State of California
California Regional Water Quality Control Board
Santa Ana Region
STAFF REPORT
June 19, 2015

ITEM:

SUBJECT: Issuance of updated general waste discharge requirements for discharges to surface waters that pose an insignificant (de minimis) threat to water quality – Order No. R8-2015-0004, NPDES No. CAG998001

DISCUSSION:

See attached Order No. R8-2015-0004 and Attachments

RECOMMENDATIONS:

Adopt Order No. R8-2015-0004, NPDES No. CAG998001 as presented.

Comments were solicited from the dischargers and the following agencies:

U.S. Environmental Protection Agency, Permits Issuance Section (WTR-5) – Peter Kozelka
US Army Corps of Engineers, Los Angeles District – Regulatory Branch
US Fish and Wildlife Service, Carlsbad
State Water Resources Control Board, Office of the Chief Counsel – David Rice
State Water Resources Control Board, Division of Water Quality – Phil Isorena
State Water Resources Control Board, Division of Drinking Water, Santa Ana – Oliver Pacifico
State Water Resources, Division of Drinking Water, San Diego – Steve Williams
State Water Resources, Division of Drinking Water, San Bernardino – Sean McCarthy
State Department of Water Resources, Glendale
State Department of Fish and Wildlife, Ontario
State Department of Fish and Wildlife, Los Alamitos
State Department of Fish and Wildlife, San Diego – Ed Pert
California Coastal Commission – Karl Schwing
Riverside County Environmental Health – Bonnie Dierking
Riverside County Flood and Water Conservation District – Jason Uhley
San Bernardino County Environmental Health Services – Daniel Avera
San Bernardino County Flood Control – Annesley Ignatius
Orange County Health Care Agency – Larry Honeybourne
Orange County Public Works – Chris Crompton
Orange County Public Works, Flood Control – Andy Ngo
Orange County Water District – Nira Yamachika / Marsha Westropp
South Coast Air Quality Management District – Barry Wallerstein
Inland Empire Waterkeeper – Megan Brousseau
Orange County Coastkeeper – Garry Brown
Lawyers for Clean Water
Current R8-2009-0003 Enrollees (attached list)

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ORDER NO. R8-2015-0004
NPDES NO. CAG998001

GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS THAT POSE AN INSIGNIFICANT (DE MINIMIS) THREAT TO WATER QUALITY

A Discharger, as described in the following table, who has complied with the requirements for coverage under this Order, is authorized to discharge under this Order, once the Executive Officer has issued an authorization letter, as described in this Order.

Dischargers	Individuals, agencies, and/or other parties who discharge wastewater that pose an insignificant (de minimis) threat to water quality of surface waters.

This Order was adopted by the Regional Water Quality Control Board on:	**June 19, 2015**
This Order shall become effective on:	**July 1, 2015**
This Order shall expire on:	**June 30, 2020**
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified the discharges regulated by this Order as **minor** discharges.	

IT IS HEREBY ORDERED, that this Order supersedes Order No. R8-2009-0003 except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the California Water Code (commencing with Section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on June 19, 2015.

Kurt V. Berchtold, Executive Officer

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I. DISCHARGE INFORMATION

1. The types of wastewater discharges regulated under this Order include the following:
   a. Construction dewatering wastes;[1]
   b. Wastes associated with well installation, development, test pumping and purging [2];
   c. Aquifer testing wastes;
   d. Dewatering wastes from subterranean seepage[3] (except for discharges from utility vaults);
   e. Discharges resulting from hydrostatic testing of vessels, pipelines, tanks, etc.[2];
   f. Discharges resulting from the maintenance of potable water supply pipelines, tanks, reservoirs, etc.;[2]
   g. Discharges resulting from the disinfection of potable water supply pipelines, tanks, reservoirs, etc.[2];
   h. Discharges from potable water supply systems resulting from initial system startup, routine startup, sampling of influent flow, system failures, pressure releases, etc.[2];
   i. Discharges from fire hydrant testing or flushing[2];
   j. Air conditioning condensate;
   k. Swimming pool discharge;
   l. Discharges resulting from diverted stream flows;
   m. Decanted filter backwash wastewater and/or sludge dewatering filtrate water from water treatment facilities; and
   n. Other similar types of wastes as determined by the Regional Water Board Executive Officer, which pose a de minimis threat to water quality yet must be regulated under waste discharge requirements.

2. This Order regulates proposed groundwater related discharges and/or de minimis discharges within the San Diego Creek/Newport Bay Watershed that do not contain nutrients, selenium, and other pollutants of TMDL concern at levels that pose a threat to water quality.

3. The following discharges are excluded from regulation under this Order:
   a. Wastewater with pollutants of concern other than those for which effluent limitations are specified in this Order.
   b. Wastewater discharges from hydro-testing of contaminated pipes, vessels or tanks.

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[1] *Except for storm water discharges regulated under a statewide general construction storm water permit or a Municipal Separate Storm Sewer System permit.*

[2] *Except for wastes discharged from water purveyors regulated under statewide general waste discharge requirements, such as Order WQ 2014-0194-DWQ, NPDES No. CAG140001.*

[3] *Except for waste discharges from utility vaults regulated under statewide general waste discharge requirements, such as Order No. 2006-0008-DWQ, NPDES No. CAG990002.*

c. Wastewater discharges from draining of decorative ponds, golf course lakes, etc., unless full characterization of the wastewater for the presence of pesticides, insecticides, biocides and/or other chemicals that may have been applied to the water is provided which shows that there are no pollutants present at levels of concern.

II. APPLICATION INFORMATION

A. Existing Dischargers

Existing Dischargers previously authorized to discharge under Order No. R8-2009-0003 who wish to continue their discharge(s) and be regulated under the terms and conditions of this Order must complete sections I., II., III., IV., and VIII. of Attachment B and submit it, no later than August 1, 2015. If no application is submitted by that date, coverage to discharge shall be terminated and a complete Notice of Intent, with a new application fee, will need to be submitted to resume permit coverage for the discharge.

B. New Dischargers

At least 45 days before the start of a new discharge, the Discharger shall submit a complete Notice of Intent (Attachment B) to the Regional Water Board office at the address on the cover page of this Order.

C. Effective Date of Coverage

Coverage under this Order shall be effective on the date that the Executive Officer issues a discharge authorization letter, which shall include a self-monitoring program for the proposed discharge.

D. Termination of Coverage

The Discharger shall inform the Regional Water Board by a letter if coverage under this Order is no longer needed. Upon receipt of said letter, the Regional Water Board Executive Officer or a designee shall issue a letter terminating coverage under this Order.

III. FINDINGS

The Regional Water Board finds:

A. Background.

Order No. R8-2009-0003, NPDES No. CAG998001, was adopted by the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Water Board), on March 27, 2009, for discharges to surface waters of various types of wastes that pose an insignificant threat to water quality. Order No. R8-2009-0003 expired on March 1, 2014.

One hundred twenty Dischargers have been authorized to discharge wastewater under Order No. R8-2009-0003; of these, 73 are still active. It is anticipated that many of these existing Dischargers will be submitting renewal applications for continued discharges. It is also anticipated that many more Dischargers will wish to obtain permit coverage for the types of discharges regulated under this general order. The demand for permit issuance will far exceed the available staff resources to develop and bring individual tentative waste discharge requirements to the Board for adoption. These circumstances necessitate the renewal of these general waste discharge requirements.

For the purposes of this Order, references to the "discharger" or "permittee" in applicable federal and State laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

B. Discharge Description. This Order regulates discharges (as listed in Section I. Discharge Information, above) to surface waters that pose an insignificant threat to water quality. The discharges are to surface waters, including estuarine and ocean waters, within the Santa Ana Region.

