (a) The Permittees shall implement or require fire fighting personnel to implement BMPs for emergency discharges. However, the BMPs should not interfere with immediate emergency response operations or impact public health and safety. BMPs may include, but are not limited to, the plugging of the storm drain collection system for temporary storage, the proper disposal of water according to jurisdictional requirements, and the use of foam where there may be toxic substances on the property the fire is located.
- (b) During emergency situations, priority of efforts shall be directed toward life, property, and the environment (in descending order). The Permittees or fire fighting personnel shall control the pollution threat from their activities to the extent that time and resources allow.
- (c) **Reporting Requirements** – Reporting requirements will be determined by Water Board staff on a case-by-case basis, such as for fire incidents at chemical plants.

iv. Discharge Type – Individual Residential Car Washing

Required BMPs

- (1) The Permittees shall discourage through outreach efforts individual residential car washing within their jurisdictional areas that discharge directly into their MS4s.
- (2) The Permittees shall encourage individuals to direct car wash waters to landscaped areas, use as little detergent as necessary, wash cars at commercial car wash facilities, etc.

v. Discharge Type – Swimming Pool, Hot Tub, Spa, and Fountain Water Discharges

(1) Required BMPs

- (a) The Permittees shall prohibit discharge of water that contains chlorine residual, copper algaecide, filter backwash or other pollutants to storm drains or to waterbodies. Such polluted discharges from pools, hot tubs, spas, and fountains shall be directed to the sanitary sewer (with the local sanitary sewer agency's approval) or to landscaped areas that can accommodate the volume.
- (b) Discharges from swimming pools, hot tubs, spas and fountains shall be allowed into storm drain collection systems only if there are no other feasible disposal alternatives (e.g., disposal to sanitary sewer or landscaped areas) and if the discharge is properly dechlorinated to non-detectable levels of chlorine consistent with water quality standards.
- (c) The Permittees shall require that new or rebuilt swimming pools, hot tubs, spas and fountains within their jurisdictions have a connection⁵ to the sanitary sewer to facilitate draining events. The Permittees shall coordinate with local sanitary sewer agencies to determine the standards and requirements necessary for the installation of a sanitary sewer discharge location to allow draining events for pools, hot tubs, spas, and fountains to occur with the proper permits from the local sanitary sewer agency.
- (d) The Permittees shall improve their public outreach and educational efforts and ensure implementation of the required BMPs and compliance in commercial, municipal, and residential facilities.
- (e) The Permittees shall implement the Illicit Discharge Enforcement Response Plan from C.5.b for polluted (contains chlorine, copper algaecide, filter backwash, or other pollutants) swimming pool, hot tub, spa, or fountain waters that get discharged into the storm drain.

- (2) **Reporting** – The Permittees shall keep records of the authorized major discharges of dechlorinated pool, hot tubs, spa and fountain water to the

⁵ This connection could be a drain in the pool to the sanitary sewer or a sanitary sewer clean out located close enough to the pool so that a hose can readily direct the pool discharge into the sanitary sewer clean out.

storm drain, including BMPs employed; such records shall be available for inspection by the Water Board.

vi. Discharge Type – Irrigation Water, Landscape Irrigation, and Lawn or Garden Watering

- (1) **Required BMPs** – The Permittees shall promote measures that minimize runoff and pollutant loading from excess irrigation via the following:
 - (a) Promoting and/or working with potable water purveyors to promote conservation programs that minimize discharges from lawn watering and landscape irrigation practices;
 - (b) Promoting outreach messages regarding the use of less toxic options for pest control and landscape management;
 - (c) Promoting and/or working with potable water purveyors to promote the use of drought tolerant, native vegetation to minimize landscape irrigation demands;
 - (d) Promoting and/or working with potable water purveyors to promote outreach messages that encourage appropriate applications of water needed for irrigation and other watering practices; and,
 - (e) Implementing the Illicit Discharge Enforcement Response Plan from C.5.b, as necessary, for ongoing, large-volume landscape irrigation runoff to their MS4s.
- (2) **Reporting** – The Permittees shall provide implementation summaries in their Annual Report.

vii. Permit Authorization for Exempted Non-Stormwater Discharges

- (1) Discharges of non-stormwater from sources owned or operated by the Permittees are authorized and permitted by this Permit, if they are in accordance with the conditions of this provision.
- (2) The Water Board may require dischargers of non-stormwater, other than the Permittees, to apply for and obtain coverage under an NPDES permit and to comply with the control measures pursuant to Provision C.15.b. Non-stormwater discharges that are in compliance with such control measures may be accepted by a Permittee and are not subject to Prohibition A.1.