California Regional Water Quality Control Board
Santa Ana Region

September 30, 2005

STAFF REPORT

ITEM: 11

SUBJECT: Amendment to Order No. R8-2002-0007, NPDES No. CAG918001 – General Groundwater Cleanup Permit for the Discharge to Surface Waters of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by Petroleum Hydrocarbons, Solvents and/or Petroleum Hydrocarbons Mixed with Lead and or Solvents within the Santa Ana Region, Order No. R8-2005-110

I. SUMMARY:

On January 23, 2002, the Regional Board adopted Order No. R8-2002-0007, NPDES No. CAG918001, revising waste discharge requirements for discharges into surface waters of extracted and treated groundwater resulting from groundwater cleanup projects within the Santa Ana Region. On October 3, 2003, the Regional Board adopted Order No. R8-2003-0085, amending Order No. R8-2002-0007. It is now necessary to amend Order No. R8-2002-0007, as amended by Order No. R8-2003, to revise a provision to incorporate as part of the Order the discharge authorization letter issued by the Executive Officer of the Regional Board to dischargers already enrolled or seeking enrollment under the General Groundwater Cleanup Permit.

II. DISCUSSION:

On January 1, 2004, the California Water Code was amended with the addition of Section 13385.1(c). This new section states that mandatory minimum penalties (MMPs) in accordance with Water Code Section 13385(h)(1) are applicable only if the permit being violated specifies the location of discharge. In August 2005, the State Water Resources Control Board mailed letters to those dischargers who were issued MMPs after January 1, 2004 to inform them of this change in the Water Code. The letters also stated that the violation, or violations, for which the MMP had been issued would remain subject to non-mandatory enforcement under other Water Code provisions, including the imposition of administrative civil liability pursuant to Section 13385(a), even if the location(s) of the discharges had not been specified in the applicable discharge permits.

General permits, such as Order No. R8-2002-0007, generally do not specify the location of discharge because they are intended to regulate multiple dischargers with various waste discharges involving the same or substantially similar types of operation, same types of waste discharges that require the same effluent limitations or operating conditions, and that are more appropriately regulated under a general permit rather than an individual permit. Since the general permit applies to many similar discharges, , general permits do not include the discharge location

for a specific discharge. However, the location(s) of the discharge(s) is included in the discharge authorization letter that the Executive Officer of the Regional Board issues to individual dischargers acknowledging the discharger's enrollment under the general permit. The discharge authorization letter also transmits the monitoring program that the discharger is required to implement to determine compliance with the waste discharge requirements.

It is appropriate and fair to assure that dischargers enrolled under the General Groundwater Cleanup Permit are subject to the MMP enforcement provisions of the Water Code. This can be accomplished by revising a provision in Order No. R8-2002-0007 to incorporate, as part of the Order, the discharge authorization letter that specifies the discharge location(s

III. WRITTEN COMMENTS:

Interested persons are invited to submit written comments on the proposed discharge limits and the Fact Sheet. Comments should be submitted by September 30, 2005, either in person or by mail to:

Jun Martirez
California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

IV. INFORMATION AND COPYING:

Persons wishing further information may write to the above address or call Jun Martirez of the Regional Board at (951) 782-3258. Copies of the application, proposed waste discharge requirements, Fact Sheet, and other documents (other than those which the Executive Officer maintains as confidential) are available at the Regional Board office for inspection and copying between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday (excluding holidays).

V. REGISTER OF INTERESTED PERSONS:

Any person interested in a particular application or group of applications may leave his/her name, address, and phone number as part of the file for an application.

VI. PUBLIC HEARING:

The Regional Board will hold a public hearing regarding the proposed waste discharge requirements as follows:

DATE:	September 30, 2005
TIME:	9:00 a.m.
PLACE:	Orange County Sanitation Dsitrict 10544 Ellis Avenue Fountain Valley, California

RECOMMENDATION:

Adopt Order No. R8-2005-110, amending Order No. R8-2002-0007, NPDES No. CAG918001, as presented.

Comments were solicited from the following agencies:

U.S. Environmental Protection Agency, Permits Issuance Section (WTR-5) - Doug Eberhardt
U.S. Army District, Los Angeles, Corps of Engineers - Regulatory Branch
U.S. Fish and Wildlife Service - Carlsbad
State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
State Water Resources Control Board, Division of Water Quality - James Maughan
State Department of Water Resources - Glendale
State Department of Fish and Game – Los Alamitos
State Department of Health Services, Santa Ana
State Department of Health Services, San Bernardino
State Department of Health Services, San Diego
Orange County Public Facilities and Resources Department - Chris Crompton
Orange County Health Care Agency - Seth Daugherty
Orange County Water District – Nira Yamachika
Riverside County Environmental Health Department - Sandy Bunchek
San Bernardino County Dept of Public Works, Env. Management Division – Naresh Varma
San Bernardino County Environmental Health Department – Daniel Avera
City of Fullerton Fire Department - John White
City of Santa Ana Fire Department - Bruce Guy
City of Orange Fire Department - Anne Bland
South Coast Air Quality Management District – Barry Wallerstein
City of Santa Ana - City Manager
Orange County Coastkeeper – Garry Brown
Lawyers for Clean Water C/c San Francisco Baykeeper
And the attached mailing list (current enrollees)