C. Legal Authorities. This Order is issued pursuant to Chapter 5.5, Division 7 of the California Water Code (Section 13370 et seq.) and Section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA). This Order serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC (Section 13260 et seq.). It shall also serve as a National Pollutant Discharge Elimination System (NPDES) permit for point source discharges to surface waters.

D. Background and Rationale for Requirements. The Regional Water Board developed the requirements in this Order based on information obtained through issuance and enforcement of the prior general permits for groundwater cleanup discharges, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and, thus constitutes part of the Findings for this Order. Attachments A through F are also incorporated into this Order.

E. **California Environmental Quality Act (CEQA).** Under Water Code Section 13389, this action to adopt waste discharge requirements that also serve as an NPDES permit is exempt from the provisions of CEQA, Public Resources Code Section 21000 et seq. (*County of Los Angeles v. California State Water Resources Control Board* (2006) 143 Cal.App.4th 985, mod. (Nov. 6, 2006, B184034) 50 Cal.Rptr.3d 619, 632-636.)

F. **Notification of Interested Parties**. The Regional Water Board has notified the Dischargers currently regulated under Order No. R8-2009-0003 and interested agencies and persons of its intent to renew waste discharge requirements for the types of discharges listed above and has provided them with an opportunity to submit their written comments and recommendations. Details of this notification are provided in the Fact Sheet (Attachment F) of this Order.

G. **Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to this Order. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

IV. DISCHARGE PROHIBITIONS

A. The discharge of oil, trash, industrial waste sludge, or other solids directly to the surface waters or in any manner that will ultimately affect surface waters is prohibited.

B. The discharge of any substances in concentrations toxic to aquatic life, animal life, or plant life is prohibited.

C. The discharge of wastes to property not owned or controlled by the Discharger is prohibited, except to surface waters as authorized under this Order.

D. Odors, vectors, and other nuisances of waste origin are prohibited beyond the limits of each Discharger's facility.

E. The addition of chemicals to the extracted groundwater, exclusive of chlorine to control biofouling in treatment systems, is prohibited except when approved in writing by the Executive Officer.

F. There shall be no direct discharges of waste to Areas of Special Biological Significance such as Newport Beach Marine Life Refuge and Irvine Coast Marine Life Refuge.

V. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations

1. The discharge of wastewater containing constituent concentrations in excess of the following limits is prohibited:

Table 1. Effluent Limitations Applicable to All Receiving Waters

Constituent	Maximum Daily Concentration Limit in milligrams per liter (mg/L)
Total Petroleum Hydrocarbons	0.1 mg/L
Total Residual Chlorine[4,5]	0.1 mg/L
Suspended Solids[4]	75 mg/L
Sulfides	0.4 mg/L

2. The pH of the discharge shall be within 6.5 and 8.5 pH units.

3. There shall be no visible oil and grease in the discharge.

4. The discharge of decanted filter backwash wastewater and/or sludge dewatering filtrate water from water treatment facilities shall not contain a total suspended solids maximum daily concentration in excess of 30 mg/L.

B. Land Discharge Specifications – Not Applicable

C. Reclamation Specifications – Not Applicable

VI. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

1. The discharge of wastes shall not cause a violation of any applicable Water Quality Standard for receiving waters adopted by the Regional Water Board or the State Water Board, as required by the Federal Clean Water Act and any regulations adopted thereunder.

2. The discharge shall not cause any of the following:

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[4] *This limit is not applicable if all of the wastewater percolates into the ground before it reaches a receiving water with any aquatic life.*

[5] *Compliance with this limitation may be determined at any point between the point of discharge and the point where the discharge enters the first receiving water with aquatic life.*

a. Coloration of the receiving waters that causes a nuisance or adversely affects beneficial uses. The natural color of fish, shellfish or other inland, bay and estuarine water resources used for human consumption shall not be impaired.

b. Deposition of oil, grease, wax or other materials in the receiving waters in concentrations that result in a visible film or in coating objects in the water, or which cause a nuisance or adversely affect beneficial uses.

c. An increase in the amounts of suspended or settleable solids in the receiving waters that will adversely affect beneficial uses as a result of controllable water quality factors.

d. Taste or odor producing substances in the receiving waters at concentrations that cause a nuisance or adversely affect beneficial uses.

e. The presence of radioactive materials in the receiving waters in concentrations that is deleterious to human, plant or animal life.

f. The depletion of the dissolved oxygen concentration below 5.0 mg/L.

g. The temperature of the receiving waters to be raised above 90°F (32°C) during the period of June through October, or above 78°F (26°C) during the rest of the year.

h. Change the ambient pH levels more than 0.5 pH units.

i. The concentration of pollutants in the water column, sediments, or biota to adversely affect the beneficial uses of the receiving water. The discharge shall not result in the degradation of inland surface water communities and populations, including vertebrate, invertebrate, and plant species.

3. Pollutants not specifically mentioned and limited in this Order shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health or animal life.

B. Groundwater Limitations

1. The discharge shall not cause the underlying groundwater to be degraded, to exceed water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance.

2. The discharge, in combination with other sources, shall not cause underlying groundwater to contain waste constituents in concentrations greater than background water quality.

VII. PROVISIONS

A. Standard Provisions

1. The Discharger shall comply with all Federal Standard Provisions included in Attachment D of this Order.

2. Neither the treatment nor the discharge of waste shall create, or threaten to create, a nuisance or pollution as defined by Section 13050 of the California Water Code.

3. This Order expires on June 30, 2020. However, coverage under this Order shall continue in force and effect until a new Order is issued. Upon reissuance of a new Order, the Dischargers shall file a new application within 45 days of the effective date of the new order and obtain a new authorization to discharge from the Executive Officer.

4. The Executive Officer shall determine whether the proposed discharge is eligible for coverage under this Order, after which, the Executive Officer may;

   a. Authorize the proposed discharge by transmitting a "Discharge Authorization Letter" to the discharge proponent (now an "Authorized Discharger") authorizing the initiation of the discharge under the conditions of this Order and any other conditions consistent with this Order which are necessary to protect the beneficial uses of the receiving waters; or,

   b. Require the discharge proponent to obtain an individual NPDES permit prior to any discharge to surface waters within the Santa Ana Region.

5. The Executive Officer is authorized to issue discharge authorization letters to a Discharger proposing unknown future de minimis discharges at multiple locations within the Santa Region, provided that the general nature of the discharges and the general locations are reported and included in the application to discharge wastes under this general Order and that at least five days prior to each discharge, more detailed information regarding each discharge is reported.

6. The Discharger shall comply with all the requirements of this Order and the terms and conditions of the discharge authorization letter. The discharge authorization letter from the Executive Officer shall identify the discharge location(s), specify any conditions necessary to protect the beneficial uses of the receiving waters, and shall specify the Self-Monitoring Program for the proposed discharge in accordance with this Order. The discharge authorization letter may be terminated or revised by the Executive Officer at any time. Any and all discharge authorization letters, which may be issued by the Executive Officer pursuant to this Order, are incorporated by reference into this Order.

7. For projects involving groundwater dewatering, the Discharger shall assure that extraction wells at the project site are properly abandoned/demolished or sealed at the completion of the project, to prevent the occurrence of future groundwater contamination resulting from groundwater extraction wells.

8. The Discharger shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order.

9. The Discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.

10. The Discharger shall take all reasonable steps to minimize any adverse impacts to receiving waters resulting from noncompliance with any effluent limitations specified in this Order, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. When adverse impacts are identified following exceedance of effluent limitation(s), and/or violation of discharge prohibitions and provisions, Dischargers shall mitigate impacts in accordance with a plan approved by the Executive Officer. The proposed plan shall be submitted within 30 days of the finding of an adverse impact.

11. The Discharger shall, at all times, properly operate and maintain all facilities and systems of treatment (and related appurtenances) and control which are installed or used by the Discharger to achieve compliance with this Order and the conditions of the discharge authorization letter(s) from the Executive Officer. Proper operation and maintenance shall include the following:

    a. Effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls and appropriate quality assurance procedures.
    b. Regular maintenance and inspection of all systems.
    c. Maintenance of records of the inspection results that shall be made available to the Regional Water Board whenever required and demanded.

12. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate these requirements.

13. This Order does not convey any property rights of any sort, or any exclusive privilege.

14. This Order is not transferable to any person except after notice to and approval by the Regional Water Board.

15. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the Discharger from liabilities arising under federal, State, or local laws, nor guarantee the Discharger a capacity right in the receiving waters.

16. The provisions of this Order are severable, and if any provision of this Order, or the application of any provisions of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order shall not be affected thereby.

17. Any violation of this Order constitutes a violation of the CWA, its regulations, and the California Water Code, and is grounds for enforcement action and/or termination of the authorization to discharge.

18. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from this facility, may subject the Discharger to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Discharger to civil or criminal enforcement from appropriate local, State, or federal law enforcement entities.

19. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, discharge limitation (e.g., maximum daily effluent limitation), or receiving water limitation of this Order, the Discharger shall notify the Regional Water Board by telephone (951) 782-4130 within 24 hours of having knowledge of such noncompliance that may endanger public health or the environment, and shall confirm this notification in writing within five days, unless Regional Water Board staff waives confirmation. The written notification shall state the nature, time, duration, and cause of noncompliance, and shall describe the measures being taken to remedy the current noncompliance and, prevent recurrence including, where applicable, a schedule of implementation. Other noncompliance requires written notification as above at the time of the regular monitoring report.

B. Monitoring and Reporting Program Requirements

The Discharger shall comply with the Monitoring and Reporting Program issued by the Executive Officer with the discharge authorization letter. The Executive Officer shall model individual Monitoring and Reporting Programs on that provided in Attachment E. However, the number of constituents to be monitored and the monitoring and reporting frequency may be modified on a case-by-case basis, based on the nature of the discharge being authorized. Revision of each individual monitoring and reporting program by the Executive Officer may be necessary to confirm that the Discharger is in compliance with the requirements and provisions contained in this Order. Revisions may be made by the Executive Officer at any time during the term of this Order, and may include a reduction or an increase in the number of constituents to be monitored, the frequency of monitoring, the number and size of samples collected, and the frequency for report submittal.

C. Reopener Provisions

1. This Order may be reopened for modification, or revocation and reissuance, if more stringent applicable Water Quality Standards are promulgated or approved pursuant to Section 303 of the federal Clean Water Act, or amendments thereto.

2. This Order may be reopened to address any changes in State or federal plans, policies or regulations that would affect the requirements for the discharges covered by this Order.

3. This Order may be modified, revoked and reissued, or terminated for cause.

ATTACHMENT A – DEFINITIONS

Arithmetic Mean (μ), also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

Arithmetic mean = $\mu = \Sigma x / n$ where: Σx is the sum of the measured ambient water concentrations, and n is the number of samples.

Best Management Practices (BMPs) are methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges including storm water. BMPs include structural and non-structural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.

Bioaccumulative pollutants are those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

Carcinogenic pollutants are substances that are known to cause cancer in living organisms.

Coefficient of Variation (CV) is a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

Criteria Continuous Concentration (CCC) equals the highest concentration of a pollutant to which aquatic life can be exposed for an extended period of time (4 days) without deleterious effects.

Criteria Maximum Concentration (CMC) equals the highest concentration of a pollutant to which aquatic life can be exposed for a short period of time without deleterious effects.

Daily Discharge: Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

Detected, but Not Quantified (DNQ) are those sample results less than the RL, but greater than or equal to the laboratory's MDL.

Dilution Credit is the amount of dilution granted to a discharge in the calculation of a water quality-based effluent limitation, based on the allowance of a specified mixing zone. It is calculated from the dilution ratio or determined through conducting a mixing zone study or modeling of the discharge and receiving water.

Dilution Ratio is the critical low flow of the upstream receiving water divided by the flow of the effluent discharged.

Effluent Concentration Allowance (ECA) is a value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the coefficient of variation for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as waste load allocation (WLA) as used in USEPA guidance (Technical Support Document For Water Quality-based Toxics Control, March 1991, second printing, EPA/505/2-90-001).

Estimated Chemical Concentration is the estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

Existing Discharger means any discharger that is not a new discharger. 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 the effective date of this Policy).

Infeasible means not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Inland Surface Waters are all surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

Instantaneous Maximum Effluent Limitation: the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation: the lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

Load Allocation (LA) is the portion of receiving water's total maximum daily load that is allocated to one of its nonpoint sources of pollution or to natural background sources.

Maximum Daily Flow is the maximum flow sample of all samples collected in a calendar day.

MEC: Maximum Effluent Concentration.

Median is the middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements (n) is odd, then the median = $X_{(n+1)/2}$. If n is even, then the median = $(X_{n/2} + X_{(n/2)+1})/2$ (i.e., the midpoint between the $n/2$ and $n/2+1$).

Method Detection Limit (MDL) is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in title 40 of the Code of Federal Regulations, Part 136, Attachment B, revised as of July 3, 1999.

Minimum Level (ML) is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

Mixing Zone is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body.

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 the effective date of this Policy.

Not Detected (ND) are those sample results less than the laboratory's MDL.

Objectionable Bottom Deposits are an accumulation of materials or substances on or near the bottom of a water body, which creates conditions that adversely impact aquatic life, human health, beneficial uses, or aesthetics. These conditions include, but are not limited to, the accumulation of pollutants in the sediments and other conditions that result in harm to benthic organisms, production of food chain organisms, or fish egg development. The presence of such deposits shall be determined by RWQCB(s) on a case-by-case basis.

Persistent pollutants are substances for which degradation or decomposition in the environment is nonexistent or very slow.

Pollutant Minimization Program (PMP) means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

Pollution Prevention means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in Water Code section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State or Regional Water Board.

Reporting Level (RL) is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Water Board either from Appendix 4 of the SIP in accordance with section 2.4.2 of the SIP or established in accordance with section 2.4.3 of the SIP. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

Standard Deviation (σ) is a measure of variability that is calculated as follows:

$$\sigma = (\Sigma[(x - \mu)^2]/(n - 1))^{0.5}$$

where:

x is the observed value;
μ is the arithmetic mean of the observed values; and
n is the number of samples.

Toxicity Reduction Evaluation (TRE) is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A Toxicity Identification Evaluation (TIE) may be required as part of the TRE, if appropriate. (A TIE is a set of procedures to identify the specific chemical(s) responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests.)

Use Attainability Analysis is a structured scientific assessment of the factors affecting the attainment of the use which may include physical, chemical, biological and economic factors as described in 40 CFR 131.10(g) (40 CFR 131.3, revised as of July 1, 1997).

Water Effect Ratio (WER) is an appropriate measure of the toxicity of a material obtained in a site water divided by the same measure of the toxicity of the same material obtained simultaneously in a laboratory dilution water.

California Regional Water Quality Control Board
Santa Ana Region

NOTICE OF INTENT

TO COMPLY WITH THE TERMS AND CONDITIONS OF THE GENERAL PERMIT TO DISCHARGE WASTEWATER THAT POSE INSIGNIFICANT (DE MINIMIS) THREAT TO WATER QUALITY
(Order No. R8-2015-0004, NPDES No. CAG998001)

I. PERMITTEE (*Person/Agency Responsible for the Discharge*)

Person/Agency Name:_____

Address:_____

Street *City* *State* *ZIP*

Contact Person:_____; Phone: (_____)_____; Email: _____

II. FACILITY

Name:_____

Location:_____

Street *City* *State* *ZIP*

Contact Person:_____; Phone: (_____)_____; Email: _____

a. Projected Flow Rate (*gpd*):_____, b. Receiving Water (*identify*):_____

III. BILLING INFORMATION (*Where annual fee invoices should be sent*)

Person/Agency Name:_____

Address:_____

Street *City* *State* *ZIP*

Contact Person:_____; Phone: (_____)_____; Email: _____

IV. INDICATE EXISTING PERMIT NUMBER: (*if applicable*)

a. Individual permit Order No. _____ NPDES No. _____

b. General Permit Order No. R8-2009-0003-_____

c. Others (specify) _____

Remarks: If changes to facility ownership and/or treatment processes were made after the issuance of the discharge authorization letter, please provide a description of such changes on another sheet and submit it with this Notice of Intent.

