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#7

California Water Association

August 19, 2014

Mr. Thomas Howard
Executive Officer
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Draft Statewide NPDES Permit for Drinking Water System Discharges to Surface Waters

Dear Mr. Howard:

The California Water Association ("CWA") represents the interests of approximately 115 investor-owned water utilities that are regulated by the California Public Utilities Commission and, on a shared basis with respect to water quality, the State Water Resources Control Board ("State Board"). These regulated water companies serve nearly 6 million Californians with safe, reliable, high-quality drinking water at reasonable rates.

On behalf of our member companies, CWA appreciates the opportunity to comment on the State Board's July 3, 2014 Draft Statewide National Pollutant Discharge Elimination System ("NPDES") Permit for Drinking Water Systems Discharges ("Draft Permit"). At the outset, it is critical to emphasize that community drinking water systems ("CWSs") perform an essential public service and, in doing so, are required to make occasional discharges to comply with the federal Safe Drinking Water Act and the California Health and Safety Code in order to provide safe, reliable water service to their customers. The final permit findings should reflect that such discharges are necessary for safe system operation, and are not a discharge of waste. In addition, the final permit findings should reflect that drinking water system discharges ("DWS Discharges") are legally required discharges of high quality water that do not represent a threat to water quality.

7.1

The fact that DWS Discharges are legally required to assure safe and reliable water service, only occur occasionally, comprise high-quality water that does not present a threat to water quality, and are currently already permitted in almost every region in California suggests that the proposed statewide permit may be unnecessary. Further, information provided in recent workshops has not fully explained the need for the proposed permit. Therefore, CWA requests that the Draft Permit findings be amended to further explain the need for the proposed permit.

7.2

7.1 cont.

While we appreciate and commend State Board staff's commitment to developing an understanding of CWA's industry, which is newly regulated by the State Board, and staff's attention to our comments and concerns, our members are concerned that the Draft Permit requires a good deal of revision to properly regulate discharges in a manner that is both consistent with the State Board's intent as described in recent workshops, and makes sense in light of the duties of CWSs to provide safe, reliable drinking water.

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7.3 Therefore, CWA urges the State Board to circulate a revised Draft Permit and provide at least a 30-day period for public review and comment. In fact, a 45-day comment period would be more appropriate in light of the anticipated significance of revisions that we hope will be reflected in the next version of the permit. CWA further encourages the State Board to hold one additional staff workshop to discuss comments and revisions to the Draft Permit before taking action on a final draft.

As described in further detail below, CWA is generally concerned that the Draft Permit (1) will not provide adequate legal protection for CWA members' DWS Discharges, even if the discharges are in full compliance with the permit (which is contrary to local NPDES permit coverage enjoyed by many CWA members currently); (2) contemplates an application process that is overly burdensome and costly; and (3) includes effluent limitations and monitoring requirements that do not take into account operational realities faced by CWA's members in providing high-quality drinking water, and in certain instances, have the potential to circumvent Clean Water Act requirements.

CWA believes that many of these deficiencies are unintended and hopes the detailed comments below, as well as the attached redlined version of the Draft Permit (Exhibit 1) provided as requested by State Board staff, will provide the State Board with the information necessary to ensure that the permit ultimately adopted can be applied clearly and consistently, and can be implemented by the CWSs that include CWA's members.

1. Draft Permit Fails to Provide Adequate Legal Protection for Dischargers of DWS Discharges, Despite Compliance with Permit Provisions.

a. Legal Protection Concerns.

7.4 The Draft Permit currently contains limiting language that, in light of *Natural Resources Defense Council v. County of Los Angeles,*[1] eliminates legal coverage for otherwise authorized and permit-compliant DWS Discharges, if others (including citizen suit plaintiffs) can make a showing that the discharges made in compliance with the terms and conditions of the permit may adversely affect or impact beneficial uses of the receiving water. *See, e.g.,* Draft Permit, Sections I.A,[2] II.A,[3] VII.[4] As a practical matter, the Draft Permit's limitations on authorized discharges mean that if DWS Discharges contain a particular constituent (as shown in

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[1] *Natural Resources Defense Council v. County of Los Angeles,* 725 F.3d 1194, 1196-98 (9th Cir. 2013)

[2] "This Order authorizes discharges *that do not adversely affect or impact beneficial uses"* (emphasis added), which may be interpreted under *Natural Resources Defense Council v. County of Los Angeles* to mean that discharges that comply with the permit, but are asserted to adversely affect beneficial uses based solely on receiving water data, are not authorized at all.

[3] "This Order provides regulatory coverage to water purveyors with existing and potential discharges from community drinking water systems *that do not adversely affect beneficial uses"* (emphasis added).

[4] "*Any water purveyor authorized to discharge under this Order shall not violate any applicable basin plan or water quality control plan and, at a minimum*, shall not cause or contribute to an occurrence of the following in a receiving water…" (emphasis added).

7.4 cont.

monitoring reports filed prior to discharge with the Notice of Intent or otherwise pursuant to Attachment E), and if monitoring of receiving waters shows an exceedance of that constituent, then despite compliance by the CWS with the NPDES permit, the DWS Discharges will not be clearly authorized. As a result, CWSs will not be afforded legal assurance that permit-compliant discharges are authorized under the Clean Water Act and the Porter-Cologne Water Quality Control Act ("Porter-Cologne").

This interpretation—and resulting elimination of legal authorization to discharge—is consistent with the United States Court of Appeals for the Ninth Circuit's recent holding in *Natural Resources Defense Council v. County of Los Angeles*, 725 F.3d 1194, 1196-98 (9th Cir. 2013). In that case, the Ninth Circuit held on remand that a discharger may be held liable for violations of an NPDES permit based solely on receiving water data showing exceedances of receiving water limitations set forth in the permit at issue. *Id.*

While the Ninth Circuit's decision has been subject to considerable criticism by legal scholars, it nonetheless creates a risk that when an NPDES permit specifies very strict limitations on the authorization to discharge tied directly to receiving water conditions (as in the Draft Permit), and the receiving water body does not comply with the specified limitations for whatever reason, the State Board or a third-party plaintiff could assert that the discharge is not covered by the NPDES permit, without any evidence that the discharge actually caused or contributed to the exceedance. As a result, any exceedance of water quality standards in specified receiving waters resulting from whatever source (e.g., groundwater inflows, surface water inflows, wildlife, etc.) could potentially be used alone, without any demonstration of causation, to deny coverage to a CWS for compliant DWS Discharges.

Similarly, the Draft Permit currently states that DWS Discharges may not violate water quality standards contained in basin plans or water quality control plans. Draft Permit, Section VII. As with the problematic language described above, this broad language means that, even if a CWS complies with the provisions of the permit, receiving water monitoring data that compares unfavorably to receiving water quality standards in a basin plan or water quality control plan can provide the basis for a citizen suit for unauthorized discharges. The lack of reliable discharge authorization and related legal protection for dischargers is particularly egregious with respect to unplanned discharges. For example, unplanned discharges will likely not have been subject to dechlorination, and therefore discharges within 300 feet of receiving waters may contribute to exceedances of receiving water objectives or other water quality standards, thus constituting a violation of the limitation on authorized discharges set forth in the current Draft Permit.

Given these legal risks and the associated exposure to enforcement and third-party citizen suits, which could have an enormous impact on CWSs and the customers of CWSs, it is of paramount importance that the Draft Permit be revised to clarify that it authorizes DWS Discharges made in compliance with the terms and conditions of the permit. Current local NPDES permits issued by Regional Water Quality Control Boards ("Regional Boards") for the types of discharges addressed by the Draft Permit do not contain the limiting language that the Draft Permit contains, and therefore provide far more legal protection to CWSs for DWS Discharges than proposed by the Draft Permit. However, those Regional Board permits will be superseded by the Draft Permit if it is adopted, greatly increasing Clean Water Act litigation exposure for CWSs. *See, e.g.,* Draft Permit, Section II.D.

Therefore, to provide compliant CWSs a continued level of legal protection for permit-compliant DWS Discharges, a revised Draft Permit must make it clear that denial of discharge authorization, enforcement actions, or third-party citizen suits must be supported by substantial evidence showing that DWS Discharges caused or contributed to an exceedance of a receiving water quality standard. *See* Exhibit 1, Draft Permit, Sections I, II.

b. Draft Permit Definitions Effectively Preclude Coverage of the Same Discharges the Draft Permit Is Intended to Cover.

7.5

The Draft Permit, Section I.B, currently includes definitions describing the water that will be authorized for discharge under the permit, but the definitions are unclear, are contradicted by other definitions in the Draft Permit,[5] and, under Draft Permit Section I.C, may effectively preclude authorization of the very DWS Discharges that the Draft Permit is being adopted to address. The primary issues created by the definitions in Section I.B arise from the complexity and the absence of uniformity that characterize the ways that CWSs are required to measure and report compliance with primary and secondary MCLs for source waters and waters that reside within CWS drinking water systems.

For example, some CWSs have a waiver for compliance with certain MCLs, while others report MCLs less often than annually. And others report averages calculated over various periods of time that may be more or less frequent than annual. For all CWSs, compliance with secondary MCLs is done solely to improve the aesthetics of drinking water, instead of to protect human health. For these reasons, CWA suggests deletion of references to MCLs in the Draft Permit Section I.B. definitions of discharges that may be authorized.

Because the terms "treated," "potable," and "raw water" are not relevant to authorization of DWS Discharges, CWA recommends deleting these references and simply authorizing discharges that are required to comply with the California Health and Safety Code, California Department of Public Health regulations, AWWA guidance standards, permits issued by local county health departments, and any regulations, guidance, or permits issued by the Division of Drinking Water (DDW). *See* Exhibit 1, Section I.

