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ATTACHMENT F - FACT SHEET

This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

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I. PERMIT INFORMATION

Background: In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act) was amended to provide that the discharge of pollutants to waters of the United States from any point source is effectively prohibited unless the discharge is in compliance with an NPDES Permit.

On September 22, 1989, the United States Environmental Protection Agency (USEPA) granted the State of California, through the State Water Resources Control Board and the Regional Water Boards, the authority to issue General NPDES Permits pursuant to 40 Code of Federal Regulations (40 CFR) parts 122 and 123.

40 CFR part 122.28 provides for issuance of general permits to regulate a category of point sources if the sources involve the same or substantially similar types of operations; discharge the same type of waste; require the same type of effluent limitations or operating conditions; require similar monitoring; and are more appropriately regulated under a general permit rather than individual permits.

On July 1, 2004, this Regional Board adopted the *General National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements for Discharges of Hydrostatic Test Water to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties* (NPDES No. CAG674001, Order No. R4-2004-0109). The existing General Permit covered discharges of waste waters resulting from the hydrostatic testing or structural integrity testing of pipes, tanks, or any storage vessels using municipal water. Currently, forty-one dischargers are enrolled under this General Permit. This Order now renews and updates waste discharge requirements for the existing General Permit which expires on July 1, 2009.

II. DISCHARGE DESCRIPTION

Hydrostatic test water is discharged to surface waters at various locations and project sites throughout this Region. Generally, hydrostatic test water is made up of potable/domestic water supplied by municipalities or potable water purveyors. Discharges of hydrostatic test water can cause, or threaten to cause, minor impairment of existing beneficial uses of the receiving water.

Hydrostatic testing occurs frequently within this Region. The rate and volume of hydrostatic test water released at project sites varies from hundreds of gallons of water per day to millions of gallons of water per day, depending on the capacity of the vessel being tested. The discharge duration is usually short. Most hydrostatic tests use potable water and the discharge is usually temporary. Wastewater discharges from hydrostatic testing will be more efficiently regulated with general permits rather than individual permits. The accompanying Order establishes requirements to regulate discharges of wastewater generated from hydrostatic testing to surface waters of the United States under the jurisdiction of this Regional Board. Hydrostatic

test water discharge is considered as de minimis discharge with insignificant threat to water quality.

Dischargers enrolling under this general permit are required to prepare a pollution prevention plan, for implementation if necessary. The plan should include best management practices (BMPs) to minimize to the extent practicable adverse environmental impacts and to prevent significant detrimental effects on the receiving water.

Hydrostatic testing may introduce pollutants into the discharge due to flushing of residual pollutants from the vessels. In this instance, it may be necessary to provide polishing treatment to comply with effluent limitations. Therefore, due to the nature of hydrostatic testing, the Board finds that the additional monitoring and reporting requirements and discharge limitations contained in this Order are necessary to assure compliance with water quality objectives and standards, and that coverage under this Order is therefore necessary for hydrostatic testing discharges.

The hydrostatic test water discharges under this permit are mostly intermittent, short duration discharge, that have been determined to pose no significant treat to water quality.

If potable water from fire hydrant or municipal supply will be used for hydrostatic testing, then dischargers could use the water quality data provided by municipality or purveyor for this water supply to conduct the screening analysis.

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III. NOTIFICATION REQUIREMENTS

To obtain coverage under this General Permit, the Discharger must submit a Notice of Intent (NOI) and supporting documents and, pay filing fee. Signing the certification on the NOI signifies that the Discharger intends to comply with the provisions of this General Permit. An NOI must be signed to be valid.

A. General Permit Application

To be authorized to discharge under this Order, the Discharger must apply for enrollment under the General National Pollutant Discharge Elimination System (NPDES) permit by submitting to the Regional Water Board a NOI form and fee payable to: State Water Resources Control Board.

1. Notice of Intent

   a. Both Existing and New Dischargers eligible to seek coverage under the General NPDES Permit shall submit to the Executive Officer a complete NOI Form, including all information required by the NOI. The NOI is incorporated as Attachment C to this Order.

   b. Upon request, the Discharger shall submit any additional information that the Executive Officer deems necessary to determine whether the discharge meets the criteria for coverage under this Order, or to prescribe an appropriate monitoring and reporting program, or both.

   c. The NOI for a new discharger shall be accompanied by an enrollment

fee in accordance with the Section 2200 *Annual Fee Schedules* of California Code of Regulations Title 23, Division 3, Chapter 9. The check or money order shall be made payable to the "State Water Resources Control Board".

