

# Appendix B

This appendix contains the strikethrough/underline version of the proposed changes to Section 4 - Implementation Plans.

**Notes to Readers:**

- 1) *The following provides existing and new language for Chapter 4 - Implementation Plans (Implementation Policies and Action Plans). Revisions to the Chapter are shown in strikethrough and underline format. Proposed deletions to the original Basin Plan language are shown in ~~strikethrough~~. Proposed additions are indicated by underlining. Formatting changes, such as deletion of extra spaces, reformatting of paragraphs and tables, additions of bullets, etc., are not necessarily reflected in strikethrough/underline format.*
- 2) This update proposes to rename sections of the Basin Plan to chapters.

## 4. IMPLEMENTATION POLICIES AND ACTION PLANS

### 4.1 INTRODUCTION

This ~~section~~ ~~chapter~~ presents the policies and actions plans designed intended to achieve meet water quality objectives and protect beneficial uses of waters of the state in the Klamath River Basin and North Coastal Basin Region. ~~The following m~~Measures shall be taken to restore, maintain, and protect ambient water quality conditions from with respect to actual and potential point and nonpoint sources of water quality degradation ~~and other controllable factors~~.

Actions to achieve water quality objectives and support beneficial uses will require the coordinated efforts of the Regional Water Board, other agencies, non-governmental organizations, and regulated entities. An implementation program is an integral part of the Basin Plan. The implementation program is required to include, at a minimum, the following components:

- A description of the nature of the actions that are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private
- A time schedule for the actions to be taken
- A description of surveillance to be undertaken to determine compliance with the objectives<sup>1</sup>.

### 4.2 CONTROLLABLE WATER QUALITY FACTORS

Controllable water quality factors shall conform to the water quality objectives contained herein in this Basin Plan. When other factors result in the degradation of water quality beyond the levels or limits established as water quality objectives, controllable factors shall not cause further degradation of water quality. Controllable water quality factors are those actions, conditions, or circumstances resulting from man's human activities that may influence the quality of the waters of the state and that may be reasonably controlled. Relocated & Revised Text from Chapter 3)

### 4.3 CONTROL ACTIONS

This section is intended to generally describe the authorities of the State Water Board, the Regional Water Board and other agencies with respect to water quality control.

#### 4.3.1 Control Actions under State Water Board Authority

The State Water Resources Control Board (State Water Board) has adopted several statewide or area wide water quality plans and policies that complement or may supercede portions of this Basin Plan. These plans and policies may include water quality standards, implementation or control measures, water rights or monitoring requirements. See the State Water Board Website, "Plans and Policies," for the full range of plans and policies adopted by the State Water Board.

#### 4.3.2 Control Actions to be Implemented by Other Agencies with Water Quality or Related Authority

Water quality management plans prepared under Section 208 of the Federal Water Pollution Control Act (Clean Water Act) have been completed by various public agencies. These Section 208 plans, as well as other plans adopted by federal, state, and local agencies, may affect the Regional Water Board's water quality management and control activities. The Regional Water Board can also be party to official

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<sup>1</sup> Wat. Code § 13242

## Staff Report for the Proposed WQO Update Amendment

### Appendix B – Basin Plan Section 4 Update Language

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agreements with other agencies, such as memoranda of understanding (MOUs) or management agency agreements (MAAs) that recognize and rely on the water quality authority of other agencies.

#### **4.3.3 Control Actions under Regional Water Board Authority**

A program of implementation by the Regional Water Board must provide for the attainment of this Basin Plan's water quality standards (see Chapter 2, "Beneficial Uses," and Chapter 3, "Water Quality Objectives," and "Antidegradation Policies"), as well as any relevant water quality standards adopted by the State Water Board.

One of the primary ways in which the Regional Water Board regulates controllable water quality factors associated with discharges is through permits, orders, and other actions imposing waste discharge limitations on specific and general categories of discharges and potential discharges. Water quality objectives form the basis for the permits, orders and other actions that are pursuant to the Regional Water Board's authority. These permits, orders, and other actions include, but are not limited to waste discharge requirements (including provisions required by federal law), waivers of waste discharge requirements, total maximum daily loads, water quality certifications, waste discharge prohibitions, and maximum acceptable cleanup levels.