7.6

Furthermore, CWA recommends revising the definitions as indicated in the attached redline (Exhibit 1, Draft Permit, Section I.B) to accurately reflect the coverage the Draft Permit is intended to provide. When adopted, the proposed permit should provide CWSs authorization for the full range of discharges they are required to make under applicable law, and then should regulate those discharges via effluent limitations only to the extent required to ensure that the discharges do not adversely affect receiving water beneficial uses. The permit should not, however, prohibit in the first instance federal Clean Water Act and Porter-Cologne authorization for the majority of DWS Discharges that CWSs are obligated to make, and therefore will seek to obtain coverage for under the permit.

7.5 cont.

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[5] Contrary to definitions in the Draft Permit, definitions in Attachment F for treated drinking water discharges refers to meeting primary MCLs as a 30-day average concentration and secondary MCLs as an annual average (not running annual average).

7.6 cont. In order to assure that the State Board receives annual information regarding compliance of DWS Discharges with MCLs, CWA suggests that as part of the annual report submitted pursuant to Attachment E of the Draft Permit, CWSs submit their annual Consumer Confidence Reports. These reports provide general information about compliance of drinking water system waters and source waters with MCLs that is sufficient to inform the State Board of the general and representative characteristics of water that would be discharged under the proposed permit. *See* Exhibit 1, Attachment E.

c. Draft Permit Identification of Authorized Dischargers is Unclear and Confusing.

7.7 The Draft Permit defines both "Community Drinking Water Systems" and "Water Purveyors" as authorized dischargers in Table 1. The term "Discharger" is also defined. The definitions in Table 1 do not make clear if Community Drinking Water Systems and Water Purveyors are related, and if they are, how they are related. However, the subsequent sections of the Draft Permit refer to either Community Drinking Water Systems, or Water Purveyors, but not both, giving the impression that some provisions are intended to authorize and/or apply to one type of discharger or the other, but not to both.

At the same time, the Draft Permit fails to clarify if such a distinction among authorized dischargers is intended, and if it is intended, the reasons that such a distinction may be appropriate. See, e.g., Draft Permit, Section I (water purveyors that meet the named criteria are authorized to discharge by, or exempted from the Draft Permit, but community water systems are not mentioned); Section IA (community water systems are authorized to discharge by the Draft Permit, but water purveyors are not mentioned), Section I.B (planned and unplanned discharges resulting from a water purveyor's operations are broadly authorized, but community water systems are not mentioned); Section I.C (certain types of more narrowly defined planned and unplanned discharges from CWSs are authorized, but water purveyors are not mentioned); Section II.B.1 (contemplates water purveyor submitting application packages for coverage, but community water systems are not mentioned); Section II.B.2 (water purveyors may submit Notices of Non-Applicability, but community water systems are not mentioned).

Because the current definitions relating to dischargers that may be authorized to discharge under, or that may need to comply with, various provisions of the Draft Permit are confusing, CWA recommends that either (a) a statement be included in the Draft Permit that the terms "Community Drinking Water System," "Discharger," "Water Purveyor," etc. are used interchangeably (*See* Exhibit 1, Draft Permit, Section I), or (b) if a distinction among dischargers is intended, the Draft Permit language must be revised to clearly define different dischargers and the distinctions among them, and to indicate the reasons for applying different Draft Permit requirements to different types of dischargers.

7.8 The Table 1 definitions also fail to clarify whether only owners/operators of CWSs are to be regulated by, and authorized to discharge under, the Draft Permit, or whether wholesalers and others who do not own or operate a CWS, but might be required by law to make discharges of system water, are to be regulated by, and authorized to discharge under, the permit. If wholesalers or others are supposed to be regulated by, and authorized to discharge under, the permit, the Draft Permit must be clarified to reflect that intent.

d. Application of Draft Permit Provisions to Waters of the United States or to Other Non-Jurisdictional Water Features Is Unclear.

7.9 The Draft Permit does not contain a definition for "surface waters" or "receiving water(s)." The terms "receiving water(s)" and "waters of the U.S." are both used, but the relationship between the two terms is not clear even though "waters of the U.S." has a very specific regulatory meaning under the federal Clean Water Act. It is CWA's understanding from the workshops that the State Board's intent is to issue an NPDES Permit under the Clean Water Act, requiring monitoring and other activities for those discharges made to waters of the U.S., rather than for discharges to erosional features or other types of waters that are not waters of the U.S. CWA therefore recommends that all Draft Permit provisions be reviewed and amended as necessary to eliminate references to "surface waters" and "receiving waters" to clarify that the NPDES permit is intended to regulate discharges to waters of the U.S. *See, e.g.,* Exhibit 1, Attachment E.

e. Draft Permit Coverage of Unplanned and Emergency Discharges Is Unclear and Not Sufficient.

The Draft Permit is intended to cover both unplanned discharges and emergency discharges, but the definitions are such that CWSs may not be able to effectively obtain coverage for important categories of unplanned discharges that may not constitute "emergency discharges," as the term is defined. Further, the Draft Permit monitoring provisions appear to eliminate coverage for both unplanned and planned discharges as currently written.

7.10 The current Draft Permit discusses "unplanned discharges" throughout the permit, but that term is not defined in the definitions section. The term "emergency discharges" is defined in the definitions section, but the relationship between "emergency discharges" and "unplanned discharges" is not discussed, which creates significant confusion regarding interpretation of discharges that may be authorized by Draft Permit Section 1.C. Pursuant to common definitions, the term "unplanned discharges" is broader than the term "emergency discharges," and would include, for example, discharges necessary under health and safety rules due to some unanticipated drinking water quality problem, and not only discharges resulting from system failures or catastrophic events. The current definition of "emergency discharges" should be used as the definition of "unplanned discharges" because, contrary to Draft Permit, Section I.C.2, it does not limit authorized discharges to only those resulting from failures or catastrophes. To assure CWSs have appropriate authorization to discharge, CWA suggests that the term "unplanned discharges" be used consistently throughout the Draft Permit, and that all unplanned discharges, including emergency discharges, be authorized.

7.11 In addition to improper limitations on authorization of unplanned discharges imposed by Draft Permit, Section I.C.2, the monitoring provisions of Draft Permit, Attachment E, require monitoring of unplanned discharges, including emergency discharges. *See* Attachment E, Section I.E. But by definition, CWSs cannot know when such discharges will occur, and therefore cannot arrange for monitoring. Consequently, CWSs will generally be unable to monitor planned discharges in violation of the Draft Permit, and therefore the permit effectively provides no coverage for unplanned discharges because such discharges will almost never comply with the terms and conditions of the Draft Permit.

CWA recommends that the provisions relating to unplanned and emergency discharges be revised as shown in the attached redline. *See* Exhibit 1, Draft Permit, Section I.C.2, Attachment A, Attachment E.

f. Needed Legal Protection and Discharge Authorization Under Existing Regional Board Permits May Be Unduly Superseded by the Draft Permit.

7.12 CWSs are required to obtain coverage under the Draft Permit for DWS Discharges, unless the discharges are regulated by another discharge permit issued by a Regional Board that contains requirements that the Regional Board has deemed necessary for the DWS Discharges to comply with Total Maximum Daily Loads ("TMDLs"). Draft Permit, Section I. However, there are many situations in which DWS Discharges are regulated by an existing Regional Board permit, and that permit has specific and unique terms and conditions to protect water quality, but the conditions do not necessarily relate to applicable TMDLs. In such a situation, the existing local NPDES permit may include valuable provisions necessary to control water quality based on unique characteristics of a particular water supply and/or receiving water quality, but they are unrelated to TMDLS. But those local NPDES permits, the more specific requirements, and the broader regulatory coverage that they provide to CWSs would be automatically superseded pursuant to the Draft Permit. Draft Permit, Section II.D. In addition, the time and resources spent by the Regional Board developing the local permit and spent by regulated CWSs complying with it would be wasted if that permit were to be automatically superseded.

Thus, CWA recommends expanding the mechanism through which CWSs may retain coverage under an existing Regional Board permit so that DWS Discharges subject to local permits with unique water quality conditions can be exempted from the statewide permit, even if they are within the scope of the statewide permit and even if the existing local permit doesn't include TMDL-specific provisions. This type of exemption would allow the State Board, on a case-by-case basis (via the Notice of Non-Applicability Process), to determine whether it is appropriate for the Draft Permit to supersede an existing Regional Board permit. *See* Exhibit 1, Draft Permit, Section II.C. This type of exemption also would better effectuate the provisions of California Water Code, sections 13241 and 13263, which emphasize the importance of taking into account characteristics of discharges and receiving waters that may be unique to local regions based on hydrological, geological, water supply and other physical conditions. While this approach does not contribute to uniformity in coverage, the current exceptions for coverage are already quite broad and significant uniformity in coverage is not anticipated to result from the Draft Permit.

7.13 g. An Exception for Small Systems with Less Than 2,000 Service Connections Is Appropriate, Given that Many of These Systems Have Significant Technical, Managerial, and Financial ("TMF") Constraints.

CWA recommends revising the Draft Permit to include a conditional exception for small CWSs with less than 2,000 connections, provided that the systems implement best management practices ("BMPs") that treat or control pollutants from their discharges to protect the beneficial uses of the receiving waters. CWA believes this provision will avoid the imposition of excessive costs on such small systems, and will alleviate the enforcement obligations of the State Board with respect to these systems.