2. Deadline for Submission

   a. Renewal of permits for existing Dischargers covered under individual permits that meet the eligibility criteria and have submitted a NOI will consist of a letter of determination from the Executive Officer of coverage under this Order.

   b. Existing dischargers covered under Order No. R4-2004-0109 will be sent a NOI form that must be completed and returned to the Regional Board within 60 days of receipt; otherwise, permit coverage may be revoked. Existing and new dischargers enrolling under this Order are required to certify that potable water will be used for hydrostatic testing and that it meets the drinking water standards by submitting certified analytical data. Existing dischargers shall submit the certification with a NOI; otherwise, the authorization will be terminated for existing dischargers. New Dischargers shall file complete NOI at least 45 days before commencement of their discharge. Existing discharge that has been enrolled under the current permit within the last one year can re-submit the analytical data used for their initial enrollment with their NOI form. However, instead of an NOI, the Executive Officer may require an existing discharger to submit a new ROWD, may revise an existing discharger's monitoring and reporting programs, may require an existing discharger to participate in a regional monitoring program, or any combination of the foregoing.

   c. New Dischargers shall file a complete NOI at least 45 days before commencement of the discharge.

3. Failure to Submit an NOI

   Existing Dischargers who fail to submit a complete NOI by the deadline established herein will be deemed as out of compliance with the General NPDES Permit and subject to all penalties allowable pursuant to applicable provisions of the Clean Water Act and the California Water Code including Section 13261 thereof.

4. Authorization of Coverage

   Upon receipt of the application, the Executive Officer shall determine the applicability of this Order to such a discharge. If the discharge is eligible, the Executive Officer shall notify the Discharger that the discharge is authorized under the terms and conditions of this Order and prescribe an appropriate monitoring and reporting program. For new discharges, the discharge shall not commence until receipt of the Executive Officer's written determination of eligibility for coverage under this General NPDES Permit. The Executive Officer may require a Discharger to comply with the conditions of this General NPDES Permit even if the Discharger has not submitted an NOI to be covered by the General NPDES Permit, as

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specified in Section II. C. of the Order.

5. Notice of Start-Up

New Dischargers shall notify the Regional Water Board of the time and date for commencement of the discharge(s) authorized under the General NPDES Permit at least 24 hours prior to initiating a discharge.

IV. ELIGIBILITY REQUIREMENT

A. Eligibility

1. This order covers discharges to surface waters of wastewater generated from hydrostatic testing which has low threat to the water environment.

2. To be covered under this Order, a Discharger must:

   a. Demonstrate that pollutant concentrations in the discharge shall not cause violation of any applicable water quality objective for the receiving waters, including discharge prohibitions;

   b. Submit potable water analytical data certifying that the potable water will be used for hydrostatic testing and the potable water complies with the drinking water maximum contaminant levels in Attachment A. If municipal water supply is used, a certified analytical data of the water supply quality is acceptable for determination;

   c. Certify that if the process of hydrostatic testing causes pollutants to be introduced in the test water, mitigation measures including BMPs will be implemented to correct the condition;

   d. The discharge may not need waste treatment systems to meet requirements of this Order;

   e. The discharge shall not cause acute nor chronic toxicity in receiving waters;

   f. If necessary, the discharge shall pass through a treatment system designed and operated to reduce the concentration of contaminants to meet the effluent limitations of this Order; and

   g. The Discharger shall be able to comply with the terms or provisions of this General Permit.

3. New discharges and existing discharges regulated under existing general or individual permits, which meet the eligibility criteria, may be regulated under this Order.

4. For the purpose of renewal of existing individual NPDES permits with this General Permit, provided that all the conditions of this General Permit are met, renewal is effective upon issuance of a notification by the Executive Officer and issuance of a new monitoring program.

5. When an individual NPDES permit with more specific requirements is issued to a discharger, the applicability of this Order to that discharger is

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automatically terminated on the effective date of the individual permit.

B. Ineligibility

Authorization will not be granted to the following discharges:

1. The potable water supply contains constituents above the MCLs.
2. The wastewater is contaminated with toxic pollutants with no effluent limitations in this General Permit.