V. OTHER REQUIRED INFORMATION - FOR NEW DISCHARGERS AND FOR NEW DISCHARGES AND LOCATIONS NOT PREVIOUSLY REPORTED.

Attach to this form a COMPLETE characterization of your discharge. A complete characterization includes, but is not limited to:

a. A paragraph or more describing the actual project(s), and the types of wastewater that are proposed to be discharged from the project(s) i.e. construction dewatering, well development, well pump test, water line maintenance, etc. Please elaborate on the purpose of the activity, and how it creates the discharge. If more than one activity is planned, please give a description of each one. Also, please indicate the frequency of the discharges if possible, (i.e. one time only, one week only, daily, weekly, monthly, as needed, etc.);

b. A list of potential pollutants in the discharge and the anticipated concentration of each pollutant;

c. The estimated average and maximum daily flow rate (gallons per day) of each discharge, as well as the frequency and duration of the discharge(s) and the date(s) when the discharge(s) are anticipated to start/end;

d. The proposed discharge location(s) as latitude and longitude for each discharge point;

e. A description of the proposed treatment system (if appropriate);

f. The name/location of the initial receiving water (storm drain/creek), and the ultimate receiving water, such as the Pacific Ocean, Reach 3 of the Santa Ana River, etc.;

g. A map showing the path from the point of initial discharge to the ultimate receiving water. Please try to limit your maps to size of 8.5" X 11";

h. A list of known or suspected leaking underground tanks and other facilities or operations that have, or may have impacted the quality of the underlying groundwater within 200 feet of the site property lines for projects with expected discharge flow rates of less than 100,000 gallons per day and within 500 feet of the site property lines for projects with expected discharge flow rates of greater than 100,000 gallons per day; and

i. Any other information deemed necessary by the Executive Officer.

VI. OTHER

Attach additional sheets to explain any responses which need clarification. List attachments with titles and dates below:

_____

_____

_____

VII. FEE

The fee for coverage under this general order during FY 2014/15 is $1996.00. Please contact the RWQCB for the current fee. Checks should be made payable to the State Water Resources Control Board or SWRCB. A fee must accompany this application for all new discharges.

VIII. CERTIFICATION:

I certify under penalty of law that I am an authorized representative of the permittee identified in Part I., above, and that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the permittee will comply with the terms and conditions stipulated in Order No. R8-2015-0004, including the monitoring and reporting program issued by the Executive Officer of the Regional Water Board.

Name:_____ Title:_____
(type or print) *(type or print)*

Signature: _____ Email: _____

Date: _____

You will be notified by a representative of the RWQCB within 30 days of receipt of your application. The notice will state if your application is complete or if there is additional information you must submit to complete your application, pursuant to Division 7, Section 13260 of the California Water Code.

ATTACHMENT D – FEDERAL STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 C.F.R. § 122.41(a).)

2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. § 122.41(a)(1).)

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 C.F.R. § 122.41(c).)

C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. § 122.41(d).)

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. § 122.41(g).)

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 C.F.R. § 122.5(c).)

F. Inspection and Entry

The Discharger shall allow the Regional Water Board, State Water Board, United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (40 C.F.R. § 122.41(i); Wat. Code, § 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (40 C.F.R. § 122.41(i)(1));

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (40 C.F.R. § 122.41(i)(2));

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (40 C.F.R. § 122.41(i)(3)); and

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (40 C.F.R. § 122.41(i)(4).)

G. Bypass – Not Applicable

H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 C.F.R. § 122.41(n)(1).)

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 C.F.R. § 122.41(n)(2).).

2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 C.F.R. § 122.41(n)(3)):

   a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 C.F.R. § 122.41(n)(3)(i));

   b. The permitted facility was, at the time, being properly operated (40 C.F.R. § 122.41(n)(3)(ii));

   c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (40 C.F.R. § 122.41(n)(3)(iii)); and

d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 C.F.R. § 122.41(n)(3)(iv).)

3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 C.F.R. § 122.41(n)(4).)

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 C.F.R. § 122.41(f).)

B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 C.F.R. § 122.41(b).)

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 C.F.R. § 122.41(l)(3); § 122.61.)

III. STANDARD PROVISIONS – MONITORING

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 C.F.R. § 122.41(j)(1).)

B. Monitoring results must be conducted according to test procedures under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503 unless other test procedures have been specified in this Order. (40 C.F.R. § 122.41(j)(4); § 122.44(i)(1)(iv).)

IV. STANDARD PROVISIONS – RECORDS

A. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time. (40 C.F.R. § 122.41(j)(2).)

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements (40 C.F.R. § 122.41(j)(3)(i));
2. The individual(s) who performed the sampling or measurements (40 C.F.R. § 122.41(j)(3)(ii));
3. The date(s) analyses were performed (40 C.F.R. § 122.41(j)(3)(iii));
4. The individual(s) who performed the analyses (40 C.F.R. § 122.41(j)(3)(iv));
5. The analytical techniques or methods used (40 C.F.R. § 122.41(j)(3)(v)); and
6. The results of such analyses. (40 C.F.R. § 122.41(j)(3)(vi).)

C. Claims of confidentiality for the following information will be denied (40 C.F.R. § 122.7(b)):

1. The name and address of any permit applicant or Discharger (40 C.F.R. § 122.7(b)(1)); and
2. Permit applications and attachments, permits and effluent data. (40 C.F.R. § 122.7(b)(2).)

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, State Water Board, or USEPA within a reasonable time, any information which the Regional Water Board, State Water Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, State Water Board, or USEPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, § 13267.)

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below. (40 C.F.R. § 122.41(k).)

2. All permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA). (40 C.F.R. § 122.22(a)(3).).

3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 C.F.R. § 122.22(b)(1));

   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and

   c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)

4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)

5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (40 C.F.R. § 122.22(d).)

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 C.F.R. § 122.22(l)(4).)

2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices. (40 C.F.R. § 122.41(l)(4)(i).)

3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board. (40 C.F.R. § 122.41(l)(4)(ii).)

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 C.F.R. § 122.41(l)(4)(iii).)

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date. (40 C.F.R. § 122.41(l)(5).)

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. (40 C.F.R. § 122.41(l)(6)(i).)

2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 C.F.R. § 122.41(l)(6)(ii)):

   a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(A).)

   b. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(B).)

3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 C.F.R. § 122.41(l)(6)(iii).)

F. Planned Changes

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 C.F.R. § 122.41(l)(1)):

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 C.F.R. § 122.41(l)(1)(i)); or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (40 C.F.R. § 122.41(l)(1)(ii).)

3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 C.F.R.§ 122.41(l)(1)(iii).)

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements. (40 C.F.R. § 122.41(l)(2).)

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above. (40 C.F.R. § 122.41(l)(7).)

I. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information. (40 C.F.R. § 122.41(l)(8).)

VI. STANDARD PROVISIONS – ENFORCEMENT

A. The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13385, 13386, and 13387.

Attachment E – Monitoring and Reporting Program

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TENTATIVE

Attachment E – Monitoring and Reporting Program (MRP)

The Code of Federal Regulations (CFR) at 40 CFR §122.48 requires that all NPDES permits specify monitoring and reporting requirements. CWC Sections 13267 and 13383 also authorize the Regional Water Quality Control Board (Regional Water Board) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements that implement the federal and California regulations.