The Public Utilities Commission divides water utilities into four classes, Classes A., B, C, and D, based on the number of connections. The number of connections and classes reflect the relative financial, managerial and technical capabilities of the utilities, based on the size of the utility and its ratepaying base. Class C and Class D utilities are regulated more lightly than Class A and Class B utilities, because they are smaller and therefore have less access to financial, managerial and technical resources. The dividing line between Class B and Class C utilities is 2,000 connections. Therefore, CWA suggests that CWSs with fewer than 2,000 connections similarly be more lightly regulated by the proposed permit, and have access to a conditional exception that allows them to avoid monitoring, reporting and some of the other provisions of the Draft Permit that will strain resources of smaller CWSs, so long as the CWSs certify that they are implementing BMPs for DWS Discharges. *See* Exhibit 1, Section I.

7.14

2. The Draft Permit Has the Potential to Circumvent Applicable Clean Water Act Regulatory Requirements.

a. The Clean Water Act Does Not Authorize the Prospective Prescription of Effluent Limitations in NPDES Permits for Pollutants that Do Not Have the Reasonable Potential to Cause or Contribute to an Exceedance.

Clean Water Act regulations, including 40 C.F.R. § 122.44(d)(1)(i), require NPDES permits to include effluent limitations to control pollutants that are or may be at a level that have a reasonable potential to cause an exceedance of a receiving water quality standard. The Clean Water Act further requires that discharge permits be consistent with the assumptions and requirements of waste load allocations ("WLAs") applicable to the discharge. 40 C.F.R. § 122.44(d)(1)(vii)(B). The Clean Water Act, however, does not authorize the prospective prescription of effluent limitations in NPDES permits for pollutants that do not have the reasonable potential to cause or contribute to an exceedance of a receiving water quality standard or to be inconsistent with an established and applicable WLA.

The State Board has determined that DWS Discharges do not have the reasonable potential to cause an exceedance of receiving water standards for any pollutants other than sediment/turbidity, pH, and chlorine, which can be controlled by BMPs. *See* Attachment F, Section II.E. The State Board also has determined that for those TMDLs that "imply" that they are applicable to DWS Discharges, there is no reasonable potential for DWS Discharges to be inconsistent with any WLAs, or to cause or contribute to any exceedance of receiving water quality standards for the TMDL-impairing pollutant. *See* Attachment F, Section III.K.[6] Nevertheless, the Draft Permit contains effluent limitations for TMDL pollutants, apparently to address the possibility that in the future, some pollutant impairing water quality might be identified for which DWS Discharges could have the reasonable potential to cause or contribute to an exceedance. The inclusion of these provisions prior to establishing such reasonable potential is improper.

If any new effluent limitations are imposed for TMDL-related constituents (or any other pollutants) in the future, those conditions must be imposed pursuant to applicable Clean Water

[6] Note that Attachment F has two sections identified as Section "II" ("Discharge Description" and "Notification Requirements").

Act regulations related to modification and amendment of NPDES permits, including regulations requiring notice, public comment, and a public hearing. *See, e.g.,* 40 C.F.R §§124.5-124.15 and 124.17. Until the State Board affirmatively determines, based on substantial evidence, that DWS Discharges have a reasonable potential to cause or contribute to an exceedance of a water quality standard or WLA, and effluent limits specific to such pollutants are proposed by the State Board for adoption in accordance with required regulatory procedures, the Clean Water Act does not authorize imposition of effluent limitations, and particularly does not authorize imposition of blanket or general effluent limitations that may be needed in the future, but are not currently required based on substantial evidence.

Put another way, because there is no reasonable potential for DWS Discharges to cause or contribute to an exceedance of the water quality objectives or WLAs as determined by review of all potentially applicable TMDLs, the Clean Water Act does not authorize prescribing, and no substantial evidence supports adoption of, receiving water quality based effluent limitations for those constituents. 40 C.F.R. § 122.44(d). Accordingly, the provisions allowing for this type of permit modification should be deleted. *See* Exhibit 1, Draft Permit, Section II.B.1.d, Section III.F; Attachment F, Section II.K [sic]; Attachment G.

7.15

b. The Clean Water Act Does Not Authorize Establishment of New WLAs or Amendment of WLAs Via the Adjudicatory Permitting Process.

Under the Clean Water Act, states or the United States Environmental Protection Agency ("U.S. EPA") must calculate TMDLs for impaired water bodies to determine the maximum amount of a pollutant that the impaired water body can receive and still come into compliance with water quality standards applicable for the pollutant. 33 U.S.C. § 1313(d)(1)(C). A TMDL is a regulatory determination regarding the sum of pollutant loads (or waste loads) that a body of water can absorb from all point and nonpoint sources, plus a margin of safety, while still meeting water quality standards. 40 C.F.R. § 130.2 (i). Analysis and determination of pollutant sources and loads, and establishment of allocations for those pollutant sources (i.e., WLAs for point sources and load allocations for nonpoint sources) necessary to assure that a TMDL is not exceeded so that water quality standards can be met, are integral to setting a TMDL for an impaired water body. *See* Cal. State Water Res. Control Bd., "TMDL Elements," *available at* http://www.waterboards.ca.gov/water_issues/programs/tmdl/background.shtml. In this case, neither DWS Discharges as a source category, nor CWSs as a discharger sector, were considered in setting TMDLs or WLAs.

In California, TMDLs and WLAs must be established pursuant to Basin Plan Amendments. *Id.* at 6-1. CAL. STATE WATER RESOURCES CONTROL BD., STATE OF CALIFORNIA S.B. 469 TMDL GUIDANCE 6-1 (June 2005). Once WLAs are established, then NPDES permits must contain water quality based effluent limitations consistent with the assumptions and requirements of WLAs related to the discharge source categories or discharger sector of concern analyzed and addressed in establishing the WLA. 40 C.F.R. § 122.44(d)(1)(vii)(B).

The Draft Permit would assign WLAs to DWS Discharges by applying WLAs applicable to other discharge source categories and/or discharger sectors to DWS Discharges and CWSs by "indirectly implying" that WLAs should be applicable. Draft Permit, Section III.H. However, none of these TMDLs assumed to apply to CWSs and DWS Discharges considered such discharges

or established WLAs applicable to the CWS sector. *Id.* As a result, the procedures set by guidance for determining appropriate WLAs for point sources were never followed in analyzing whether, and the degree to which, a WLA should be applied to CWSs or DWS Discharges to assure that a TMDL would not be exceeded and the water body would attain water quality standards. Further, information, assumptions and requirements related to CWSs and DWS Discharges are absent from the TMDLs and their WLAs because the discharges were determined by the State Board in setting the TMDLs addressed by Section III.K of Attachment F *not* to be a potential source of impairing pollutant load.[7]

By applying WLAs to DWS Discharges and CWS operations that were not considered in establishing the WLAs in the first instance in the development of NPDES permit conditions, the Draft Permit effectively amends the TMDL and WLA provisions of the Basin Plans to make them applicable to new sources, namely DWS Discharges, to which the WLAs did not apply when adopted. It is improper to use quasi-adjudicatory, informal permit adoption procedures to amend Basin Plan WLAs, instead of using the proper procedures specified by law for modifying WLAs and amending the Basin Plan. *Cal. Ass'n of Sanitation Agencies v. State Water Res. Control Bd.*, 208 Cal.App.4th 1438, 1461 (Cal. Ct. App. 2012). To establish WLAs for DWS Discharges, the State Board must first conduct a proper analysis of DWS Discharges as set forth in applicable law and guidance, and then must follow the proper procedures for amending the Basin Plan, including procedures related to public review and comment, review by the Office of Administrative Law, procedures for review by U.S. EPA, etc. Once WLAs are properly established in the Basin Plan, then the quasi-adjudicatory NPDES permitting process results in the actual application of such a rule to a specific set of existing facts related to dischargers and discharges. *Id.* at 1456; *see also City of Rancho Cucamonga v. Regional Water Quality Control Board*, 135 Cal.App.4th 1377, 1384–1385 (2006); *McGill v. Regents of University of California*, 44 Cal.App.4th 1776, 1785 (1996).

Existing impairments, TMDLS, WLAs, and the characteristics of DWS Discharges can and should be considered by the State Board in determining the extent to which DWS Discharges might have the reasonable potential to cause an exceedance of receiving water standards, as is currently summarized in Section III.K of Attachment F. However, CWA urges the State Board to revise the text of the Draft Permit's findings and Fact Sheet to eliminate all discussion of applying WLAs by "indirect implication" to the development of NPDES permit conditions for DWS Discharges that the WLAs did not consider and were not established to govern. *See* Exhibit 1, Draft Permit, Section II.B.1.d, Section III.F; Attachment F, Section II.K [sic]; Attachment G. CWA further urges revisions of all conditions in the Draft Permit derived from that analysis to reflect that a TMDL constituent-specific application package supplement, and TMDL-specific BMPs are only required when WLAs or TMDL-related requirements have been prescribed for DWS Discharges authorized by the Draft Permit. *Id.*

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3. Application Process is Problematic Because (1) Submission Dates Are Impractical; (2) Application Process May Result in Coverage Gaps; (3) Regional Board Acknowledgment May Be Unattainable; (4) Application Requirements Are Confusing Due to Conflicting Use of Terms and Overly Burdensome; and (5) Permit Fees Are Unduly Burdensome.

[7] The same conclusion is again reached in the Attachment F, Section II.K [sic].

a. Submission Dates are Impractical.