V. EXCLUSION OF COVERAGE

A. Termination of Discharges

Dischargers shall submit a Notice of Termination (NOT) or Transfer (NOTT) when coverage under this General NPDES Permit is no longer needed. An NOT is a letter that lists the Waste Discharge Identification Number (WDID) or Compliance Inspection Number CI #, the name and address of the owner of the facility, and is signed and dated by the owner certifying that the Discharges associated with the General NPDES Permit has been terminated or that there has been a change in ownership. Upon submission, the Discharger is no longer authorized to discharge wastewater associated with this General NPDES Permit.

B. Changes from Authorization Under General Permit to Individual Permit

Dischargers already covered under the NPDES program, whether by general or individual permit, may elect to continue coverage under the existing permit by submitting a complete NOI for coverage under this General NPDES Permit. Dischargers who submit a complete application under this General NPDES Permit are not required to submit an individual permit application. The Regional Water Board may request additional information and determine that a Discharger is not eligible for coverage under this General NPDES Permit and a discharge would be better regulated under an individual or other General NPDES Permit or, for discharges to land, under waste discharge requirements (WDRs). If a Regional Water Board issues an NPDES permit or WDRs, the applicability of this General NPDES Permit to the specified discharge is immediately terminated on the effective date of the NPDES permit or WDRs.

C. Transferring Ownership

Coverage under this Order may be transferred in case of change of ownership of land or discharge facility provided the existing discharger notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new dischargers containing a specific date of transfer of coverage, responsibility for compliance with this Order, and liability between them.

VI. BASIS FOR FEE

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Title 23 of the California Code of Regulations (CCR), Division 3, Chapter 9, Article 1, section 2200, *Annual Fee Schedule,* requires that all discharges subject to a specific general permit shall pay annual fee.

VII. DISCHARGE COVERAGE

A. Discharge covered under this permit included but not limited to, hydrostatic testing of pipes, tanks, and any storage vessels by using potable/domestic water.

B. The Board finds that hydrostatic test discharge prescribed by this Order does not have reasonable potential to cause or contribute to an in-stream excursion for priority toxic pollutant objectives. If information becomes available that shows that there is a reasonable potential for the discharge to exceed priority pollutants objective, the discharge shall be immediately terminated. The discharge shall not be resumed until authorized by the Executive Officer, individual waste discharge is issued, coverage is provided under other appropriate General NPDES Permit, or the discharge may be prohibited.

C. Pursuant to section 2, Article X, California Constitution, and section 275, of the California Water Code on preventing waste and unreasonable use of waters of the state, the Regional Board encourages, wherever practicable, water conservation and/or re-use of wastewater. To obtain coverage under this Order, the discharger shall first investigate and report the feasibility of conservation, land disposal and/or reuse of the wastewater.

VIII. DISCHARGE POINTS AND RECEIVING WATERS

Under the General Permit, there may be multiple discharge points. Information regarding the receiving waters can be found in the completed NOI and will be included in the enrollment letter, Fact Sheet and Monitoring and reporting Program. Discharges from multiple discharge points that discharge to the same receiving water areas will be covered under one General NPDES Permit.

IX. Summary of Existing Requirements and Self Monitoring (SMR) Data

D. Effluent Limitations

Effluent limitations contained in Order R4-2004-0109 for discharges from hydrostatic testing are as follows:

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Table 1. Existing Effluent Limitations

Parameter	Units	Effluent Limitation	
		Average Monthly	Maximum Daily
Total Suspended Solids	mg/L	50	150
Turbidity	NTU	50	150
BOD_5 20°C	mg/L	20	30
Oil and Grease	mg/L	10	15
Settleable Solids	ml/L	0.1	0.3
Total Residual Chlorine	mg/L		0.1

E. Monitoring Requirements

Order No. R4-2004-0109 requires the effluent monitoring in accordance with the following schedule.

Table 2. Existing Monitoring Requirements

Constituent	Unit	Sample Type	Minimum Frequency of Analysis
Flow	gal/day	totalizer	Continuously*
pH	pH units	grab	once per discharge event
Total Suspended Solids	mg/L	grab	once per discharge event
Turbidity	NTU	grab	once per discharge event
$BOD_5$20°C	mg/L	grab	once per discharge event
Oil and Grease	mg/L	grab	once per discharge event
Settleable Solids	ml/L	grab	once per discharge event
Total Residual Chlorine	mg/L	grab	once per discharge event
Acute Toxicity	% survival	grab	annually

F. Compliance Summary (Not Applicable)

X. APPLICABLE PLANS, POLICIES AND REGULATIONS

The requirements contained in the tentative Order are based on the requirements and authorities described in this section.