California Regional Water Quality Control Board
Santa Ana Region

Alan C. Lloyd, Ph.D.
Agency Secretary

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 – FAX (951) 781-6288 – TTY (951) 782-3221
http://www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

August 30, 2005

U.S. Environmental Protection Agency, Permits Issuance Section (WTR-5) - Doug Eberhardt
U.S. Army District, Los Angeles, Corps of Engineers - Regulatory Branch
U.S. Fish and Wildlife Service - Carlsbad
State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
State Water Resources Control Board, Division of Water Quality - James Maughan
State Department of Water Resources - Glendale
State Department of Fish and Game – Los Alamitos
State Department of Health Services, Santa Ana - Cor Shaeffer
State Department of Health Services, San Bernardino - Sean McCarthy
State Department of Health Services, San Diego - Steven Williams
Orange County Public Facilities and Resources Department - Chris Crompton
Orange County Health Care Agency - Seth Daugherty
Orange County Water District – Nira Yamachika
Riverside County Environmental Health Department - Sandy Bunchek
San Bernardino County Dept of Public Works, Env. Management Division – Naresh Varma
San Bernardino County Environmental Health Department – Daniel Avera
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City of Orange Fire Department - Anne Bland
South Coast Air Quality Management District - Barry Wallerstein
City of Santa Ana - City Manager
Orange County Coastkeeper – Garry Brown
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And the attached mailing list (current enrollees)

ORDER NO. R8-2005-110 - AMENDING ORDER NO. R8-2002-0007, NPDES NO. CAG918001 – GENERAL GROUNDWATER CLEANUP PERMIT FOR THE DISCHARGE TO SURFACE WATERS OF EXTRACTED AND TREATED GROUNDWATER RESULTING FROM THE CLEANUP OF GROUNDWATER POLLUTED BY PETROLEUM HYDROCARBONS, SOLVENTS AND/OR PETROLEUM HYDROCARBONS MIXED WITH LEAD AND OR SOLVENTS WITHIN THE SANTA ANA REGION

Ladies and Gentlemen:

Enclosed is a copy of tentative Order No. R8-2005-110, for your review and comments. Order No. R8-2005-110 amends Order No. R8-2002-0007, NPDES No. CAG918001 to revise a provision to incorporate as part of the Order the discharge authorization letter issued by the Executive Officer of the Regional Board to any discharger already enrolled or seeking enrollment under the General Groundwater Cleanup Permit Order No. R8-2002-0007.

California Regional Water Quality Control Board
Santa Ana Region

ORDER NO. R8-2005-110

Amending Order No. R8-2002-0007, NPDES No. CAG918001
General Groundwater Cleanup Permit for Discharges to Surface Waters of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by Petroleum Hydrocarbons, Solvents and/or Petroleum Hydrocarbons Mixed with Lead and/or Solvents

For the
Santa Ana Region

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. On January 23, 2002, the Board adopted Order No. R8-2002-0007, NPDES No. CAG918001. This General Groundwater Cleanup Permit regulates discharges to surface waters of extracted and treated groundwater resulting from the cleanup of groundwater polluted by petroleum hydrocarbons, solvents and/or petroleum hydrocarbons mixed with lead and/or solvents.

2. On October 3, 2003, the Board adopted Order No. R8-2002-0085, amending Order No. R8-2002-0007, NPDES No. CAG918001. Order No. R8-2003-0085 revised maximum daily effluent limits (MDELs) in Order No. R8-2002-0007 that had been incorrectly specified in Order No. R8-2002-0007; revised the MDEL for tert-butyl alcohol (TBA) based on empirical evidence of TBA treatability; incorporated a TBA compliance determination provision based on TBA studies; and incorporated limits for both isomeric forms of 1,2-dichloroethylene, 1,4 dioxane and perchlorate.

3. It is appropriate to revise Order No. R8-2002-0007 once again to revise a provision in the Order to incorporate as part of the Order, the discharge authorization letter issued by the Executive Officer of the Regional Board to dischargers already enrolled or seeking enrollment under the General Groundwater Cleanup Permit. This revision will allow Regional Board staff to issue mandatory minimum penalties in accordance with Water Code Section 13385(h)(1) to dischargers who violate the General Groundwater Cleanup Permit.

4. In accordance with Water Code Section 13389, the amendment of Order No. R8-2002-0007, NPDES No. CAG918001 is exempt from those provisions of the California Environmental Quality Act contained in Chapter 3 (commencing with Section 21100), Division 13 of the Public Resources Code.

5. The Board has notified the dischargers and other interested agencies and persons of its intent to amend Order No. R8-2002-0007 and has provided them with an opportunity to submit their written views and recommendations.

TENTATIVE

6. The Regional Board, in a public meeting, heard and considered all comments pertaining to the amendment.

IT IS HEREBY ORDERED that Order No. R8-2002-0007 shall be amended as follows:

1. Order No. R8-2002-0007, revise Provision E.6. as follows: (additions are highlighted and bold)

    6. The discharger shall comply with all requirements of this Order and the terms, conditions and limitations of the discharge authorization letter. **The discharge authorization letter, which identifies the discharge location(s), is incorporated by reference into this Order.**

2. All other conditions and requirements of Order No. R8-2002-0007 shall remain unchanged.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 30, 2005.

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Gerard J. Thibeault
Executive Officer

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