#### **4.3.4 Water Quality Certification**

Under the Clean Water Act Section (CWA) 401 Water Quality Certification (Water Quality Certification), the Regional Water Board has broad authority to review proposed activities that require federal permits in and/or affecting "waters of the United States (U.S.)" within the Region. A Water Quality Certification is an order certifying that the proposed project will comply with CWA Sections 301 (Effluent Limitation), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance) and 307 (Toxic Pretreatment Effluent Standards); will comply with applicable state laws; and, will be protective of beneficial uses identified within the Basin Plan. The Regional Water Board can then grant, condition, or deny certification of federal permits or licenses that may result in a discharge to waters of the U.S.

The Regional Water Board will refer to the following for guidance when permitting or otherwise acting on dredge or fill projects:

- Governor's Executive Order W-59-93 (signed August 23, 1993; also known as the California Wetlands Conservation Policy);
- Senate Concurrent Resolution No. 28;
- Water Codes section 13142.5 (applies to coastal marine wetlands).

The goals of the California Wetlands Conservation Policy include ensuring "no overall net loss," achieving a "long-term net gain in the quantity, quality, and permanence of wetlands acreage and value...", and reducing "procedural complexity in the administration of state and federal wetlands conservation programs."

Senate Concurrent Resolution No. 28 states, "It is the intent of the legislature to preserve, protect, restore, and enhance California's wetlands and the multiple resources which depend on them for the benefit of the people of the state."

Water Code section 13142.5 states, "Highest priority shall be given to improving or eliminating discharges that adversely affect...wetlands, estuaries, and other biological sensitive sites."

#### **4.3.5 National Pollutant Discharge Elimination System (NPDES)**

NPDES permits are issued to regulate point source discharges of waste to "waters of the U.S." including discharges of storm water from municipal separate storm sewer systems and certain categories of

## Staff Report for the Proposed WQO Update Amendment

### Appendix B – Basin Plan Section 4 Update Language

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industrial activity. Waters of the U.S. are surface waters such as rivers, lakes, bays, estuaries, oceans, etc. The issuance of NPDES permits is authorized by Section 402 of the Clean Water Act and Section 13370 of the Water Code. The permit content and the issuance process are contained in the Code of Federal Regulations (40 CFR Part 122) and Title 23, Chapter 9 of the California Code of Regulations, respectively. The U.S. Environmental Protection Agency (USEPA) has approved the state's program to regulate point source discharges of waste, including storm water, to waters of the U.S. The state, through the State and Regional Water Boards, issues the NPDES permits, reviews discharger self-monitoring reports, performs independent compliance checking, and takes enforcement actions as needed.

NPDES permits also require publicly owned treatment works to conduct pretreatment programs if their design capacity is greater than 5 million gallons per day. Smaller publicly owned treatment works may be required to conduct pretreatment programs if there are significant industrial users of their systems. The pretreatment programs must comply with the federal regulations at 40 CFR Part 403.

#### **4.3.6 Waste Discharge Requirements (WDRs)**

Waste Discharge Requirements (WDRs) are necessary for any persons discharging or proposing to discharge waste that could affect the quality of the waters of the state<sup>2</sup>. The Regional Water Board reviews the nature of the proposed discharge and adopts WDRs to protect the beneficial uses of waters of the state and to implement the Antidegradation Policy. Waste discharge requirements could be adopted as individual permits (e.g., for a particular facility), group permits (e.g., for facilities within a particular watershed), or general permits (e.g., for facilities conducting a particular activity) in accordance with Section 13263 of the Water Code. The Water Code authorizes Regional Water Boards to regulate discharges of waste to land to protect water quality by issuing WDRs. Regional Water Boards review self-monitoring reports submitted by the discharger, perform independent compliance checking, take enforcement actions as needed, and periodically review and update WDRs.

#### **4.3.7 Waivers of WDRs**

Regional Water Boards may conditionally waive WDRs if the Regional Water Board determines that such conditional waiver is in the public interest<sup>3</sup>. The requirement to submit a Report of Waste Discharge can also be waived. A conditional Waiver of WDRs may not exceed five years, and may be terminated at any time by the Regional Water Board. A Waiver of WDRs could be adopted as individual permits (e.g., for a particular facility), group permits (e.g., for facilities within a particular watershed), or general waiver (e.g., for facilities conducting a particular activity) in accordance with Section 13269 of the Water Code. Regional Water Boards issue Waivers of WDRs, review self-monitoring reports submitted by the discharger, perform independent compliance checking, and take enforcement actions as needed.