A. Legal Authorities

This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as an NPDES permit for point source discharges from this facility to surface waters. This Order also

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serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).

B. California Environmental Quality Act (CEQA)

NPDES permit is exempt from the provisions of the CEQA, Public Resources Code section 21100 through 21177.

C. State and Federal Regulations, Policies, and Plans

1. Water Quality Control Plans.

The Regional Water Board adopted a Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (hereinafter Basin Plan) on June 13, 1994, that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, the Basin Plan implements State Water Board Resolution No. 88-63, which established state policy that all waters, with certain exceptions, the Regional Water Board assign the municipal and domestic supply use to water bodies that do not have beneficial uses listed in the Basin Plan.

Receiving Water Beneficial Uses The Basin Plan contains water quality objectives for, and lists the beneficial uses of, specific water bodies (receiving waters) in the Los Angeles Region. Typical beneficial uses covered by this Order include the following:

a. Inland surface waters above an estuary - municipal and domestic supply, industrial service and process supply, agricultural supply, groundwater recharge, freshwater replenishment, aquaculture, warm and cold freshwater habitats, inland saline water and wildlife habitats, water contact and noncontact recreation, fish migration, and fish spawning.

b. Inland surface waters within and below an estuary - industrial service supply, marine and wetland habitats, estuarine and wildlife habitats, water contact and noncontact recreation, commercial and sport fishing, aquaculture, migration of aquatic organisms, fish migration, fish spawning, preservation of rare and endangered species, preservation of biological habitats, and shellfish harvesting.

c. Coastal Zones (both nearshore and offshore) - industrial service supply, navigation, water contact and noncontact recreation, commercial and sport fishing, marine habitat, wildlife habitat, fish migration and spawning, shellfish harvesting, and rare, threatened, or endangered species habitat.

Requirements of this Order implement the Basin Plan as amended for Total Daily Maximum Load (TMDL). The Regional Water Board has developed a number of TMDL for impaired waterbodies in the Los Angeles Region to

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reduce pollutants which are identified in CWA section 303(d) list. These pollutants are classified into the categories of bacteria, chloride, coliforms, metals, toxics, and trash. All of the TMDL requirements are considered and only those applicable to this Order are implemented in the discharge limitations.

2. Thermal Plan.

The State Water Board adopted a Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters. Requirements of this Order implement the Thermal Plan.

3. National Toxics Rule (NTR) and California Toxics Rule (CTR).

USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants.

4. State Implementation Policy.

On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control.

5. Alaska Rule.

On March 30, 2000, USEPA revised its regulation that specifies when new and revised State and Tribal water quality standards (WQS) become effective for the CWA purposes (40 CFR §131.21, 65 FR 24641, April 27, 2000). Under USEPA's new regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.

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6. Anti-degradation Policy.

   Section 131.12 of 40 CFR requires that State water quality standards include an anti-degradation policy consistent with the federal policy. The State Water Board established California's anti-degradation policy in State Water Board Resolution No. 68-16, which incorporates the requirements of the federal anti-degradation policy. State Water Board Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in detail in the Fact Sheet, Attachment F, the permitted discharge is consistent with the anti-degradation provision of 40 CFR §131.12 and State Water Board Resolution No. 68-16.

7. Anti-Backsliding Requirements

   Sections 402(o)(2) and 303(d)(4) of the CWA and 40 CFR § 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in the tentative Order are at least as stringent as the effluent limitations in the existing Order.

8. Monitoring and Reporting Requirements.

   Section 122.48 of 40 CFR requires all NPDES permits to specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The MRP establishes monitoring and reporting requirements to implement federal and State requirements. This MRP is provided in Attachment E.

D. Impaired Water Bodies on CWA 303(d) List

Trash TMDLs: Trash as defined in the Trash TMDLs does not appear in the potable water covered under the Order. Therefore, potable water is not a source of trash.

Bacteria TMDLs: Discharger is required to disinfect potable water by using chlorine and required to maintain chlorine residual in the water to ensure disinfection all the time. The Source Analyses in the bacteria TMDLs do not identify potable water as one of the sources for bacteria.

