

Regional Water Quality Control Board  
North Coast Region

Executive Officer's Summary Report  
Thursday, March 12, 2015  
Regional Water Board Office  
Santa Rosa, California

- ITEM: 7
- SUBJECT: Public Hearing on Order No. R1-2015-0003 to consider adoption of proposed Waste Discharge Requirements for Low Threat Discharges to Surface Waters in the North Coast Region, Regionwide General NPDES Permit No. CAG0024902 (*Cathleen Goodwin*)
- BOARD ACTION: The Board will consider adoption of Waste Discharge Requirements Order No. R1-2015-0003. The Order will serve as a National Pollutant Discharge Elimination System (NPDES) permit for a period of five years.
- BACKGROUND: The proposed Low Threat General Permit (General Permit) will reissue Order No. R1-2009-0045, the existing region-wide general permit that applies to low threat discharges. The purpose of the proposed General Permit is to provide a streamlined mechanism to regulate discharges of low threat wastewaters to surface waters of the North Coast Region, including ocean and inland surface waters and enclosed bays and estuaries.
- The proposed General NPDES Permit covers discharges from a variety of activities that can be categorized as having a low threat to water quality. Adoption of general permits is authorized under federal regulations (40 CFR 122.28) and State regulations (Water Code section 13263(i)) for the purpose of permitting activities that are more appropriately regulated under a general permit rather than an individual permit.
- The proposed General Permit is designed to implement provisions of the *Water Quality Control Plan for the North Coast Region Action Plan for Low Threat Discharges* by providing a general permit mechanism for planned, low threat discharges that meet all Basin Plan requirements.
- DISCUSSION: Individuals, public agencies, private businesses, and other entities, at times need to discharge to surface waters relatively pollutant-free wastewater that poses a low threat to water quality. Low threat discharges from discrete point sources to "waters of the U.S." are, nonetheless, discharges of pollutants, and as such must be regulated under a National Pollutant Discharge Elimination System (NPDES) permit as required by federal regulations. If such discharges are

identified for permitting by federal regulations, the state cannot waive the issuance of such permits.

The proposed General Permit defines a low threat discharge as a planned discharge that is short-term and or minimized volume from a definable project that results in a discharge from a regulated point source to waters of the U.S. Low threat discharges are expected to contain minimal amounts to low amounts of pollutants and pose little or no threat to water quality or the environment. Low threat discharges are those that require a minimal level of treatment and/or can be controlled to eliminate or reduce pollutants and minimize the volume and discharge rates through implementation of best management practices (BMPs).

Many of these discharges contain pollutants such as sediment, chlorine, or elevated temperature that could have adverse impacts on water quality. With proper management practices, simple treatment, and oversight, these pollutants can be removed or reduced to levels that do not pose a threat to water quality nor cause nuisance conditions.

The proposed General Permit applies to a broad range of low threat discharges, including discharges from water supply tanks and pipelines and groundwater from well development activities, as well as construction dewatering and discharges from other activities that meet the definition of low threat. Staff believes that it is in the public interest to provide a streamlined permitting mechanism to allow these discharges to occur in a controlled manner that is protective of water quality.

The proposed General Permit includes a monitoring and reporting program. The data are used to determine each enrollee's compliance and to evaluate the effectiveness of the proposed General Permit.

During the term of the existing General Permit, Order No. R1-2009-0045, Regional Water Board staff fielded numerous inquiries regarding enrollment under the General Permit, but only received four Notice of Intents (NOIs) that resulted in two enrollments under the General Permit. Regional Water Board staff helped a number of the inquirers to identify other means of disposing of the low threat wastewater, including discharging to the sanitary sewer, use of the water for dust control, and/or land application in a manner that prevented discharge to surface waters. Regional Water Board staff believes that the requirement to demonstrate that there are no other means to discharge the water provides an incentive for potential applicants to avoid discharging to surface waters, as well as opportunities for Regional Water Board staff to engage in discussions with potential dischargers and educate them about the importance of protecting water quality.

The proposed General Permit is consistent with similar low threat general permits adopted by other Regional Boards throughout the State.

The draft General Permit was released on December 23, 2014 for a 30-day public comment period. The public notice was published in four major newspapers in the Region, and it was mailed to approximately 200 people. A copy of the public notice is included in this agenda package.

One comment letter from Russian Riverkeeper was received regarding the draft General Permit. Staff made some modifications to the draft General Permit in response to those comments. A full explanation of all comments and responses is documented in the attached Response to Comments document.

**SIGNIFICANT  
CHANGES:**

The proposed General Permit, Order No. R1-2015-0003 contains several notable changes in comparison to the existing Low Threat General Permit, Order No. R1-2009-0045 as follows:

1. The proposed General Permit recognizes the recent adoption of the Statewide NPDES Permit for Drinking Water System Discharges to Waters of the United States (Drinking Water General Permit) (adopted November 18, 2014), which applies to discharges from community drinking water systems serving 1,000 connections or greater that are regulated by the State Water Board Division of Drinking Water or a local county health department, with the primary purpose of transmitting, treating and distributing safe drinking water, or state owned/operated facilities such as parks, campgrounds, and rest areas. Although the proposed General Permit will not apply to these types of drinking water systems, it is applicable to non-community and non-transient water systems that are not covered by the Drinking Water General Permit.
2. The proposed General Permit identifies several categories of discharges to ocean waters that were not identified in the 2009 General Permit, including seafood processing wash water discharges, discharges of brine from small desalination facilities, and discharges of treated bilge-water from harbor pump-out facilities that are certified as an environmentally clean marina under the Clean Marina CA program or other equivalent third party certification program or can demonstrate that the treatment facilities adequately and reliably remove exotic species, human wastes, hydrocarbons and other pollutants of concern. Regional Water Board staff believes that this proposed General Permit will

provide an effective permitting tool to address these categories of ocean discharges.

3. The 2009 General Permit included a 30-day public comment period for each enrollment. The proposed General Permit includes a notice of enrollment in place of a public comment period. This change is consistent with how enrollments under general permits are handled by other Regional Water Boards and the State Water Board.
4. Effluent limitations for grease and oil, suspended solids, and turbidity for discharges to ocean waters have been added to be consistent with the Ocean Plan.
5. In response to public comments, a numeric action level for turbidity has been added for construction dewatering and other similar sediment-containing discharges to waterbodies that are impaired for sediment. The proposed General Permit requires implementation of additional physical treatment and BMPs if the discharge turbidity is above an action level of 20 NTU.

RECOMMENDATION: Adopt Order No. R1-2015-0003, as proposed.

SUPPORTING  
DOCUMENTS:

1. Proposed Order No. R1-2015-0003
2. Staff Response to Comments
3. Comment Letter
4. Public Notice