The Draft Permit becomes effective 100 days after the adoption date, which is currently scheduled for September 23, 2014. Draft Permit, Section II.E. Thus, the terms and conditions in the Draft Permit will not be effective until, at the earliest, January 1, 2015, which is 100 days after the first possible adoption date. The Draft Permit, however, currently requires CWSs to submit a Notice of Intent ("NOI") or Notice of Non-Applicability ("NONA") by December 1, 2014. *Id.* This is impractical, given that the permit will not be in effect at that time. CWA therefore recommends that CWSs be required to submit an NOI or NONA within 100 days of the permit's effective date. *See* Exhibit 1, Draft Permit, Section II.E.

7.17

b. Application Process May Result in Gaps in Coverage.

CWSs must submit an NOI or NONA prior to obtaining a Notice of Applicability ("NOA") or Notice of Non-Applicability Approval ("NONAA"). Draft Permit, Section II.B. And CWSs must obtain an NOA or NONAA from the State Board prior to releasing any discharges. Draft Permit, Section II.C. However, the Draft Permit does not obligate the State Board to act, either by issuing a letter of incomplete information, or an NOA or NONAA, within any specified period of time. *Id.* Particularly during the first year of the permit, delay in State Board action on NOIs and NONAs might be anticipated based on the large number of applicants that the State Board assumes will apply for coverage. The State Board estimates the need for 2,853 NOIs, which in turn means that the State Board must expect approximately 4,000 NONA applications based on the number of CWSs statewide. Delay in approving these NOIs and NONAs would preclude CWS discharges indefinitely, unless the CWS has another active local NPDES permit that authorizes discharges and has not been superseded.

However, the Draft Permit also provides that authorization to discharge under existing Regional Board permits for DWS Discharges will be terminated upon the earlier of State Board issuance of an NOA, or one year after the adoption date of the permit. If the State Board, which is not obligated to act on NOIs or NONAs within any certain time period, fails to issue either a NONA or an NOA within a year after adoption, Regional Board permits that might otherwise authorize DWS Discharges will be superseded before a CWS is granted new regulatory authorization to discharge, and there will be a gap in permit coverage with no authorization for required DWS Discharges. CWSs cannot forego DWS Discharges that are required by other applicable laws without being forced to violate those laws. To avoid a gap in authorization to release discharges required by applicable law, CWA suggests that the Draft Permit incorporate an approach similar to that used in the General Construction Permit. The Draft Permit should be revised to provide that NOIs and NOAAs are deemed approved upon filing, and discharges may proceed pursuant to the permit, unless approval of the discharge or exception to filing is revoked by SWRCB. *See* Exhibit 1, Section II.C.

This approach would at least limit, but would not eliminate the potential for, a gap in discharge authorization. Should the State Board revoke approval of the NOI or NONA in the absence of a currently applicable local Regional Board NPDES permit, the CWS will have no authorization to discharge until the State Board takes further action to approve an NOI, or the local Regional Board can properly adopt a local NPDES permit. There is no defined period of time for either State Board adoption of an NOI or for Regional Board adoption of an NPDES Permit, which can

take many months and sometimes even years. During the period required for State Board approval of an NOI, or proper adoption of a new local NPDES permit (as applicable), CWSs will be in a position of violating either the Clean Water Act and Porter-Cologne by making unauthorized discharges, or violating applicable health and safety laws requiring DWS Discharges to maintain a high quality, reliable drinking water supplies.

7.18

c. Regional Board Acknowledgments Required for Continued CWS Discharge Authorization Pursuant to Local NPDES Permits May Be Unattainable.

The Draft Permit provides that a CWS may file an NONA if the CWS has entered into a local agreement with a municipal separate storm sewer system ("MS4") permittee, and the corresponding Regional Board has provided written confirmation to the State Board that the local agreement provides sufficient regulation of the subject DWS Discharges. Draft Permit, Section I. As a practical matter, however, consistent with MS4 permit regulations that require MS4s (not the Regional Board) to identify, characterize and control any non-storm water discharges into the storm drain system that have the potential to be significant sources of pollutants,[8] Regional Boards are not likely to take responsibility for assuring the sufficiency of MS4 permit provisions to control DWS Discharges into those systems. In fact, in most MS4 permits issued statewide, Regional Boards have been unwilling to assume the duty of assuring sufficient controls on DWS Discharges and other non-storm water discharges to avoid significant contribution of pollutants to receiving waters. *See, e.g.,* MS4 Permit for the Coastal Watersheds of Los Angeles County Except Those Discharges from the City of Long Beach MS4, Order No.R4-2012-0175; NPDES Permit No. CAS 004001. The State Board has not issued or indicated plans to issue any binding orders to Regional Boards requiring their timely consideration of, and response to CWSs' requests for, acknowledgement. Thus, it is unclear how CWSs will obtain timely written acknowledgements from the Regional Boards sufficient to assure that there is no gap or uncertainty regarding validity of authorization for DWS Discharges Therefore, as reflected in Exhibit 1, CWA recommends removing the written acknowledgment requirement from the Draft Permit.

7.19

d. Application Package Requirements are Overly Burdensome.

i. Site Maps for NOI. While CWA understands that the Draft Permit is intended to regulate DWS Discharges to waters of the U.S. ("WOTUS"), the identification and delineation of WOTUS is very expensive and requires significant technical expertise, resulting in significant burdens associated with preparing an NOI application package under the Draft Permit. For example, Section II.B and Attachment B of the Draft Permit currently require each CWS to submit a site schematic showing the location and general alignment of receiving surface waters, which, as discussed above, staff intends to be a map showing the location of WOTUS defined pursuant to the Clean Water Act. Similarly, the Draft Permit would require a CWS to identify all portions of its system that discharge within 300 feet of a receiving water body.

However, delineating WOTUS is time-consuming and expensive and is difficult to do when regulatory definitions of jurisdictional waters change frequently, pursuant to court rulings and

[8] 40 C.F.R. § 122.26(d)(2(iv)(B).

administrative agency regulation changes. By way of example, currently, draft regulations proposed by U.S. EPA would change the rules governing delineation of WOTUS if adopted, requiring development of new expertise at considerable cost and expense for proper delineation and mapping of waters for the NOI.

Further, while staff has indicated that site maps indicating the proximity of its system to WOTUS need only be general, schematic in nature, and undetailed, mapping all parts of a system within 300 feet of a receiving water would require exceptionally detailed and expensive system-wide mapping that is unduly burdensome. Instead, it is more appropriate for the Draft Permit to require a CWS to submit information regarding specific discharge locations to WOTUS as a part of its annual monitoring report when discharge locations for the system are known, and reporting can be focused on proximity of specific locations to WOTUS. *See* Exhibit 1, Attachment E.

To avoid the considerable time and expense required to prepare and map all elements of the system in relationship to WOTUS, and to delineate WOTUS, CWA requests that the State Board amend the Draft Permit to allow CWSs to submit maps of WOTUS and specific discharge locations, as well as their proximity to WOTUS as a part of each annual report. CWA further requests that, solely for purposes of such mapping and compliance with monitoring provisions, the Draft Permit should be amended to allow CWSs to assume that water features shown on a United State Geological Survey Map or other map showing a similar level of detail (USGS Type Map) constitute WOTUS. In the event that any CWS determines that it is not too burdensome, and preferable to properly delineate WOTUS for purposes of complying with mapping and monitoring provisions, rather than relying on the USGS Type Map, then the Draft Permit should provide an option for those CWSs to submit a technical delineation report along with the NOI to establish that waters shown on the USGS Type Map are not, in fact, WOTUS. These revisions would substantially reduce the cost of, and streamline compliance with the proposed permit.

7.20

ii. Testing for TMDL Application Supplement. Similarly, with respect to the TMDL application supplement, the Draft Permit requires an expensive laboratory analysis of potential constituents to be filed with the NOI. CWA requests that the Draft Permit clarify that the laboratory analyses required to be included in the NOI supplement may be the same as those conducted pursuant to Title 22 of the California Code of Regulations or the federal and state Safe Drinking Water Act to eliminate additional costs of a supplemental lab analysis. This revision would help reduce the cost of, and further streamline the application process. *See* Exhibit 1, Section II.B.1.d.

7.21

e. Proposed Water Quality Permit Fees for FY-2014 are Unduly Burdensome.

On August 14, 2014, the State Board released proposed Water Quality Fees for the Draft Permit for the first time. The proposed fee structure is particularly burdensome for investor-owned utilities that have water system facilities in multiple districts as defined by the fee schedule. Specifically, four multi-district utilities are unduly burdened by the fee structure. One multi-district investor-owned utility that is a member of CWA estimates fees in excess of $53,000 per year will be due under the proposed fee structure. Such fees are unduly burdensome, given the very low threat to water quality presented by DWS Discharges. Given the low threat to water quality, the proposed fees seem to far exceed the administrative effort necessary to assure that

DWS Discharges implemented by multi-district utilities do not result in harm to receiving water quality as intended by Cal. Water Code § 13260. Therefore, CWA requests that the State Board reconsider the district based fee structure and requests that multi-district CWSs be required to pay only one fee.

7.22

f. CWA Recommends a Phased Approach to Implementation.

CWA believes that a phased approach to implementation of the Draft Permit would benefit all CWSs. That is, CWA is concerned that implementation of the Draft Permit will result in large costs to smaller systems, while also creating discharge authorization and regulatory coverage issues for all systems. CWA would therefore recommend that the Draft Permit be implemented initially only with respect to larger systems, such that other systems could follow the implementation examples and templates they develop, thereby increasing the efficiency and effectiveness of overall permit implementation.