I. GENERAL MONITORING PROVISIONS

A. General Monitoring Provision

1. All sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association).

2. All laboratory analyses shall be performed in accordance with test procedures under 40 CFR 136 (revised as of April 11, 2007) "Guidelines Establishing Test Procedures for the Analysis of Pollutants," promulgated by the United States Environmental Protection Agency (EPA), unless otherwise specified in this Monitoring and Reporting Program. In addition, the Regional Water Board and/or EPA, at their discretion, may specify test methods that are more sensitive than those specified in 40 CFR 136.

3. Chemical analyses shall be conducted at a laboratory certified for such analyses by the State Water Resources Control Board in accordance with Water Code Section 13176, or conducted at a laboratory certified for such analyses by the EPA or at laboratories approved by the Regional Water Board's Executive Officer.

4. The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

   a. Sample results greater than or equal to the reported ML shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
   b. Sample results less than the reported ML, but greater than or equal to the laboratory's current Method Detection Limit (MDL)[1], shall be reported as "Detected, but Not Quantified," or "DNQ." The estimated chemical concentration of the sample shall also be reported.
   c. Sample results not detected above the laboratory's MDL shall be reported as "not detected" or "ND."

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1 *MDL is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analytical concentration is greater than zero, as defined in 40 CFR 136, Appendix B, revised as of April 11, 2007.*

5. The Discharger shall submit to the Regional Water Board reports necessary to determine compliance with effluent limitations in this Order. The Discharger shall report with each sample result:

   a. The reporting level achieved by the testing laboratory; and
   b. The laboratory's current MDL, as determined by the procedure found in 40 CFR 136 (revised as of April 11, 2007).

6. The Discharger shall have, and implement an acceptable written quality assurance (QA) plan for laboratory analyses. Duplicate chemical analyses must be conducted on a minimum of ten percent (10%) of the samples, or at least one sample per month, whichever is greater. A similar frequency shall be maintained for analyzing spiked samples. When requested by the Regional Water Board or EPA, the Discharger will participate in the NPDES discharge monitoring report QA performance study.

7. The Discharger shall assure that records of all monitoring information are maintained and accessible for a period of at least five years (this retention period supersedes the retention period specified in Section IV.A. of Attachment D) from the date of the sample, report, or application. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge or by the request of the Regional Water Board at any time. Records of monitoring information shall include:

   a. The information listed in Attachment D - IV Standard Provisions – Records, subparagraph B. of this Order;
   b. The laboratory which performed the analyses;
   c. The date(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The modification(s) to analytical techniques or methods used;
   f. All sampling and analytical results, including
      (1) Units of measurement used;
      (2) Minimum reporting level for the analysis (minimum level);
      (3) Results less than the reporting level but above the method detection limit (MDL);
      (4) Data qualifiers and a description of the qualifiers;
      (5) Quality control test results (and a written copy of the laboratory quality assurance plan);
      (6) Dilution factors, if used; and
      (7) Sample matrix type.
   g. All monitoring equipment calibration and maintenance records;
   h. All original strip charts from continuous monitoring devices;
   i. All data used to complete the application for this Order; and,
   j. Copies of all reports required by this Order.
   k. Electronic data and information generated by the Supervisory Control And Data Acquisition (SCADA) System.

8. Monitoring and reporting shall be in accordance with the following:

   a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

   b. Whenever the Discharger monitors any pollutant more frequently than is required by this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharge monitoring report specified by the Executive Officer.

   c. A "grab" sample is defined as any individual sample collected in less than 15 minutes.

   d. Daily samples shall be collected on each day of the week.

II. MONITORING LOCATIONS

The Discharger shall establish monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order. The monitoring locations shall be located where representative samples of the discharge can be obtained.

III. INFLUENT MONITORING REQUIREMENTS – NOT APPLICABLE

IV. EFFLUENT MONITORING REQUIREMENTS

A. The following shall constitute the effluent monitoring program for discharges other than decant filter backwash wastewater and/or sludge dewatering filtrate water. If there is no discharge see Section VIII.C.2., below.

Standard Effluent Monitoring Program

Parameter	Unit	Sample Type	Minimum Sampling Frequency
Flow	gpd	Estimate	Daily
Total Petroleum Hydrocarbons	µg/L	Grab	During the first 30-minutes of each discharge then weekly, thereafter; or as directed by the Executive Officer
Total Residual Chlorine[2, 3]	mg/L	"	"
Total Suspended Solids[3]	"	"	"
Sulfides	"	"	"
pH	Std. Units	"	"

2 *Unless it is known that chlorine is not in the discharge.*

3 *Not applicable if all wastewater will percolate prior to reaching receiving waters.*

B. The following shall constitute the effluent monitoring program for discharges from water treatment plants of decant filter backwash wastewater and/or sludge dewatering filtrate water. If there is no discharge see Section VIII.C.2., below.

Effluent Monitoring Program for Decant Filter Backwash Wastewater And/Or Sludge Dewatering Filtrate Water

Parameter	Unit	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method and Minimum Level, units, respectively
Flow	gpd	measured	Daily	See Section I.A.2 above of this MRP
Total Residual Chlorine[4, 5]	mg/L	Grab	During the first 30-minutes of each discharge then weekly, thereafter; or as directed by the Executive Officer	" " "
Total Suspended Solids[5]	mg/L	Grab	" "	" " "
Aluminum	µg/L	Grab	" "	" " "
Iron	µg/L	Grab	" "	" " "
Manganese	µg/L	Grab	" "	" " "

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS – NOT APPLICABLE

VI. LAND DISCHARGE MONITORING REQUIREMENTS – NOT APPLICABLE

VII. RECEIVING WATER MONITORING REQUIREMENTS

Whenever there is a discharge and the Discharger asserts that the discharge percolated before it reached a stream with aquatic life, the Discharger shall record in a permanent log the following information: (a) the date(s), time(s), and duration(s) of the discharge; (b) a description of the location where the discharge(s) percolated into the ground, (c) the climatic condition in the area during the discharge and (d) the name of the individual(s) who performed the observation.

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4 *Unless it is known that chlorine is not in the discharge.*

5 *Not applicable if all wastewater will percolate prior to reaching receiving waters.*

For discharges that do reach a stream, the Discharger shall on a weekly basis make visual observations of the receiving water for any visible oil sheen or coloration of the receiving water. The findings of these observations shall be recorded in a permanent log.

Copies of the above logs shall be submitted with the required monthly report.

VIII. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The Discharger shall comply with all Federal Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

2. Discharge monitoring data shall be submitted in a format acceptable to the Regional Water Board. Specific reporting format may include preprinted forms and/or electronic media. The results of all monitoring required by this Order shall be reported to the Regional Water Board, and shall be submitted in such a format as to allow direct comparison with the limitations and requirements of this Order.

3. All monitoring reports, or information submitted to the Regional Water Board shall be signed and certified in accordance with 40 CFR 122.22 and shall be submitted under penalty of perjury.

4. Five days prior to any discharge from locations already reported, the Discharger shall notify the Regional Board staff by phone or e-mail indicating the date and time of the proposed discharge.

5. Five days prior to any planned discharge[6] from locations not yet reported, the discharger shall notify the Regional Board staff by phone or by a fax letter indicating the following:

   a. Specific type of the proposed wastewater discharge (see listing on Finding 1 of the Order);
   b. The estimated average and maximum daily flow rates;
   c. The frequency and duration of the discharge;
   d. The affected receiving water(s);
   e. A description of the proposed treatment system (if appropriate); and
   f. A description of the path from the point of initial discharge to the ultimate location of discharge (fax a map if possible);

[6] *For those unplanned discharges, as much prior notification as possible is required before any discharge is initiated.*

6. Noncompliance Reporting

   a. The discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided to the Executive Officer (951-782-4130) and the Office of Emergency Services (1-800-852-7550) orally within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue, and, steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

   b. Any violation of a maximum daily discharge limitation for any of the pollutants listed in this Order shall be included as information that must be reported within 24 hours.

   c. The Regional Water Board may waive the above required written report on a case-by-case basis.