Minerals and Nutrient TMDLs: Waste Load Allocations (WLAs) per TMDLs for total dissolved solids, chloride, nitrate, nitrite, total nitrogen are relevant with this General NPDES Permit, and, thus, implemented in this Order. Nitrogen (nitrate pus nitrite) limits are changed from 5 to 6.8 mg/L for Reach D (Between West Pier Highway 99 and Blue Cut Gaging Station) and from 5 to 8.1 mg/L for Reaches F (Between A Street, Fillmore and Freeman Diversion "Dam" near Saticoy) of Santa Clara River Watershed in accordance with TMDL requirements specified in the Regional Water Board Resolution R4-2003-011.

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Toxics TMDLs: Discharges under this General Permit are categorically excepted from compliance with CTR and SIP. The discharges, however, are required to comply with drinking water standards (MCLs) and to implement BMP. Therefore, toxics TMDLs are not applicable to categorical excepted potable water discharge.

E. Other Plans, Polices and Regulations (Not Applicable)

XI. Rationale For Effluent Limitations and Discharge Specifications

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations in the Code of Federal Regulations: section 122.44(a) requires that permits include applicable technology-based limitations and standards; and section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water.

A. Discharge Prohibitions

Discharges under this Order are required to be nontoxic. Toxicity is the adverse response of organisms to chemicals or physical agents. This prohibition is based on the Regional Water Board's Basin Plan, which require that all waters be maintained free of toxic substances in concentrations that are lethal or produce other detrimental responses in aquatic organisms. Detrimental responses include, but are not limited to, decreased growth rate and decreased reproductive success of resident or indicator species. Basin Plan also requires waters to be free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, or animal life. This objective applies regardless of whether the toxicity is caused by a single substances or the interactive effect of multiple substances.

B. Technology-Based Effluent Limitations (TBELs)

1. Scope and Authority

The CWA requires that technology-based effluent limitations be established based on several levels of controls:

d. Best practicable treatment control technology (BPT) is based on the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional and non-conventional pollutants.

e. Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.

f. Best conventional pollutant control technology (BCT) is a standard for

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the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH and oil and grease. The BCT standard is established after considering the "cost reasonableness" of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.

g. New source performance standards (NSPS) that represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

h. The CWA requires USEPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BCT, BAT and NSPS. Section 402(a)(1) of the CWA and 40 CFR §125.3 of the NPDES regulations authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the permit writer must consider specific factors outlined in 40 CFR §125.3.

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

Section 301(b) of the CWA and section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

Section 122.44(d)(1)(i) mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in section 122.44(d)(1)(vi).

The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan, and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria contained in the CTR and NTR.

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2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

The Regional Water Board adopted a Basin Plan that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan. The Basin Plan includes both narrative and numeric water quality objectives applicable to the receiving water. To the extent that the applicable Basin Plan designates additional or different beneficial uses, the Basin Plan shall control.

3. Determining the Need for WQBELs

The effluent limitations prescribed under this permit are calculated assuming no dilution. For most practical purposes, discharges from hydrostatic test projects do not flow directly into receiving waters with enough volume to consider dilution credit or to allocate a mixing zone. Most discharges of hydrostatic testing water regulated under this General NPDES Permit are to storm drain systems that discharge to creeks and streams. Many of these creeks and streams are dry during the summer months. Therefore, for many months of the year, these discharges may represent all or nearly all of the flow in some portions of the receiving creeks or streams. These discharges, therefore, have the potential to recharge ground waters protected as drinking waters.

An exception to this policy may be applied based on approved mixing zone study and based on demonstration of compliance with water quality objectives in the receiving water as prescribed in the Basin Plan. This exception process is more appropriate for an individual permit, and would not be appropriate for a general permit, that should be protective of most stringent water quality objectives and beneficial uses. If discharger requests that a dilution credit be included in the computation of effluent limit or that a mixing zone be allowed, an individual permit will be required. However, if no mixing zone is proposed, this general permit provides coverage for all discharges to receiving water bodies in Coastal Watersheds of Los Angeles and Ventura Counties.

The Regional Water Board developed WQBELs for chloride, nitrate and nitrite, that have available waste load allocations under a TMDL. The effluent limitations for these pollutants were established regardless of whether or not there is reasonable potential for the pollutants to be present in the discharge at levels that would cause or contribute to a violation of water quality standards. The Regional Water Board developed water quality-based effluent limitations for these pollutants pursuant to section 122.44(d)(1)(vii), which does not require or contemplate a reasonable potential analysis. Similarly, the SIP at Section 1.3 recognizes that reasonable potential analysis is not appropriate if a TMDL has been developed.