7.23

4. Effluent Limitations and Monitoring Requirements Ignore Operational Realities that May Preclude Compliance by CWSs.

The Draft Permit includes effluent limitations and monitoring requirements that ignore operational realities such that CWSs may not be able to comply with the terms and conditions set forth in the current Draft Permit. CWA therefore requests the following revisions:

- Section II.A of Attachment E currently requires monitoring of all direct discharges to a water of the U.S. CWA understands that State Board staff has suggested revising this provision to require representative monitoring rather than planned event monitoring of such direct discharges. CWA supports this recommendation. *See* Exhibit 1, Section II.A. Monitoring all direct discharges to waters of the U.S. would be costly, burdensome and unnecessary because the majority of discharges will result in identical or similar monitoring results for chlorine residual and turbidity. Representative monitoring will be equally effective and substantially less costly.

7.24

- Attachment E to the Draft Permit currently requires pH monitoring of discharges. CWA requests that this requirement be removed. *See* Exhibit 1. Monitoring of discharges for pH is not practical. Accurate pH readings require frequent instrument calibrations and calibration checks. Field measurements of pH are typically performed by laboratory personnel, or water treatment or distribution operators certified by the State Board's Division of Drinking Water. In fact, the crews tasked with repairing and maintaining a CWSs' infrastructure typically do not possess the required training or certifications to perform NPDES compliance analyses (with the exception of chlorine residual). Thus, monitoring of DWS Discharges for pH would impose a significant burden on CWSs. Rather than including the pH monitoring requirement in the Draft Permit, CWA recommends that the State Board require CWSs to submit its annual Consumer Confidence Report, which contains representative pH data. *See,* Exhibit 1, Attachment E. The Consumer Confidence Report provides representative pH data for DWS Discharges at no additional cost to CWSs, thereby reducing the burdens imposed by the Draft Permit. In addition, CWA notes that, while the Draft Permit provisions do not contain effluent limitations that directly limit the pH of discharges, Attachment C, Section

I.C to the Draft Permit states that discharges from distribution system draining, cleaning and maintenance shall be pH adjusted. This technology-based restriction is not appropriate because there are no practical and cost effective BMPs available that would provide for pH adjustment. For example, hauling acid or caustic to discharge locations in public places to attempt to adjust pH would create a greater hazard to the community and the environment than associated with discharges slightly outside of the prescribed range. Further, CWSs are unaware of any pH-related impairments of receiving water beneficial uses related to DWS Discharges. Thus, CWA requests revisions to Attachment C to eliminate the reference to adjusting discharges for pH. *See* Exhibit 1.

7.25 • The Draft Permit currently requires handheld chlorine measuring devices with a method detection limit ("MDL") of 0.10 mg/L or lower. Draft Permit, Section IX. This requirement is improper. The Draft Permit should be revised to allow for compliance measurements to be performed using any U.S. EPA-approved method, as described in 40 C.F.R § 136.3. The Draft Permit should not specify the type of meter or MDL. Rather, CWSs should be allowed to select any method to measure compliance, so long as the method has been approved by the U.S. EPA. Furthermore, an MDL for chlorine should not be included in the Draft Permit. Instead, the Draft Permit should include minimum levels ("MLs") or reporting levels ("RLs"), which is consistent with EPA's NPDES Permit Writer's Manual, and which is currently being implemented by Region 4 and is being proposed by Region 2. Under this approach, measurements below the ML would be deemed in compliance. CWA requests revisions to alleviate these issues relating to chlorine monitoring, as reflected in Exhibit 1, Draft Permit, Section IX.

7.26 • The Draft Permit currently includes an effluent limitation of 10 Nephelometric Turbidity Units ("NTUs") for all planned discharges of groundwater into surface waters, and a limitation of 250 NTUs for discharges into ocean waters. Draft Permit, Section V.C. Many CWA members will not be able to comply with these requirements due to technical limitations (e.g., members would be required to discharge excessive volumes of drinking water to dilute solids and meet the requirements). CWA requests that these requirements be revised to specify an effluent limitation of 500 NTUs for discharges into surface waters and 500 NTUs for discharges into ocean waters based on information regarding available portable technologies for controlling turbidity and turbidity conditions in receiving waters discussed in Section II.F of the Fact Sheet for the General NPDES Permit for Construction Activities, Order No 2009-0009-DWQ, as amended by 2010-0014-DWQ & 2012-0006-DWQ. In addition, CWA notes that Draft Permit Attachment C[9] currently prescribes BMPs that must be used to meet NTU limits. Since permits should not prescribe the methods by which permit limitations are implemented, CWA requests that requirement for use of multi-baffled tanks be eliminated from Draft Permit Attachment C. *See* Exhibit 1, Attachment C.

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[9] In addition, there are no known BMPs for discharges covered under the Draft Permit that can remove salt and minerals, so technology based conditions requiring these BMPs are also inappropriate. Thus, as shown in Exhibit 1, Attachment C, CWA requests that BMPs in the Draft Permit be limited to target erosion control, turbidity removal, and dechlorination.

7.27

- While the Draft Permit currently includes receiving water limitations, most CWSs will not have access to receiving waters to conduct monitoring of such receiving waters. Draft Permit, Section VI. Further, CWS personnel do not have "swift water" training and generally are not allowed access to receiving waters during rain events. In addition, the Draft Permit prescribes receiving water limitations for constituents that will not be monitored in the discharge, including total suspended solids, chemical constituents, and "toxicity" (which could be any pollutant in a long list of constituents). It is unclear how CWSs can assure compliance with such receiving water limitations. Visual monitoring of receiving waters is required, but visual monitoring cannot establish compliance with numeric objectives for total suspended solids, chemical constituents, etc. Thus, it is unclear how CWSs can affirmatively show compliance with the receiving water limitations currently set forth in the Draft Permit. We request that the State Board revise the Draft Permit to specify how CWSs will be able to establish compliance with Receiving Water Limitations so as to avoid third-party citizen suits and the related cost burden to customers.

7.28

7.29

5. CWA Encourages the State Board to Require Regional Boards to Incorporate Safe Harbor Provisions into Future MS4 Permits.

The Draft Permit unconditionally exempts from the proposed permit those water purveyors that are MS4 permittees or co-permittees named on an MS4 permit that also authorizes discharges from CWSs.[10] This raises the obvious question that, if a municipally-owned CWS (that is already an MS4 permittee) may discharge into an MS4, and the requirements of the MS4 permit are adequate to protect water quality from the municipal DWS Discharge, then why do those CWSs that are not MS4 operators, but are making discharges under the same MS4 permit requirements, need a separate permit? Because the Draft Permit states that there is little likelihood of DWS Discharges causing harm and that there is *de minimis* risk, there is no logical reason to impose stricter standards on comparable non-municipal systems that do not happen to be MS4 operators or permittees. On the other hand, if a statewide permit is deemed necessary to protect water quality, why would the CWSs that are also MS4 operators, and which discharge the largest volumes of DWS Discharges, be exempted from the effluent limitations, monitoring, reporting and fee requirements of the Draft Permit? Local MS4 permits that exempt or conditionally exempt DWS Discharges do not distinguish between the types of discharger releasing the discharge, but apply the same conditions to all similar discharges. Additionally, under the exemption, municipally owned DWSs whose discharges enter a downstream MS4 not owned or operated by their municipality will not be required to prepare or report monitoring data to the downstream operator because they are not subject to the requirements of the Draft Permit. It appears that the Draft Permit should regulate DWS Discharges in the same manner, and no justification for the exemption provided to MS4 operators is apparent from the Draft Permit or its Fact Sheet. Notwithstanding this threshold issue, however, under the current regulatory scheme, MS4 permittees are often unwilling to authorize DWS Discharges because they are concerned that despite the specific authorization

[10] It should also be noted that the Draft Permit provides no greater protection to MS4 permittees than is currently provided by low-threat discharge exception provisions in MS4 permits. Without added protections, implementation and compliance with the Draft Permit will be an inefficient use of ratepayer resources.

granted to MS4 permittees to accept DWS Discharges into the MS4 system, it exposes those permittees to liability. That is, MS4 permittees are typically concerned that because they are the parties identified as permittees on the MS4 permits, they may be ultimately liable if DWS Discharges cause or contribute to a permit violation.

While certain regions have included "safe harbor" provisions in MS4 permits to provide regulatory relief to MS4 permittees, other regions have not. CWA requests that the State Board issue a Resolution (either in connection with the Draft Permit or otherwise) or a Water Quality Order formally requiring all Regional Boards to include "safe harbor" or other regulatory relief provisions in future MS4 permits.

7.30

6. MS4 Permits May Authorize DWS Discharges Without Specifying Water Quality Based Effluent Limitations.

The State Board appears have taken the position in workshops that CWSs that are not MS4 operators need authorization for discharges under the Draft Permit because otherwise the State Implementation Policy ("SIP") requires development of water quality-based effluent limitations ("WQBELs") for such discharges, even when permitted via exemptions from non-storm water prohibitions of MS4 permits. *See* Work Shop Presentations and Draft Permit, Sections III.D, III.F. However, under the Clean Water Act and storm water permit regulations, WQBELs do not have to be included in MS4 and other storm water permits for storm-water or low-threat non-storm water discharges that do not have a significant potential to cause or contribute to exceedances of receiving water quality standards; instead MS4 permits may rely on BMPs as effluent limits to control discharges to the "maximum extent practicable." WQBELS for California Toxic Rule pollutants need not be prescribed in MS4 permits. Clean Water Act § 402(p)(3)(b)(iii); *Defenders of Wildlife v. Browner,* 191 F.3rd 1159, 1166 (9th Cir. 1999); 40 C.F.R. § 122.44 (k)(2); 40 C.F.R. § 122.26(d)(2)(iv)(B)(1). Therefore, MS4 permits, which may authorize both storm water and certain low-threat non-storm water discharges, are not required to contain (and currently do not contain) WQBELs derived pursuant to the SIP, but those permits still provide effective and appropriate legal discharge authorization for low-threat, non-storm water discharges, including DWS Discharges.