#### **4.4 PROHIBITIONS AND EXCEPTIONS TO PROHIBITIONS**

The Regional Water Board can prohibit specific types of discharges to certain areas<sup>4</sup>. These discharge prohibitions may be revised, rescinded, or adopted, as necessary. Discharge prohibitions are described in the "Waste Discharge Prohibitions" section of this Chapter. For certain circumstances, the Regional Water Board will allow exceptions to some of these prohibitions. Prohibition exceptions are further described in the "Waste Discharge Prohibitions" section of this Chapter.

#### **4.5 MONITORING AND REPORTING**

Monitoring and reporting programs are specified in the permits, orders, and other regulatory actions of the Regional Water Board or may be issued separately. Monitoring and reporting includes, but is not limited

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<sup>2</sup> Wat. Code § 13260

<sup>3</sup> Wat. Code § 13269

<sup>4</sup> Wat. Code § 13243

## Staff Report for the Proposed WQO Update Amendment

### Appendix B – Basin Plan Section 4 Update Language

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to, a description of the sampling and analytical methods, monitoring locations, and monitoring and reporting schedule necessary to determine compliance with the provisions of the permit, order, or other regulatory action, or the requirements of the Basin Plan. Where appropriate, the *Standard Methods for the Examination of Water and Wastewater*, latest edition (American Public Health Association, et al.) generally applies.

#### **4.6 COMPLIANCE WITH WATER QUALITY OBJECTIVES**

It is not feasible to establish direction on compliance with water quality standards as appropriate for all circumstances and conditions which could be created by all discharges. Therefore, it is within the discretion of the Regional Water Board to establish direction on compliance with applicable water quality standards within individual or general permits, orders and other regulatory actions. Whenever the Regional Water Board finds that a discharge of waste violates or will violate requirements prescribed by the Regional Water Board or by the State Water Board, or waste treatment and/or disposal facilities are approaching capacity, the Regional Water Board may approve a time schedule of specific actions to correct and/or prevent a violation of requirements<sup>5</sup>. The Regional Water Board recognizes that immediate compliance with new effluent and/or receiving water NPDES permit limitations based on new, revised or newly interpreted water quality objectives or prohibitions adopted by the Regional Water Board or the State Water Board, or with new, revised or newly interpreted water quality criteria promulgated by the U.S. Environmental Protection Agency (USEPA)<sup>6</sup>, may not be technically and/or economically feasible<sup>7</sup> in all circumstances. **Relocated text from Chapter 3)** In such cases, the Regional Water Board may issue a time schedule order, as appropriate. Any schedule of compliance shall require achievement of the effluent limitations and/or receiving water limitations within the shortest feasible period of time. **Relocated Text from Chapter 3)** The issuance of an NPDES permit containing a compliance schedule will be in accordance with the State Water Board *Policy for Compliance Schedules in NPDES Permits*<sup>8</sup> and will result in discharge compliance with applicable requirements of the Clean Water Act.

#### **4.7 ENFORCEMENT ACTIONS**

The State Water Board has adopted the Water Quality Enforcement Policy to provide guidance that will enable Regional Water Board staff to expend its limited resources in ways that openly address the greatest needs, deter harmful conduct, protect the public, and achieve maximum water quality benefits. The Enforcement Policy articulates expectations and priorities for the State Water Board and nine Regional Water Boards. The Enforcement Policy includes several sections outlining consistent guidance to the Regional Water Boards that include: 1) Fair, Firm and Consistent Enforcement; 2) Enforcement Priorities for Discretionary Enforcement Actions; 3) Enforcement Actions; 4) State Water Board Enforcement Actions; 5) Coordination with Other Regulatory Agencies; 6) Monetary Assessment in Administrative Civil Liability (ACL) Actions; 7) Mandatory Minimum Penalties for NPDES Violations; 8) Compliance Projects; 9) Enhanced Compliance Actions; 10) Discharge Violation Reporting; 11) Violation and Enforcement Data; 12) Enforcement Reporting; and 13) Policy Review and Revision.

The Enforcement Policy outlines the various measures (formal and informal) to provide a consistent approach throughout the state. These measures can include the following types of actions.

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<sup>5</sup> Wat. Code § 13300

<sup>6</sup> New, revised, or newly interpreted water quality objectives, criteria, or prohibitions means: 1) objectives as defined in Section 13050(h) of Porter-Cologne; 2) criteria as promulgated by the USEPA; or 3) prohibitions as defined in the Water Quality Control Plan for the North Coast Region that are adopted, revised, or newly interpreted after November 29, 2006. Objectives and criteria may be narrative or numeric.