4. WQBELs Based on Basin Plan Objectives

The Basin Plan states that the pH of inland surface waters shall not be

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depressed below 6.5 or raised above 8.5 as a result of waste discharge. Based on the requirements of the Basin Plan an instantaneous minimum limitation of 6.5 and an instantaneous maximum limitation of 8.5 for pH are included in the tentative permit. The Basin Plan lists temperature requirements for the receiving waters and references the Thermal Plan. Based on the requirements of the Thermal Plan and a white paper developed by Regional Water Board staff entitled Temperature and Dissolved Oxygen Impacts on Biota in Tidal Estuaries and Enclosed Bays in the Los Angeles Region, a maximum effluent temperature limitation of 86 °F is included in the tentative Order. The white paper evaluated the optimum temperatures for steelhead, topsmelt, ghost shrimp, brown rock crab, jackknife clam and blue mussel. The new temperature effluent limitation is reflective of new information available that indicates that the 100°F temperature is not protective of aquatic organisms. A survey was completed for several species of fish and the 86°F temperature was found to be protective.

TMDLs have been developed for nutrients in the major rivers and its tributaries in the Los Angeles Region. The WLAs specified in that TMDL will be used as effluent limits for discharges as specified in the ATTACHMENT B.

5. Whole Effluent Toxicity (WET)

Whole effluent toxicity (WET) protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. WET tests measure the degree of response of exposed aquatic test organisms to an effluent. The WET approach allows for protection of the narrative "no toxics in toxic amounts" criterion while implementing numeric criteria for toxicity. There are two types of WET tests: acute and chronic. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a longer period of time and may measure mortality, reproduction, and growth.

The Basin Plan specifies a narrative objective for toxicity, requiring that all waters be maintained free of toxic substances in concentrations that are lethal to or produce other detrimental responses by aquatic organisms. Detrimental response includes but is not limited to decreased growth rate, decreased reproductive success of resident or indicator species, and/or significant alterations in population, community ecology, or receiving water biota. The acute toxicity objective for discharges dictates that the average survival in undiluted effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90 percent, with no single test having less than 70 percent survival.

For the intermittent nature of the discharge, it is not expected to contribute to long-term toxic effects within the receiving water; therefore, the Discharger will not be required to conduct chronic toxicity testing. Intermittent discharges are likely to have short-term effects; therefore at this facility, the Discharger will be required to comply with acute toxicity effluent limitations in accordance with the Basin Plan and the Order.

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D. Impact to Water Quality

Discharge of wastewater from hydrostatic testing could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance. Discharges covered by the accompanying order may involve a treatment system, which may include physical, chemical, and/or biological treatment.

E. Specific Rationales for Each of the Numerical Effluent Limitations

The following table presents the effluent limitations and the specific rationales for pollutants that are expected to be present in discharges covered by the general permit. The specific rationales include: the existing permits, the Basin Plan, and Title 22 California Code of Regulations (California Domestic Water Quality and Monitoring Regulations). It is intended that all the General Permits issued by this Regional Board for similar activities have the similar effluent limits for the constituents of concern.

Table 3. Summary of Effluent Limitations and Basis

Constituent	Unit	Existing Discharge Limit		New Discharge Limit		Basis for Limit
		Daily Maximum	Monthly Average	Daily Maximum	Monthly Average	
Total Suspended solids	mg/L	150	50	150	50	See Note 1
Turbidity	NTU	150	50	150	50	See Note 1
BOD520°C	mg/L	30	20	30	20	See Note 1
Oil and Grease	mg/L	15	10	15	10	See Note 1
Settleable Solids	ml/L	0.3	0.1	0.3	0.1	See Note 1
Residual Chlorine	mg/L	0.1	no limit	0.1	no limit	See Note 2
Acute Toxicity	% survival	See Note 3	no limit	See Note 3	no limit	See Note 1

Note 1: Existing Order consistent with other general NPDES permit Orders

Note 2: Existing Order/Basin Plan

Note 3: The acute toxicity of the effluent shall be such that the average survival in the undiluted effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test less than 70% survival.

F. Final Effluent Limitations

Section 402(o) of the CWA and 40 CFR 122.44(l) require that effluent limitations or conditions in reissued Orders be at least as stringent as those in the previous Orders. Effluent limitations for the pollutants of concern including acute toxicity under this General NPDES Permit are being carried over from the existing Order

(Order No. R4-2004-0109). A summary of the effluent limitations are shown in the following table.