7.31

7. Beneficial Reuse Provision Should Be Expanded to Include Discharges to Land.

The Draft Permit currently states that CWSs are not required to obtain other waste discharge requirements if a DWS Discharge is directly or indirectly discharged to storm water capture basins, low impact development features, or groundwater recharge systems. Draft Permit, Section VI. It should be noted that these types of discharges all require approval by the operator, who can deny the discharges. In addition, CWA requests that these provisions be revised to also include discharges to land. To that end, it would be useful for the State Board to repeal its discharge to land permit to foster and promote more beneficial reuse.

7.32

8. Request for Additional Public Review and to Comment Prior to Adoption of the Revised Draft Permit.

As evidenced by the foregoing, the Draft Permit presents policy, technical, and operational concerns that are unlikely to be resolved under the current permit adoption schedule. Under the

California Water Association

current schedule, the State Board is expected to issue a revised Draft Permit no later than September 12, 2014, with the adoption hearing scheduled for September 23, 2014. This schedule is problematic for two reasons. First, the public comment period for the Draft Permit closes on August 19, 2014. This means that the State Board will have less than 20 working days to review all the comments and make appropriate revisions to the Draft Permit. Given the anticipated length and complexity of the comments that the State Board will receive, it is likely that the State Board will require additional time to adequately perform its review.

Second, there are currently only 10 days between the issuance of the revised Draft Permit and the adoption hearing. This short period will not allow stakeholders, including CWA, to meaningfully review and evaluate the revisions to the Draft Permit that staff incorporates from the stakeholder parties' comments. While CWA appreciates the State Board's public outreach efforts, including this opportunity to comment on the Draft Permit, CWA believes all stakeholders would benefit from additional time to comment on the revised Draft Permit. Specifically, as is required by Porter-Cologne and the Code of Federal Regulations, CWA requests at least an additional 30 days for public comments prior to adopting the revised Draft Permit, and suggests that an additional 45 days for public review and comment would be more appropriate due to the depth and breadth of revisions anticipated to the Draft Permit. *See* Water Code § 13167.5; 40 CFR § 124.10(b). Given the risks involved, the potential for liability exposure, and the possible financial impact of this permit on CWS customers, an additional 45 days for consideration, review and refinement is eminently reasonable.

7.33

As described above, certain aspects of the Draft Permit present technical issues and operational challenges that may not have been intended by State Board staff. These types of technical and operational issues will make implementation of the Draft Permit difficult, but could be eliminated by providing stakeholders with an additional opportunity to comment on a revised Draft Permit, to ensure that the State Board ultimately adopts a permit that can be accurately and consistently implemented.

CWA appreciates your consideration of the foregoing, and looks forward to continued coordination with the State Board regarding the Draft Permit.

Sincerely,

Jack Hawks

Jack Hawks
Executive Director

Cc: Honorable Catherine J.K. Sandoval; Commissioner, California Public Utilities Commission
Raminder Kahlon; CPUC Director, Division of Water & Audits
Bruce DeBerry; Program Manager, CPUC Division of Water & Audits
Matthew Marcus; Deputy Director, Office of Ratepayer Advocates
Danilo Sanchez; Program & Project Supervisor, Office of Ratepayer Advocates

NOTE: ALL THE TEXT IN DOCUMENT THAT IS HIGHLIGHTED YELLOW IDENTIFIES CHANGES TO THE DRAFT PERMIT THAT WAS ISSUED ON JUNE 6, 2014.

STATE WATER RESOURCES CONTROL BOARD

1001 I Street, Sacramento, California 95814
http://www.waterboards.ca.gov/water_issues/programs/npdes

WATER QUALITY ORDER 2014-XXXX-DWQ
GENERAL PERMIT NO. CAGXXXXXX

STATEWIDE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR DRINKING WATER SYSTEM DISCHARGES TO SURFACE WATERS

Water Purveyors in California are subject to waste discharge requirements as set forth in this Order, and as authorized by a Notice of Applicability issued by the State Water Resources Control Board, under delegation to the Deputy Director of Water Quality.

Table 1. Definition of Community Drinking Water System and Water Purveyor

Community Drinking Water System	A system with greater than 15 connections that is regulated by the California Department of Public Health or a local county department of health, with the primary purpose of conveying, treating and distributing safe drinking water.
Water Purveyor	Any entity that discharges from a community drinking water system due to activities mandated by the federal Safe Drinking Water Act and the California Health and Safety Code for protection of public health and safety.

Table 2. Administrative Information

This Order was adopted by the State Water Board on:	~~August~~ September XX, 2014
This Order shall become effective:	100 days after the adoption date of this Order
This Order shall expire on:	November 30, 2019

CERTIFICATION

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the State Water Board on ~~August~~ September XX, 2014.

Jeanine Townsend
Clerk to the Board

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I. SCOPE OF STATEWIDE GENERAL PERMIT AND REQUIREMENT FOR REGULATORY COVERAGE

This Order provides regulatory coverage for short-term or seasonal discharges of ~~potable water and~~ treated or untreated drinking water from community drinking water systems that are ~~a result of mandatory activities~~necessary to comply with the federal Safe Drinking Water Act, the California Health and Safety Code, ~~and~~ the California Department of Public Health (CDPH) regulations, the American Water Works Association (AWWA) guidance standards, permits issued by local county departments of health, and any regulations, permits, or guidance issued by the State Water Resources Control Board's (State Water Board) Division of Drinking Water (DDW). This Order also provides regulatory coverage for ~~emergency~~ unplanned discharges from community drinking water systems due to facility leaks, system failures and catastrophic events. Such discharges may occur directly, or through a constructed storm drain or other conveyance system, to waters of the United States (U.S.), including the Pacific Ocean, enclosed bays, estuaries, and inland surface waters such as creeks, streams, rivers, canals, lakes, and reservoirs. This Order does not provide regulatory coverage for discharges of recycled water. Unless otherwise specified herein, the terms "Water Purveyor," "Community Drinking Water System," and "Discharger" shall be used interchangeably in this Order.

This Order does not apply to non-community drinking water systems or non-transient water systems.

This Order is a National Pollutant Discharge Elimination System (NPDES) general permit that authorizes discharges from community drinking water systems, as defined in Table 1 and described in the Fact Sheet (Attachment F of this Order). In order to legally discharge, this Order requires enrollment of all water purveyors in California that discharge per the description above to waters of the U.S., unless otherwise exempt from the requirement to obtain an NPDES permit under federal law, in accordance with section I and II of this Order, with the exception of water purveyors that meet the following criteria:

1. The water purveyor has entered into a local agreement with a~~the~~ municipal separate storm sewer system (MS4) permittee that authorizes discharges from community drinking water systems,
   ~~AND~~
2. ~~The corresponding Regional Water Quality Control Board (Regional Water Board) Executive Officer provides written confirmation to the State Water Board Deputy Director of the Division of Water Quality that the local agreement provides sufficient regulation of the subject drinking water system discharges;~~

   OR

~~3.~~2. The water purveyor is an MS4 permittee or co-permittee named on an MS4 permit that also authorizes discharges from community drinking water systems issued by the State Water Board or a Regional Water Board,

   OR

3. The water purveyor discharges from a community drinking water system with less than 2000 connections and implements best management practices that treat or control pollutants from its discharges to protect the beneficial uses of the receiving waters,

OR

4. The water purveyor is regulated under a separate NPDES permit issued by the Regional Water ~~Quality Control~~ Board ~~because (a) the discharge is not within the scope of activities covered by this Order, and/or (b) additional permit requirements are necessary where an applicable Waste Load Allocation (WLA) and a Total Maximum Daily Load (TMDL) has been adopted and the Regional Water Board has determined that TMDL-specific permit requirements for discharges from drinking water systems are appropriate because those discharges may contribute to the impairment of the waterbody. does not find the requirements of this Order to be consistent with the requirements of the WLA.~~

Water purveyors described in items 1 and 2, or 3 above maintain the option to enroll under this Order if regulatory coverage under an NPDES Permit issued specifically for their mandated discharges is requested.

All water purveyors in California who discharge treated or untreated drinking water, ~~, and/or potable water or raw water,~~ as described in Section I.B~~.~~ below pursuant to the activities specified within this Order, must submit an application package in accordance with Ssection II.A.1~~. or a Notice of Non-Applicability in accordance with section II.A.2. of this Order by December 1, 2014~~no later than 100 days after the effective date of this Order (see Section II.E). Water purveyors described in items 1 through 4 above that are not requesting coverage under this Order must submit a Notice of Non-Applicability form (see Attachment B~~-~~2) to the State Water Board in accordance with Section II.B.2~~.~~ of this Order no later than 100 days after the effective date of this Order.

A. Facilities Authorized To Discharge Under This Order

This Order authorizes discharges from community drinking water systems (as defined in Table 1) that are made in compliance with the terms and conditions set forth herein~~do not adversely affect or impact beneficial uses of receiving waters~~. Authorized discharges to waters of the U.S. pursuant to this Order are those from drinking water facilities including, but not limited to, municipal supply wells, transmission systems, water treatment facilities, treated ~~drinking~~ water distribution systems, and storage facilities.