7. Except for data determined to be confidential under Section 308 of the Clean Water Act (CWA), all reports prepared in accordance with the terms of this Order shall be available for public inspection at the offices of the Regional Water Quality Control Board and the Regional Administrator of EPA. As required by the CWA, effluent data shall not be considered confidential.

8. For Dischargers discharging at a volume equal to or greater than 150,000 gallons per day, the Discharger shall submit semi-annual reports that tabulate all measured flows and measured parameters within the most recent six month period. Where discharges associated with these projects last less than 6 months, a report covering the period of discharges shall be submitted. Copies of these monitoring reports shall be submitted to the Regional Water Board and to the Water Quality Director of the Orange County Water District at P.O. Box 8300, Fountain Valley, CA 92728-8300.

C. Self-Monitoring Reports (SMRs)

1. Monitoring reports shall be submitted by the 30th day of each month following the monitoring period and shall include:

   a. The results of all physical/chemical analyses for the previous month,
   b. The daily flow data,
   c. A copy of the receiving water observation log,
   d. A summary of the month's activities including a report detailing compliance or noncompliance with the task for the specific schedule date, and

2. If no discharge occurs during the previous monitoring period, a letter to that effect shall be submitted in lieu of a monitoring report.

3. At any time during the term of this Order, the Regional Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (http://www.waterboards.ca.gov/ciwqs/index.html). Until such notification is given, the Discharger shall submit hard copy SMRs. The CIWQS Web site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.

D. Other Reports – Not Applicable

TENTATIVE

ATTACHMENT F – FACT SHEET

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ATTACHMENT F – FACT SHEET

As described in Section II of this Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for Dischargers in California. Some sections or subsections of this Order have therefore been identified as "not applicable" to this group of Dischargers. Sections or subsections of this Order not specifically identified as "not applicable" are fully applicable to the Dischargers authorized to discharge wastewater under this Order.

I. BACKGROUND

Order No. R8-2009-0003, NPDES No. CAG998001, was adopted by the California Regional Water Quality Control Board, Santa Ana Region (Regional Water Board) on March 27, 2009. Order No. R8-2009-0003 is a general permit for discharges to surface waters of various types of wastes that pose an insignificant threat to water quality. It facilitated the processing of permit applications for many projects that would otherwise need to be covered under individual waste discharge requirements.

Order No. R8-2009-0003 expired on March 1, 2014 but remains in full force and effect until replaced. To date, 120 Dischargers have been authorized to discharge wastewater under Order No. R8-2009-0003; of these, 73 are still active. It is anticipated that many of these existing Dischargers will be submitting renewal applications for continued discharges. The demand for permit issuance will far exceed the available staff resources to develop and bring individual tentative waste discharge requirements to the Board for adoption. These circumstances necessitate the renewal of this general Order.

II. DISCHARGE INFORMATION

This Order regulates discharges of wastes that pose an insignificant (de minimis) threat to water quality. The types of discharges regulated by this Order are essentially the same as those regulated by Order No. R8-20009-0003, with the exception of certain discharges from water purveyors. The State Water Resources Control Board (State Water Board) has recently adopted a general order that addresses those discharges (Order No. WQ 2014-0194-DWQ). Therefore, discharges addressed through the State Water Board Order are specifically excluded from this Order.

The types of wastewater discharges regulated under this Order include the following:

a. Construction dewatering wastes[1];
b. Wastes associated with well installation, development, test pumping and purging[2];
c. Aquifer testing wastes;
d. Dewatering wastes from subterranean seepage[3];
e. Discharges resulting from hydrostatic testing of vessels, pipelines, tanks, etc.[2];
f. Discharges resulting from the maintenance of potable water supply pipelines, tanks, reservoirs, etc.[2];
g. Discharges resulting from the disinfection of potable water supply pipelines, tanks, reservoirs, etc.;
h. Discharges from potable water supply systems resulting from initial system start-up, routine start-up, sampling of influent flow, system failures, pressure releases, etc.[2];
i. Discharges from fire hydrant testing or flushing[2];
j. Air conditioning condensate;
k. Swimming pool discharge;
l. Discharges resulting from diverted stream flows;
m. Decanted filter backwash wastewater and/or sludge dewatering filtrate water from water treatment facilities; and
n. Other similar types of wastes as determined by the Regional Water Board Executive Officer, which pose a de minimis threat to water quality yet must be regulated under waste discharge requirements.

This Order regulates proposed groundwater related discharges and/or de minimis discharges within the San Diego Creek/Newport Bay Watershed that do not contain nutrients, selenium, and other pollutants of TMDL concern at levels that pose a threat to water quality. However, discharges containing these pollutants at levels of concern must be regulated by a separate general order, such as Order No. R8-2007-0041, NPDES No. CAG918002 or individual waste discharge requirements.

Wastewater discharges specifically excluded from this Order include:

a. Wastewater with pollutants of concern other than those for which effluent limitations are specified in this Order,
b. Wastewater discharges from hydro-testing of contaminated pipes, tanks, or vessels, and,
c. Wastewater discharges from draining of decorative ponds, golf course lakes, etc., unless a full characterization of the wastewater for the presence of pesticides, insecticides, biocides and/or other chemicals that may have been applied to the water is provided which shows that there are no pollutants present at levels of concern.

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1 *Except for storm water discharges regulated under a statewide general construction storm water permit or a Municipal Separate Storm Sewer System permit.*

2 *Except for wastes discharged from water purveyors regulated under statewide general waste discharge requirements, such as Order WQ 2014-0194-DWQ, NPDES No. CAG140001.*

3 *Except for discharges from utility vaults regulated under statewide general waste discharge requirements, such as Order No. 2006-0008-DWQ, NPDES No. CAG990002.*

The most common treatment required for de minimis discharges is settling and/or dechlorination. Settling is used for those discharges with high settleable solids concentration. Discharges with residual chlorine, such as wastewater from hydro-testing of pipes and storage tanks, swimming pool drainage, and development and purging of wells, must be dechlorinated, unless the concentration is depleted by natural processes prior to mixing with the receiving water. If dechlorination is not accomplished naturally, the most common method of dechlorination is with the use of chemicals.

Those discharges with high concentrations of total dissolved solids, total inorganic nitrogen, selenium, phosphorous, and/or perchlorate may require advanced forms of treatment and may need to be covered under individual permits. Unless otherwise determined based on pollutant and/or site-specific circumstances, where wastewater discharges contain pollutant concentrations lower than established objectives, EPA priority pollutant water quality criteria, and/or maximum contaminant levels(MCLs) for drinking water, wastewater may be discharged without treatment as they pose no reasonable potential to affect the water quality or beneficial uses of receiving waters.

This Order authorizes permitted discharges to inland surface waters, estuarine, and ocean waters within the Santa Ana Region. In some cases, the de minimis discharges addressed by this Order are to storm drains or creeks that are typically dry in the summer. In these cases, the wastewater discharges percolate into the underlying groundwater management zones without reaching flowing surface water. During wet seasons, wastewater discharges are most oftentimes into flowing surface water.

III. APPLICATION FOR COVERAGE UNDER THE GENERAL ORDER

This Order requires each Discharger currently regulated under Order No. R8-2009-0003 who wishes to continue ongoing regulatory coverage under this Order to submit the first and last page of the Notice of Intent (NOI) form (Attachment B of this Order) by, August 1, 2015. Dischargers who do not submit the updated NOI form by that date are no longer authorized to discharge wastewater, unless the discharges are authorized pursuant to other waste discharge requirements adopted by the Regional Water Board or State Water Resources Control Board.