Table 4. Final Effluent Limitations

Constituent	Unit	Daily Maximum	Monthly Average
Total Suspended solids	mg/L	150	50
Turbidity	NTU	150	50
BOD520°C	mg/L	30	20
Oil and Grease	mg/L	15	10
Settleable Solids	ml/L	0.3	0.1
Residual Chlorine	mg/L	0.1	no limit
Acute Toxicity	% survival	See Note 1	no limit

Note 3: The acute toxicity of the effluent shall be such that the average survival in the undiluted effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test less than 70% survival.

Satisfaction of Anti-Backsliding Requirements

All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order.

Satisfaction of Antidegradation Policy

The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. The permitted discharge under this General NPDES Permit is consistent with the antidegradation provision of Section131.12 and State Water Board Resolution No. 68-16.

Stringency of Requirements for Individual Pollutants

This Order contains both technology-based and water quality-based effluent limitations for individual pollutants. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements. These limitations are not more stringent than required by the CWA.

G. Interim Effluent Limitations

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Not Applicable

H. Land Discharge Specifications

Not Applicable.

I. Reclamation Specifications

Not Applicable.

XII. Rational for Receiving Water Limitations

A. Surface Water

The Basin Plan contains numeric and narrative water quality objectives applicable to all surface waters within the Los Angeles Region. Water quality objectives include an objective to maintain the high quality waters pursuant to federal regulations (40 CFR § 131.12) and State Water Board Resolution No. 68-16. Receiving water limitations in the tentative Order are included to ensure protection of beneficial uses of the receiving water and are based on the water quality objectives contained in the Basin Plan.

B. Groundwater

Not Applicable.

XIII. Rational for Monitoring and Reporting Requirements

Section 122.48 of 40 CFR requires all NPDES permits to specify recording and reporting of monitoring results. Sections 13267 and 13383 of the CWC authorize the water boards to require technical and monitoring reports. The MRP (Attachment E) of this Order, establishes monitoring and reporting requirements to implement federal and State requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this Order.

A. Effluent Monitoring

Monitoring for pollutants expected to be present in the discharge will be required as established in the tentative MRP (Attachment E) and as required in the "*Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*" adopted March 2, 2000.

To demonstrate compliance with effluent limitations established in this Order, the Order carries over the existing monitoring requirements for all parameters. Monitoring will be required as appropriate to ensure compliance with final effluent limitations. Acute toxicity monitoring is also carried over and is required annually, at a minimum.

B. Whole Effluent Toxicity Testing Requirements

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WET protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a longer period of time and may measure mortality, reproduction and growth.

The Order includes limitations for acute toxicity, and therefore, monitoring requirements are included in the MRP (Attachment E) to determine compliance with the effluent limitations established in Limitations and Discharge Requirements, Effluent Limitations, of this Order.

The Regional Water Board has determined that discharges will not contribute to long-term toxic effects within the receiving water. Therefore, the Discharger will not be required to conduct chronic toxicity testing.

C. Receiving Water Monitoring

1. Surface Water

   Not Applicable.

2. Groundwater

   Not Applicable.

XIV. Rationale for Provisions

A. Standard Provisions

1. Federal Standard Provisions

   Standard Provisions, which in accordance with 40 CFR §§122.41 and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D to the Order. The discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42.

   Section 122.41(a)(1) and (b) through (n) establish conditions that apply to all State-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. Section 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with section 123.25, this Order omits federal conditions that address enforcement authority specified in sections 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

2. Regional Water Board Standard Provisions

   Regional Water Board Standard Provisions are based on the CWA,

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USEPA regulations, and the CWC.

B. Special Provisions

1. Re-Opener Provisions

These provisions are based on 40 CFR Part 123 and the previous Order. The Regional Water Board may reopen the permit to modify permit conditions and requirements.

a. This Order may be modified, revoked and reissued, or terminated for cause. Reasons for modification may include new information on the impact of discharges regulated under this Order become available, promulgation of new effluent standards and/or regulations, adoption of new policies and/or water quality objectives, and/or new judicial decisions affecting requirements of this Order.

b. Pursuant to 40 CFR parts 122.62 and 122.63, this Order may be modified, revoked and reissued, or terminated for cause. Reasons for modification may include new information on the impact of discharges regulated under this Order become available, promulgation of new effluent standards and/or regulations, adoption of new policies and/or water quality objectives, and/or new judicial decisions affecting requirements of this Order. In addition, if receiving water quality is threatened due to discharges covered under this permit, this permit will be reopened to incorporate more stringent effluent limitations for the constituents creating the threat. TMDLs have not been developed for all the parameters and receiving waters on the 303(d) list. When TMDLs are developed and if applicable this permit may be reopened to incorporate appropriate limits. In addition, if TMDL identifies that a particular discharge covered under this permit is a load that needs to be reduced; this permit will be reopened to incorporate appropriate TMDL based limit and/or to remove any applicable exemptions.