<sup>7</sup> Technical and economic feasibility shall be determined consistent with State Board Resolution No. 92-49.

<sup>8</sup> State Water Board Resolution No. 2008-0025.

#### **4.7.1 Informal Enforcement Actions**

An informal enforcement action is any enforcement action taken by Regional Water Board staff that is not defined in statute or regulation. Informal enforcement action can include any form of communication (oral, written, or electronic) between Regional Water Board staff and a discharger concerning an actual, threatened, or potential violation. Informal enforcement actions cannot be petitioned to the State Water Board. Informal enforcement actions may include:

##### **4.7.1.1. Oral and Written Contact**

For many violations, the first step is an oral contact. This involves contacting the discharger by phone or in person and informing the discharger of the specific violations, discussing how and why the violations have occurred or may occur, and discussing how and when the discharger will correct the violation and achieve compliance.

##### **4.7.1.2 Notice of Violation**

A notice of violation or NOV is a letter formally advising a discharger in noncompliance that additional enforcement actions may be necessary if appropriate corrective actions are not taken. The NOV letter is the most significant level of informal enforcement action and should be used only where a violation has actually occurred. The NOV letter shall include a description of specific violation, a summary of potential enforcement options available to address noncompliance (including potential ACL assessments), and a request for a certified, written response by a specified date that either confirms the correction of the violation or identifies a date by which the violation will be corrected. The NOV can be combined with a request for technical information pursuant to Water Code section 13267.

#### **4.7.2 Formal Enforcement Actions**

Formal enforcement actions are statutorily based actions to address a violation or threatened violation of water quality laws, regulations, policies, plans, or orders. The actions listed below present options available for enforcement.

##### **4.7.2.1 Notices to Comply**

A Notice to Comply (Notice) can be issued for minor violations during field inspections by Regional Water Board staff, at the discretion of the inspector. Water Code section 13399 *et seq.* deals with statutorily defined “minor” violations. A violation is determined to be “minor” by the State Water Board or the Regional Water Board after considering factors defined in Water Code section 13399, subdivisions (e) and (f), and the danger the violation poses to, or the potential that the violation presents for endangering human health, safety, welfare, or the environment.

##### **4.7.2.2 Notices of Stormwater Noncompliance**

The Stormwater Enforcement Act of 1998 (Water Code section 13399.25 *et seq.*) requires that each Regional Water Board provide a notice of noncompliance to any stormwater dischargers who have failed to file a notice of intent to obtain coverage, a notice of non-applicability, a construction certification, or annual reports. If, after two notices, the discharger fails to file the applicable document, the Regional Water Board shall issue a complaint for administrative civil liability against the discharger. Alternatively, the Water Boards may enforce most of these violations under Water Code section 13385.

##### **4.7.2.3 Technical Reports and Investigations**

Water Code sections 13267, subdivision (b), and 13383 allow the Regional Water Board to conduct investigations and to require technical or monitoring reports from any person who has discharged, discharges, or is suspected of having discharged, or who proposes to discharge waste in accordance with

## Staff Report for the Proposed WQO Update Amendment

### Appendix B – Basin Plan Section 4 Update Language

---

the conditions in the section. When requiring reports pursuant to Water Code section 13267, subdivision (b), the Regional Water Board must ensure that the burden, including costs of the reports, bears a reasonable relationship to the need for the reports and the benefits to be obtained from them. Further, the Regional Water Board shall provide a written explanation with regard to the need for the reports and identify the evidence that supports requiring them.

#### **4.7.2.4 Cleanup and Abatement Orders**

Cleanup and Abatement Orders (CAOs) are adopted pursuant to Water Code section 13304. CAOs may be issued to any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a Regional Water Board or the State Water Board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance (discharger). The CAO requires the discharger to clean up the waste or abate the effects of the waste, or both, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.

#### **4.7.2.5 Section 13300 Time Schedule Orders**

Pursuant to Water Code section 13300, a Regional Water Board can require the discharger to submit a time schedule that sets forth the actions the discharger will take to address actual or threatened discharges of waste in violation of requirements. Typically, those schedules, after any appropriate adjustments by the Regional Water Board, are then memorialized in an order. Time Schedule Orders (TSOs) that require submission of technical and monitoring reports should state that the reports are required pursuant to Water Code section 13267.