B. Discharge Definitions

This Order covers both planned and ~~emergency~~ unplanned discharges. Planned discharges are defined as discharges resulting from a water purveyor's essential operations and activities undertaken to comply with the federal Safe Drinking Water Act, the California Health and Safety Code, ~~and~~ CDPH regulations, AWWA guidance

standards, permits issued by local county departments of health, and any regulations, permits, or guidance issued by DDW in order to provide reliable and safe drinking water. Planned discharges include regularly scheduled, automated, and non-regularly scheduled activities that must take place to comply with mandated regulations and that the water purveyor knows in advance will result in a discharge. ~~Emergency~~ Unplanned discharges are defined in Attachment A (Definitions), and include ~~as~~ discharges that occur due to system leakage, system failures or other emergencies, and the water purveyor is not aware of the discharge until after the discharge has commenced.

1. Treated ~~Drinking~~ Water

For the purposes of this Order, treated ~~drinking~~ water refers to ~~treated~~ ground or surface water ~~and water from drinking water distribution systems,~~ that has been treated with a disinfectant by a water treatment facility~~, and is suitable for human consumption in accordance with the drinking water regulations in Titles 17 and 22 of the California Code of Regulations, including compliance with the CDPH Primary Maximum Contaminant Levels (MCLs) and secondary MCLs as a running annual average). (sections 64431, 64444, and 64449, California Code of Regulations, title 22, division 4, chapter 15, articles 4, 5.5, and 16)~~.

2. ~~Raw and Potable~~ Untreated Water

For the purposes of this Order, ~~raw water is defined as untreated surface water or groundwater dedicated for drinking water supply, that has an annual running average concentration of drinking water constituents below CDPH's primary and secondary MCLs. P~~potable untreated water refers to ground or surface water that has not been treated with a disinfectant by a water treatment facility. ~~is defined as groundwater that may or may not have received treatment, and meets the following criteria:~~

~~Is suitable for human consumption,~~

~~Complies with the primary and secondary MCLs as a running annual average.~~

~~3. Raw Water~~

~~For the purposes of this Order, raw water is defined as untreated or partially treated surface water or groundwater dedicated for drinking water supply but is not suitable for human consumption. To be eligible for coverage under this Order, discharge of raw water may not cause or contribute to the receiving water exceeding a primary or secondary drinking water MCL, on a running annual average basis.~~

C. Authorized Discharges

This Order authorizes planned and ~~emergency~~ unplanned discharges of ~~raw, and potable or~~ treated or untreated drinking water ~~and drinking water~~ from community drinking water systems, as defined above, due to activities necessary to comply with applicable~~mandated by~~ law regarding the development, operation, maintenance, and

rehabilitation of drinking water systems. Authorized discharges may include, but are not limited to, the following:

1. **Planned Discharges of Treated or Untreated Discharges Include the Following:**
   a. **Treated ~~Drinking~~ Water**
      i. Water Treatment Plant (discharges of treated drinking water only).
      ii. Distribution System Storage Tank or Reservoir releases.
      iii. Distribution System Dewatering, Flushing, and Pressure Testing.
      iv. Fire Flow / Fire Hydrant Testing.
      v. Meter Testing.
      ~~vi. Automated Water Quality Analyzers.~~
      ~~vii. Pressure Relief Valves.~~
      viii. Other activities including unscheduled activities that must be undertaken to comply with ~~mandates of~~ the ~~F~~federal Safe Drinking Water Act, the~~and~~ California Health and Safety Code, CDPH regulations, AWWA guidance standards, permits issued by local county departments of health, and any regulations, permits, or guidance issued by DDW.
   b. **~~Potable or /Raw Water~~Untreated Water**
      i. Groundwater Supply Well Flushing.
      ii. Groundwater Well Development, Installation, Rehabilitation, and Testing.
      iii. Groundwater Monitoring for purpose of Supply Well Development, Installation, Rehabilitation and Testing.
      iv. Transmission system installation, cleaning, testing.
      v. Other activities including unscheduled activities that must be conducted to comply with ~~mandates of~~ the f~~F~~ederal Safe Drinking Water Act, the~~and~~ California Health and Safety Code, CDPH regulations, AWWA guidance standards, permits issued by local county departments of health, and any regulations, permits, or guidance issued by DDW.

2. **~~Emergency~~ Unplanned Discharges**
   a. Treated or Untreated Drinking Water, as defined in Attachment A, which includes but is not limited to~~, and Potable Water, and Raw Water~~:
      i. ~~Emergency~~ Unplanned Drinking Water System Failures and Repairs including Transmission and Distribution System Failures and Repairs.
      ii. Trench Dewatering due to an ~~emergency~~ unplanned failure.
      iii. Catastrophic Events.

II. PERMIT COVERAGE AND APPLICATION REQUIREMENTS

A. Permit Coverage

This Order provides regulatory coverage to water purveyors with existing and potential discharges from a community drinking water system that are required to comply with the federal Safe Drinking Water Act, the California Health and Safety Code, CDPH regulations, AWWA guidance standards, permits issued by local county departments of health, and any regulations, permits, or guidance issued by DDW~~do not adversely affect beneficial uses of the receiving water~~. Permit coverage may include discharges from work conducted by contractors on behalf of the water purveyor.

This Order does not apply to discharges:

1) Covered under a separate NPDES permit for discharges that the Regional Water Quality Control Board Executive Officer determines additional permit requirements are necessary to address Total Maximum Daily Loads (TMDL) with Waste Load Allocations (WLA) because the requirements of this Order are not consistent with the TMDL, or

2) From other entities or individuals such as fire departments, construction and insurance companies that test ~~potable~~ treated water systems, street cleaners, or other users of a municipal storm water system that discharge to waters of the U.S.

1. **Community Drinking Water Systems.** Community drinking water systems serving greater than 15 service connections, or state owned/operated facilities (e.g. parks, campgrounds, rest areas) that are regulated through CDPH~~. Smaller community water systems are regulated~~ or through the local health department. CDPH may regulate the smaller system if the county does not choose to regulate them.
2. **Water Purveyor.** Water purveyors operate community drinking water systems. Water purveyors (referred to herein as "Discharger" if regulated by this Order), also known as water distributors include water districts, municipalities, private companies, and other entities that have been issued a public water supply permit by CDPH or a local county health department.
3. **Discharge Locations.** Both planned and ~~emergency~~ unplanned discharges may occur in multiple locations simultaneously on any given day within a community drinking water system. This Order authorizes single discharges at one identified location, and multiple simultaneous discharges at multiple locations. A Discharger shall report on discharge events as required in the Monitoring and Reporting Program of this Order~~.~~ (Attachment E).

B. Application Package or Notice of Non-Applicability Requirements

1. **Application Package**. To obtain regulatory coverage under this Order, a water purveyor must submit to the ~~State Water Resources Control Board (~~State Water Board~~)~~ a complete application package including the ~~following~~ items set forth below

(see also Attachment F, Section II.A). A water purveyor with multiple community drinking water systems need only submit one complete application package, (with individual NOI forms for each of its water systems ~~and applicable fee~~) and obtain one Notice of Applicability for regulatory coverage of all its systems that discharge to waters of the U.S.:

a. **Notice of Intent.** A Notice of Intent (NOI) form (shown as Attachment B1 of this Order) must be completed, signed, and certified in accordance with section V.B., *Signatory and Certification Requirements*, of Attachment D – Standard Provisions.

b. **Application Fee.** A fee payable to the State Water Board in accordance with title 23, California Code of Regulations or subsequent fee regulations updates. The current fee schedule is available at the following website: http://www.waterboards.ca.gov/resources/fees/docs/fy13_14_fee_schedule_npdes_permit.pdf,

c. **Site ~~Map~~ Information.** A site ~~map~~ ~~schematic~~ map showing the following items:

   i. The boundaries of the water purveyor's service area(s),

   ii. The location and general un-detailed layout of the transmission and distribution facilities comprising the community drinking water system(s) ~~facilities~~, and the general location of all groundwater supply wells and system facility locations that discharge to ~~surface waters~~water of the U.S.,

   ~~iii. The location and general un-detailed alignment of the receiving surface water(s),~~

   iv. The general, conceptual location of representative monitoring sites, with reference to parameters to be monitored at each site,~~.~~ and

   v. A description of the multiple uses or beneficial reuse that the discharges served (i.e. ground water recharge, irrigation), if applicable.

   ~~vi. Identification of the portion of the community water system that discharges within a 300-foot conveyance distance from the receiving water(s) and/or within a 300-foot radius of the receiving water(s).~~

d. Total Maximum Daily Loads (TMDL) Constituent-~~s~~Specific Application Package Supplement (may be applicable in the future, subject to a permit amendment, renewal, or reopener amending Attachment G, in the event that WLAs are imposed on drinking water system ~~for~~ discharges into waters of the U.S. ~~that have applicable waste load allocations and/or TMDL related requirements identified in Section K of the Fact Sheet) and/or TMDL-related requirements prescribed to water purveyors as listed on Attachment G of this Order).~~ A supplement to the application requirements listed in items a through c above that includes the following items:

i. **Laboratory Analysis of TMDL-specific constituent (s).** ~~A one-time~~ Laboratory analysis conducted by a laboratory certified by the Environmental Laboratory Accreditation Program (ELAP). The application package supplement must include a laboratory analysis sheet indicating the concentration of the applicable TMDL specific constituent(s) in ~~the water of~~ the drinking water system discharge ~~prior to best management practice implementation~~ at the point of discharge. The laboratory analyses included in the application package supplement may be the same as those conducted pursuant to Title 22 of the California Code of Regulations or the federal Safe Drinking Water Act, provided such analyses otherwise fulfill the requirements of this paragraph. The sample collection and analysis must be conducted in accordance with 40 CFR 136. The water purveyor must submit the following items for the application supplement to be deemed complete:

a) A minimum of two samples representative of each type of drinking water system discharge (e.g., ~~raw, potable,~~untreated and/or treated),

b) The estimated minimum and maximum discharge volume per discharge event, and

c) The estimated average discharge volume from the system per year. The estimated volumes shall be based on historical data.

ii. **TMDL-specific Best Management Practices.** Description and implementation requirements of site-specific best management practices that properly treat and/or control corresponding TMDL constituents in the discharge to a concentration or level less than the WLA imposed on the water purveyor~~'s waste load allocation applicable TMDL-specific permit requirement~~(s) as set forth in Attachment G~~, if any and for compliance with all TMDL-related requirements prescribed to the water purveyor~~.