2. Special Studies and Additional Monitoring Requirements

Not Applicable.

3. Best Management Practices and Pollution Prevention

All Dischargers are encouraged to implement Best Management Practices and Pollution Prevention Plans to minimize pollutant concentrations in the discharge.

4. Compliance Schedules

Not Applicable.

5. Construction, Operation, and Maintenance Specifications

Not Applicable.

6. Special Provisions for Municipal Facilities (POTWs Only)

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Not Applicable.

XV. PUBLIC PARTICIPATION

The California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a general National Pollutant Discharge Elimination System (NPDES) permit for discharges from Potable Water Supply Systems. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Regional Water Board has notified the Dischargers and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through the local newspapers.

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person or by mail or e-mail or facsimile to the Executive Office at the Regional Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Regional Water Board, written comments must be received at the Regional Water Board offices by 5:00 p.m. on May 4, 2009.

C. Public Hearing

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date:	**June 4, 2009**
Time:	**9:00 AM**
Location:	**Metropolitan Water District of Southern California** **700 North Alameda Street** **Los Angeles, California**

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

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Please be aware that dates and venues may change. Our Web address is http://www.waterboards.ca.gov/losangeles/ where you can access the current agenda for changes in dates and locations.

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D. Nature of Hearing

This will be a formal adjudicative hearing pursuant to section 648 et seq. of title 23 of the California Code of Regulations. Chapter 5 of the California Administrative Procedure Act (commencing with section 11500 of the Government Code) will not apply to this proceeding.

Ex Parte Communications Prohibited: As a quasi-adjudicative proceeding, no board member may discuss the subject of this hearing with any person, except during the public hearing itself. Any communications to the Regional Water Board must be directed to staff.

E. Parties to the Hearing

The following are the parties to this proceeding:

1. The applicant/permittee
2. Regional Water Board Staff

Any other persons requesting party status must submit a written or electronic request to staff not later than [20] business days before the hearing. All parties will be notified if other persons are so designated.

F. Public Comments and Submittal of Evidence

Persons wishing to comment upon or object to the tentative waste discharge requirements, or submit evidence for the Board to consider, are invited to submit them in writing to the above address. To be evaluated and responded to by staff, included in the Board's agenda folder, and fully considered by the Board, written comments must be received no later than close of business **May 4, 2009**. Comments or evidence received after that date will be submitted, ex agenda, to the Board for consideration, but only included in administrative record with express approval of the Chair during the hearing. Additionally, if the Board receives only supportive comments, the permit may be placed on the Board's consent calendar, and approved without an oral testimony.

G. Hearing Procedure

The meeting, in which the hearing will be a part of, will start at 9:00 a.m. Interested persons are invited to attend. Staff will present the matter under consideration, after which oral statements from parties or interested persons will be heard. For accuracy of the record, all important testimony should be in writing. The Board will include in the administrative record written transcriptions

of oral testimony that is actually presented at the hearing. Oral testimony may be limited to 30 minutes maximum or less for each speaker, depending on the number of persons wishing to be heard. Parties or persons with similar concerns or opinions are encouraged to choose one representative to speak. At the conclusion of testimony, the Board will deliberate in open or close session, and render a decision.

Parties or persons with special procedural requests should contact staff. Any procedure not specified in this hearing notice will be waived pursuant to section 648(d) of title 23 of the California Code of Regulations. Objections to any procedure to be used during this hearing must be submitted in writing not later than close of [15] business days prior to the date of the hearing. Procedural objections will not be entertained at the hearing.

If there should not be a quorum on the scheduled date of this meeting, all cases will be automatically continued to the next scheduled meeting on July 16, 2009. A continuance will not extend any time set forth herein.

H. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Water Board's action to the following address:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

I. Information and Copying

The Report of Waste Discharge (RWD), related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (213) 576-6600.

J. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference this facility, and provide a name, address, and phone number.

K. Additional Information

Requests for additional information or questions regarding this order should be directed to Gensen Kai at (213) 576-6651.

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