#### **4.7.2.6 Section 13308 Time Schedule Orders**

Water Code section 13308 authorizes the Regional Water Board to issue a Time Schedule Order (13308 TSO) that prescribes, in advance, a civil penalty if compliance is not achieved in accordance with the time schedule. The Regional Water Board may issue a 13308 TSO if there is a threatened or continuing violation of a cleanup and abatement order, cease and desist order, or any requirement issued under Water Code sections 13267 or 13383. The penalty must be set based on an amount reasonably necessary to achieve compliance and may not contain any amount intended to punish or redress previous violations. The 13308 TSO provides the Regional Water Boards with their primary mechanism for motivating compliance, and if necessary, assessing monetary penalties against federal facilities. Orders under this section are an important tool for regulating federal facilities. If the discharger fails to comply with the 13308 TSO, the discharger is subject to a complaint for Administrative Civil Liability. The State Water Board may issue a 13308 TSO if the violation or threatened violation involves requirements prescribed by a State Water Board Order.

#### **4.7.2.7 Cease and Desist Orders**

Cease and Desist Orders (CDOs) are adopted pursuant to Water Code sections 13301 and 13303. CDOs may be issued to dischargers violating or threatening to violate WDRs or prohibitions prescribed by the Regional Water Board or the State Water Board. Section 4477 of the California Government Code prohibits all state agencies from entering into contracts of \$5,000 or more for the purchase of supplies, equipment, or services from any nongovernmental entity who is the subject of a CDO that is no longer under review and that was issued for violation of WDRs or which has been finally determined to be in violation of federal laws relating to air or water pollution.

#### 4.7.2.8 Modification or Rescission of WDRs

In accordance with the provisions of the Water Code, a Regional Water Board may modify or rescind WDRs in response to violations. Depending on the circumstances of the case, rescission of WDRs may be appropriate for failure to pay fees, penalties, or liabilities; a discharge that adversely affects beneficial uses of the waters of the state; and violation of the State Water Board General WDRs for discharge of bio-solids due to violation of the Background Cumulative Adjusted Loading Rate. Rescission of WDRs generally is not an appropriate enforcement response where the discharger is unable to prevent the discharge, as in the case of a POTW.

#### 4.7.2.9 Administrative Civil Liabilities

Administrative Civil Liabilities (ACLs) are monetary liabilities imposed by a Regional Water Board or the State Water Board. The Water Code authorizes the imposition of an ACL for certain violations of law. The factors used to assess the appropriate penalties are addressed in Section VI of the Enforcement Policy. It is the policy of the State Water Board that a 30 day public comment period shall be posted on the Regional Water Board website prior to the settlement or imposition of any ACL, including mandatory minimum penalties, and prior to settlement of any judicial civil liabilities. In addition, for civil liabilities that are expected to generate significant public interest, the Regional Water Board may consider mailing or e-mailing the notice to known interested parties, or publishing the notice in a local newspaper.

### **POINT SOURCE MEASURES**

#### **Waste Discharge Prohibitions**

This section has not been modified and is relocated after section 4.7.

#### **Klamath River Basin**

This section has not been modified.

#### **North Coast Basin**

This section has not been modified.

### **SCHEDULES OF COMPLIANCE**

~~The Regional Water Board may establish a Schedule of Compliance in an National Pollution Discharge Elimination System (NPDES) permit under the following circumstances:<sup>3,4</sup>~~

- ~~1) Where an existing discharger<sup>5</sup> has demonstrated, to the Regional Water Board's satisfaction, that it is infeasible to achieve immediate compliance with effluent and/or receiving water limitations specified to implement new, revised, or newly interpreted water quality objectives, criteria, or prohibitions<sup>6</sup>;~~
- ~~2) Where a discharger is required to comply with Total Maximum Daily Loads (TMDLs) adopted as a single permitting action,<sup>7</sup> and demonstrates that it is infeasible to achieve immediate compliance with effluent and/or receiving water limits that are specified to implement new, revised or newly interpreted objectives, criteria, or prohibitions.~~

~~The schedule of compliance shall include a time schedule for completing specific actions (including interim effluent limits) that demonstrate reasonable progress toward attaining the effluent and/or receiving water limitations, water quality objectives, criteria, or prohibitions. The schedule of compliance shall contain interim limits and a final compliance date based on the shortest feasible time required to achieve compliance (determined by the Regional Water Board at a public hearing after considering the factors identified below).~~