This Order requires each new Discharger[4] to submit to the Executive Officer a complete Notice of Intent for the proposed discharge at least 45 days before the start of a new discharge. In addition to the basic information on the first page of the NOI form, new Dischargers must include a complete characterization of the proposed discharge, which includes, but is not limited to:

a. A paragraph or more describing the actual project(s), and the types of wastewater that are proposed to be discharged from the project(s) i.e. construction dewatering, well development, well pump test, water line maintenance, etc. Please elaborate on the purpose of the activity, and how it creates the discharge. If more than one

[4] *"New discharger" refers to those proposing to discharge wastewater under Order No. R8-2015-0004 and not currently covered under Order No. R8-2009-0003 and those Dischargers who were covered under Order No R8-2009-0003 and failed to submit an updated NOI by August 1, 2015.*

activity is planned, please give a description of each one. Also, please indicate the frequency of the discharges if possible, (i.e. one time only, one week only, daily, weekly, monthly, as needed, etc.).

b. A list of potential pollutants in the discharge and the anticipated concentration of each pollutant;
c. The estimated average and maximum daily flow rate (gallons per day) of each discharge, as well as the frequency and duration of the discharge(s) and the date(s) when the discharge(s) are anticipated to start/end;
d. The proposed discharge location(s) as latitude and longitude for each discharge point;
e. A description of the proposed treatment system (if appropriate);
f. The name/location of the initial receiving water (storm drain/creek), and the ultimate receiving water, such as the Pacific Ocean, Reach 3 of the Santa Ana River, etc.;
g. A map showing the path from the point of initial discharge to the ultimate receiving water. Please try to limit your maps to size of 8.5" X 11";
h. A list of known or suspected leaking underground tanks and other facilities or operations that have, or may have impacted the quality of the underlying groundwater within 200 feet of the site property lines for projects with expected discharge flow rates of less than 100,000 gallons per day and within 500 feet of the site property lines for projects with expected discharge flow rates of greater than 100,000 gallons per day; and
i. Any other information deemed necessary by the Executive Officer.

New Dischargers must also include a filing fee, equal to the first year's annual fee, with their application.

IV. APPLICABLE PLANS, POLICIES, AND REGULATIONS

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

A. Legal Authorities

This Order is issued pursuant to Chapter 5.5, Division 7 of the California Water Code (commencing with section 13370) and Section 402 of the federal Clean Water Act (CWA) and its implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA). It serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4, Division 7 of the California Water Code (commencing with section 13260). This Order shall also serve as an NPDES permit for the point source discharges described herein to inland surface waters, estuarine, and ocean waters within the Santa Ana Region.

Pursuant to NPDES regulations at 40 CFR 122.28, States may request authority to issue general NPDES permits. On June 8, 1989, the State Water Board applied to the USEPA requesting revisions to its NPDES Program in accordance with 40 CFR 122.28, 123.62, and 403.10, including a request to add general permit authority to its approved NPDES Program. On September 22, 1989, the USEPA, Region 9, approved the State

Water Board's request, granting authorization for the State to issue general NPDES permits.

Pursuant to NPDES regulations at 40 CFR 122.28 (a) (2) general permits may regulate point source discharges that:

1. Involve the same or substantially similar types of operations,
2. Discharge the same types of wastes,
3. Require the same effluent limitations,
4. Require the same or similar monitoring, and
5. In the opinion of the Executive Officer, are more appropriately controlled under a general permit than under individual permits.

B. California Environmental Quality Act (CEQA)

Under Water Code section 13389, this action to adopt waste discharge requirements that serve as an NPDES permit is exempt from the provisions of CEQA, Public Resources Code section 21000 et seq. (*County of Los Angeles v. California State Water Resources Control Board* (2006) 143 Cal.App.4th 985, mod. (Nov. 6, 2006, B184034) 50 Cal.Rptr.3d 619, 632-636.).

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 Santa Ana Basin (hereinafter Basin Plan) that became effective on January 24, 1995. The Basin Plan 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, State Water Resources Control Board (State Water Board) Resolution No. 88-63 (Sources of Drinking Water Policy) requires that, with certain exceptions, the Regional Water Board assign the municipal and domestic water supply use to water bodies.

   On January 22, 2004, the Regional Water Board adopted Resolution No. R8-2004-0001, amending the Basin Plan to incorporate revised boundaries for groundwater subbasins, now termed "management zones", new nitrate-nitrogen and TDS objectives for the new management zones, and new nitrogen and TDS management strategies applicable to both surface and ground waters.

   The existing and potential beneficial uses of surface waters in the Santa Ana Region are designated in Chapter 3 of the Basin Plan and may include:

   a. Municipal and Domestic Supply,
   b. Agricultural Supply,
   c. Industrial Service Supply,
   d. Industrial Process Supply,
   e. Groundwater Recharge,
   f. Hydropower Generation,
   g. Water Contact Recreation,
   h. Non-contact Water Recreation,

i. Warm Freshwater Habitat,
j. Limited Warm Freshwater Habitat,
k. Cold Freshwater Habitat,
l. Preservation of Biological Habitats of Special Significance,
m. Wildlife Habitat,
n. Marine Habitat,
o. Shellfish Harvesting,
p. Estuarine Habitat,
q. Rare, Threatened or Endangered Species, and
r. Spawning, Reproduction, and Development.

Many surface waters within the region recharge underlying groundwater basins. The existing and potential beneficial uses of groundwater within the Santa Ana Region are designated in Chapter 3 of the Basin Plan and generally include:

a. Municipal and Domestic Supply,
b. Agricultural Supply,
c. Industrial Service Supply, and
d. Industrial Process Supply.

This Order implements applicable provisions of the Basin Plan.

2. **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. Approximately forty water quality criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR, which established new criteria for toxics in the State and incorporated the previously adopted criteria of the NTR. The CTR was amended on February 13, 2001. The NTR and CTR contain water quality criteria for priority toxic pollutants applicable to inland surface waters and enclosed bays and estuaries of the State.

3. **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 toxicity control. Requirements of this Order implement the SIP.

4. **Alaska Rule.** On March 30, 2000, at 40 CFR 131.32, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards become effective for CWA purposes. [65 Fed. Reg. 24641 (April 27, 2000)] Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000 must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA before May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

5. **Antidegradation Policy.** 40 CFR 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal 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 water quality 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. Permitted discharges must be consistent with the antidegradation provision of 40 CFR 131.12 and State Water Board Resolution No. 68-16. The discharges authorized under this Order are expected to have an insignificant effect on water quality and beneficial uses and therefore conform to applicable antidegradation provisions of NPDES regulations at 40 CFR 131.12 and with State Water Board Resolution No. 68-16.

6. **Anti-Backsliding Requirements.** CWA Sections 402 (o) (2) and 303 (d) (4) and NPDES regulations at 40 CFR 122.44 (l) prohibit backsliding in NPDES permits; i.e., effluent limitations in a reissued permit must be at least as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. This Order/General Permit is consistent with applicable anti-backsliding requirements. The limitations in this Order are not less stringent than those in the prior Order/General Permit.

7. **Monitoring and Reporting Requirements.** Sections 13267 and 13383 of the CWC authorize the Regional Water Board to require technical and monitoring reports. 40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. The Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements to implement State and federal requirements. A typical MRP which will be included with each Discharge Authorization Letter issued by the Executive Officer is provided in Attachment E.

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

Section 303(d) of the CWA requires states to identify water bodies where water quality standards are not expected to be met after technology-based effluent limitations have been implemented for point sources. For all 303(d)-listed water bodies and pollutants, the Regional Water Board has developed and/or plans to develop total maximum daily loads (TMDLs) that specify waste load allocations (WLA) for point sources and load allocations (LA) for non-point sources. These allocations form the basis, in part, for limitations in waste discharge requirements.

Since discharges will be regulated by this general permit only when they are determined to pose an insignificant threat to water quality, the discharges will not affect either the 303(d) listed bodies of water or TMDLs that have been or will be established to address identified impairments.

V. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE PROHIBITIONS

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 permits. There are two principal bases for effluent limitations in the Code of Federal Regulations: 40 CFR 122.44(a) requires that permits include applicable technology-based limitations and standards; and 40 CFR 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

The discharge prohibitions are based on the Federal Clean Water Act, Basin Plan, State Water Resources Control Board's plans and policies, U.S. Environmental Protection Agency guidance and regulations, and previous permit provisions, and are consistent with the requirements set for other discharges regulated by waste discharge requirements adopted by the Regional Water Board.

B. Technology-Based Effluent Limitations

1. Scope and Authority

Section 301 (b) of the CWA and federal regulations at 40 CFR 122.44 require permits to, at a minimum, meet applicable technology-based requirements and any more stringent effluent limitations necessary to meet applicable water quality standards. The CWA requires the USEPA to develop effluent limitations, guidelines and standards (Effluent Limitations Guidelines - ELGs) representing application of best practicable treatment control technology (BPT), best available technology economically achievable (BAT), best conventional pollutant control technology (BCT), and best available demonstrated control technology for new sources (NSPS), for specific industrial categories. Where USEPA has not yet developed ELGs for a particular industry or a particular pollutant, Section 402 (a) (1) of the CWA and USEPA regulations at 40 CFR 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis. When BPJ is used, the permit writer must consider specific factors outlined at 40 CFR 125.3.

2. Applicable Technology-Based Effluent Limitations

This Order includes effluent limitations for total petroleum hydrocarbons, suspended solids, and sulfides that are based on best professional judgment. The limitations were established when the first general de minimis discharge order, Order No. 93-49, was adopted by the Regional Water Board in 1993 and have been carried forward in all subsequent general orders.

The 0.1 mg/L limit for total petroleum hydrocarbons is intended to be an indicator parameter to demonstrate that groundwater dewatering operations are not intercepting hydrocarbon plumes. Exceedances of this limit may be cause for termination of coverage under this general Order and a requirement for the Discharger to seek coverage under one of the Regional Water Board's Groundwater Cleanup Waste Discharge Requirements.

The suspended solids limit of 75 mg/L is based on values that have been proven to be achievable in the field through the use of settling devices such as Baker Tanks, retention basins, etc.

Some dewatering operations, especially along the coast where ocean/bay sediments have been used to construct land masses, have encountered groundwater containing high concentrations of hydrogen sulfide. When discharged, the sulfides are released to the atmosphere and have created odor nuisances. It has been found that the discharge of waters with less than 0.4 mg/L of sulfides should not cause such odor conditions. This level is easily achievable with current technology (usually chlorination).

For filter backwash wastewater discharges, the proposed maximum daily effluent total suspended solids limit is 30 mg/L and is also based on best professional judgment as a value that can be readily achieved by settling at water treatment facilities.

C. Water Quality-Based Effluent Limitations

1. Scope and Authority

Section 301(b) of the CWA and 40 CFR 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

40 CFR 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 40 CFR 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.

2. Applicable Water Quality-Based Effluent Limitations

Due to the nature of the types of discharges regulated by this general Order (discharges that pose an insignificant threat to water quality) they do not have a reasonable potential to cause or contribute to an exceedance of a water quality standard, with the exception of water that has been chlorinated. As such, this Order contains a chlorine residual limit of 0.1 mg/L, which is based on the Basin Plan water quality objective for inland surface waters and enclosed bays and estuaries within the region.

VI. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Surface Water

The surface water receiving water limitations in the proposed Order are based upon the water quality objectives contained in the Basin Plan.

B. Groundwater

The receiving groundwater limitations in the proposed Order are also based upon the water quality objectives contained in the Basin Plan.

VII. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. Section 122.48 of 40 CFR requires all NPDES permits to specify recording and reporting of monitoring results. The Monitoring and Reporting Program (MRP), Attachment E of this Order, establishes monitoring and reporting requirements to implement State and federal requirements.

The Executive Officer shall model individual Monitoring and Reporting Programs on that provided in Attachment E. However, the number of constituents to be monitored and the monitoring and reporting frequency may be modified on a case-by-case basis, based on the nature of the discharge being authorized. Revision of each individual monitoring and reporting program by the Executive Officer may be necessary to confirm that the Discharger is in compliance with the requirements and provisions contained in this Order. Revisions may be made by the Executive Officer at any time during the term of this Order, and may include a reduction or an increase in the number of constituents to be monitored, the frequency of monitoring, the number and size of samples collected, and the frequency for report submittal.

A. Influent Monitoring – Not Applicable

B. Effluent Monitoring

Dischargers are required to conduct monitoring of the permitted discharges in order to evaluate compliance with permit conditions and to allow ongoing characterization of discharges to determine potential adverse impacts and to determine continued suitability for coverage under the General Order.

In addition to discharge rate, effluent will typically be required to be monitored for pH, total suspended solids, total petroleum hydrocarbons, sulfides and/or chlorine residual depending on the nature of the discharge.

C. Whole Effluent Toxicity Testing Requirements – Not Applicable

D. Receiving Water Monitoring

Many of the effluent limitations in this Order are not applicable if the effluent does not reach a flowing stream. Whenever there is a discharge and the Discharger asserts that the discharge percolated before it reached a stream with aquatic life, the Discharger is required to record in a permanent log the following information: (a) the date(s), time(s), and duration(s) of the discharge; (b) a description of the location where the discharge(s) percolated into the ground, (c) the climatic condition in the area during the discharge and (d) the name of the individual(s) who performed the observation.

For discharges that do reach a stream, the Discharger is required to make visual observations of the receiving water on a weekly basis for any visible oil sheen or coloration of the receiving water. The findings of these observations are required to be recorded in a permanent log.

E. Reporting Requirements

Dischargers typically will be required to submit all of the data collected during the previous month by the 30th day of the following month.

VIII. PROVISIONS

A. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D.

40 CFR 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. 40 CFR 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with 40 CFR 123.25, this Order omits federal conditions that address enforcement authority specified in 40 CFR 122.41(j)(5) and (k)(2) because the enforcement authority under the California Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

B. Special Provisions

1. Reopener Provisions

This provision is based on 40 CFR Part 123. The Regional Water Board may reopen this Order to modify permit conditions and requirements. Causes for modifications include the promulgation of new regulations, or adoption of new regulations by the State Board or Regional Water Board, including revisions to the Basin Plan.

IX. PUBLIC PARTICIPATION

The California Regional Water Quality Control Board, Santa Ana Region (Regional Water Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) general permit for discharges to surface waters that pose an insignificant (de minimis) threat to water quality within the Santa Ana Region. The Regional Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Regional Water Board has notified current enrollees under Order No 2009-0003 and interested agencies and persons of its intent to prescribe renewed general waste discharge requirements for the discharge of wastes that pose an insignificant threat to water quality and has provided them with an opportunity to submit their written comments and recommendations. Notification was also provided through the posting of a copy of the tentative Order at the Regional Water Board website:http://www.waterboards.ca.gov/santaana/board_decisions/tentative_orders/index.shtml on or before April 24, 2015.

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 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 should be received at the Regional Water Board offices by 5:00 p.m. on June 1, 2015.

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 19, 2015
Time:	9:00 A.M.
Location:	City of Loma Linda 25541 Barton Road Loma Linda, CA 92354

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.

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

D. 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
Sacramento, CA 95812-0100

E. Information and Copying

Related documents, comments received, and other information are on file and may be inspected at the address above at any time between 9:00 a.m. and 3:00 p.m. Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (951) 782-4130.

F. 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.

G. Additional Information

Requests for additional information or questions regarding this Order should be directed to Susan Beeson at (951) 782-4902.