## Staff Report for the Proposed WQO Update Amendment

### Appendix B – Basin Plan Section 4 Update Language

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~~Schedules of compliance in NPDES permits for existing NPDES permittees shall be as short as feasible, but in no case exceed the following:~~

- ~~— Up to five years from the date of permit issuance, re-issuance, or modification that establishes effluent and/or receiving water limitations specified to implement new, revised, or newly interpreted objectives, criteria, or prohibitions. A permittee can apply for up to a five-year extension, but only where the conditions of the schedule of compliance have been fully met, and sufficient progress toward achieving the objectives, criteria, or prohibitions has been documented.~~
- ~~— In no case shall a schedule of compliance for these dischargers exceed ten years from the effective date of the initial permit that established effluent and/or receiving water limitations specified to implement new, revised, or newly interpreted objectives, criteria, or prohibitions.~~

~~TMDL-derived effluent and/or receiving water limitations that are specified to implement new, revised, or newly interpreted water quality objectives, criteria, or prohibitions that are adopted as a single permitting action:~~

- ~~— In this scenario, schedules of compliance shall require compliance in the shortest feasible period of time, but may extend beyond ten years from the date of the permit issuance.~~

~~To document the need for and justify the duration of any such schedule of compliance, a discharger must submit the following information, at a minimum. The Regional Water Board will review the information submitted to determine if a schedule of compliance is appropriate.~~

~~For all applicants:~~

- ~~● A written request, and demonstration, with supporting data and analysis, that it is technically and/or economically infeasible<sup>3</sup> to achieve immediate compliance with newly adopted, revised or newly interpreted water quality objectives, criteria or prohibitions.~~
- ~~● Results of diligent efforts to quantify pollutant levels in the discharge and the sources of the pollutant in the waste stream~~
- ~~● Documentation of source control efforts currently underway or completed, including compliance with any pollution prevention programs that have been established.~~
- ~~● A proposed schedule for additional source control measures or waste treatment.~~
- ~~● The highest discharge quality that is technically and economically feasible to achieve until final compliance is attained.~~
- ~~● A demonstration that the proposed schedule of compliance is as short as technically and economically feasible.~~
- ~~● Data demonstrating current treatment facility performance to compare against existing permit effluent limits, as necessary to determine which is the more stringent interim limit to apply if a schedule of compliance is granted.~~
- ~~● Additional information and analyses, to be determined by the Regional Water Board on a case-by-case basis.~~

<sup>3</sup> Schedules of compliance for CTR criteria are independently authorized and governed by 40 CFR 122.47 and 131.38, and the State "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California" (CTR-SIP). This amendment is intended to supplement, not supercede, these provisions required by the CTR-SIP. All CTR limits must be consistent with the CTR-SIP and applicable federal rules.

<sup>4</sup> Schedules of compliance for Non-NPDES Waste Discharge Requirements (WDRs) are also independently authorized by Porter Cologne, and will continue to be adopted on a case-by-case basis.

<sup>5</sup> Existing discharger is defined in the State "Policy for Implementation of Toxic Substance Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California," (CTR-SIP) as any discharger (non-NPDES or NPDES) that is not a new discharger.

## Staff Report for the Proposed WQO Update Amendment

### Appendix B – Basin Plan Section 4 Update Language

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~~An existing discharger includes an increasing discharger (i.e., an existing facility with treatment systems in place for its current discharge that is or will be expanding, upgrading, or modifying its existing permitted discharge after November 29, 2006). A new discharger includes any building, structure, facility, or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after November 29, 2006.~~

~~<sup>6</sup>New, revised, or newly interpreted water quality objectives, criteria, or prohibitions means: 1) objectives as defined in Section 13050(h) of Porter-Cologne; 2) criteria as promulgated by the United States Environmental Protection Agency (USEPA); or 3) prohibitions as defined in the *Water Quality Control Plan for the North Coast Region* that are adopted, revised, or newly interpreted after November 29, 2006. Objectives and criteria may be narrative or numeric.~~

~~<sup>7</sup>“Single-permitting actions” means those where the Regional Board incorporates the requirements to implement a TMDL through one NPDES permit. These actions would not require a Basin Plan amendment, but would require a technical staff report to support the permit requirements and any permit specified compliance schedule. Furthermore, the USEPA would still be required to approve the TMDL under the federal CWA Section 303(d).~~

~~<sup>8</sup>Technical and economic feasibility shall be determined consistent with State Board Order 92-49.~~