2. **Notice of Non-Applicability**. To certify that regulatory coverage under this Order is not required according to Section I of this Order, a water purveyor must submit a completed Notice of Non-Applicability (shown as Attachment B2) indicating the water purveyor is not required to obtain coverage under this Order due to the following criteria:

a. The water purveyor is regulated under a separate NPDES permit issued by the Regional Water ~~Quality Control~~ Board ~~because additional permit requirements are necessary to comply with an applicable Waste Load Allocation (WLA) and a Total Maximum Daily Load~~TMDL.

b. The water purveyor is under an established local agreement with an ~~municipal separate sewer storm system (~~MS4~~)~~ permittee that authorizes discharges from community drinking water systems ~~is acknowledged by the corresponding Regional Water Board in writing~~ and the local agreement is submitted with the Notice of Non-Applicability.

c. The water purveyor is an MS4 permittee or co-permittee named on an MS4 permit that also authorizes discharges from community drinking water systems ~~combined drinking water system Permit~~ issued by the State Water Board or Regional Water Board.

d. The water purveyor discharges from a community drinking water system with less than 2000 connections and implements best management practices that treat or control pollutants from its discharges to protect the beneficial uses of the receiving waters.

A water purveyor with multiple community drinking water systems need only submit one Notice of Non-Applicability for its systems that meet the same criterion out of the listed above criteria.

C. ~~Water Board Notice of Applicability or Notice of Non-Applicability Approval~~Commencement of Regulatory Coverage

T~~After t~~he water purveyor's application package or Notice of Non-Applicability shall be deemed approved upon submission to the State Board. Following submission of the application package or Notice of Non-Applicability~~is deemed complete~~, the State Water Board's Deputy Director of Water Quality (Deputy Director) will issue a Notice of Applicability (NOA) or a Notice of Non-Applicability Approval (NONAA) memorializing the State Board's decision. Regulatory coverage for ~~the~~ planned and ~~emergency~~ unplanned discharges made pursuant to this Order~~described in the application package~~ commences upon submission of the application package to the State Board~~with the date of issuance of a Notice of Applicability to the water purveyor~~. If an NOA or an NONAA is not issued, the Deputy Director will send a letter revoking regulatory coverage (in the case of an NOA), and outlining the State Board's concerns regarding issuance of the NOA or NONAA, as applicable~~reasons that the submittal is incomplete or the described discharge is not eligible for coverage under this Order~~. The State Water Board will provide the water purveyor 60 days from the date of the response letter to provide State Water Board staff the items necessary to ~~complete the application~~restore coverage and otherwise resolve any coverage issues.

D. Permit Coverage Termination

1. Termination of Existing Regional Water Board Permit Coverage

Regulatory coverage under an existing Regional Water Board NPDES permit for discharges within the scope of this Order for which an NOI was filed will be terminated upon issuance of the Notice of Applicability for this Order, or one year after the Adoption Date of this Order, whichever is sooner.

2. Termination of Statewide Permit Coverage or Revocation of Notice of Non-Applicability

The Deputy Director or an Executive Officer of a Regional Water Board may terminate coverage or revoke approval of a Notice of Non-Applicability (NONA) under this Order for any of the specified causes, and require application for coverage under an individual or other NPDES permit as set forth in 40 CFR 122.28(b)(3). Causes for permit coverage termination or NONA revocation include, but are not limited to, the following:

a. Submission of an incomplete application package or submission of an application package that describes a discharge that is not eligible for coverage under the Order.

~~a.~~**b.** Violation of any term or condition of this Order;

~~b.~~**c.** Misrepresentation or failure to disclose all relevant facts in obtaining permit coverage or non-applicability status under this Order, or

~~c.~~**d.** Written request from a Discharger to terminate enrollment because discharge has ceased or that the permit is no longer needed.

Annual permit fees will be assessed by the State Water Board up to the date of written notification from the State/Regional Water Board to the Discharger, or the date of a termination request letter from the Discharger to the State Water Board, whichever is applicable.

E. Permit Effective Date

This Order becomes effective 100 days after the Adoption Date of this Order. ~~By December 1, 2014~~No later than 100 days after the effective date, all water purveyors must submit a complete application package, or submit a completed Notice of Non-Applicability that certifies other means of regulatory coverage for discharges from its community drinking water system(s).

F. Threat and Complexity of Discharge and Basis of Permit Fee

When mitigated through implementation of appropriate management practices, treatment and/or controls, discharges from community drinking water systems, as defined under this Order, pose no adverse effects to beneficial uses of the receiving waters. In accordance with the State Water Board Annual Fee Schedules per California Code of Regulations (CCR), the discharges covered under this Order are of low threat and low complexity and are within category 3 of the de minimis discharges that are

regulated under a general NPDES Permit that require minimal or no additional treatment systems to meet limits and pose no significant threat to water quality.

G. Permit Transfer

A change in ownership of the facilities authorized to discharge through coverage under this Order requires the current owner to provide written notice to the State Water Board at least 30 days in advance of transfer of ownership. The Deputy Director may determine that the new owner must submit an application package to seek coverage under this Order if the nature or location(s) of the discharge(s) have changed from the application package on file.

III. FINDINGS

The State Water Board finds the following:

A. Legal Authorities. This Order serves as statewide Waste Discharge Requirements (WDRs) pursuant to California Water Code article 4, chapter 4, division 7 (commencing with § 13260). This Order is also issued pursuant to federal Clean Water Act (CWA) section 402 and implementing regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA), and California Water Code chapter 5.5, division 7 (commencing with § 13370). This Order shall serve as a statewide general NPDES permit for point source discharges from single or multiple discharge points to surface waters, storm drains, and other storm water conveyances leading to waters of the U.S.

B. Background and Rationale for Requirements. The Fact Sheet (Attachment F) contains background information and rationale for the requirements in this Order~~, and is hereby incorporated into and constitutes findings for this Order~~. Attachments A through H are ~~also~~ incorporated into this Order.

C. Termination of Existing Coverage Under Similar Regional Water Board Orders. The State Water Board's intention in the issuance of this statewide NPDES Permit is to provide consistent and efficient regulation of discharges from drinking water systems statewide. To provide such consistency, this Order terminates existing regulatory coverage under an existing Regional Water Board NPDES permit for discharges for which an NOI was filed as described in S~~s~~ections I and II, upon issuance of the Notice of Applicability to a water purveyor per the terms of this Order, or one year after the Adoption Date of this Order, whichever is sooner.

D. State Implementation Policy. As adopted in March 2000, and amended in February 2005, the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP) establishes implementation provisions for priority pollutant criteria, and objectives and provisions for chronic toxicity control. Section 5.3 of the SIP allows for the granting of a categorical exception for drinking water system activities conducted to fulfill statutory requirements mandated by federal and state regulations.

E. California Ocean Plan. In 1972, the State Water Board adopted the Water Quality Control Plan for Ocean Waters of California (hereinafter Ocean Plan), as amended. The latest Ocean Plan amendment became effective on August 19, 2013. The Ocean Plan is applicable, in its entirety, to point source discharges to the ocean waters of the State. To protect the beneficial uses of ocean water, the Ocean Plan establishes water quality objectives and a program of implementation. Requirements of this Order implement the Ocean Plan and are applicable to those discharges entering directly into the Ocean or indirectly via a storm water system that drains into the Ocean near the location of discharge. This Order does not authorize direct discharges into Areas of Special Biological Significance (ASBS).

Section III.J of the Ocean Plan allows the State Water Board to grant an exception where the State Water Board determines that the exception will not compromise protection of the ocean waters or beneficial uses and the public interest will be served.

F. Exception Resolution. On ~~August~~ September XX, 2014, the State Water Board adopted a Resolution approving an exception to the State Implementation Policy and the Ocean Plan to water purveyors statewide for discharges from drinking water systems from complying with specified priority pollutant criteria and ocean plan objectives. As provided in Resolution 2014-XXXX-DWQ, the State Water Board granted an exception per section 5.3 of the State Implementation Policy to water purveyors statewide, for planned and ~~emergency~~ unplanned discharges to inland surface waters, enclosed bays and estuaries. Similarly, as provided in Resolution 2014-XXXX-DWQ, the State Water Board granted water purveyors with drinking water system discharges to the ocean, other than direct discharges into ASBS, an Ocean Plan exception for compliance with specified Ocean Plan objectives. ~~As further discussed in the Fact Sheet (Attachment F), t~~The State Water Board finds that compliance with the requirements of this Order is in accordance with the criteria to qualify for an exception of the State Implementation Policy and Ocean Plan per Resolution 2014-XXXX-DWQ.

G. California Environmental Quality Act. Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA), (commencing with section 21100) of Division 13 of the Public Resources Code.

Additionally, pursuant to CEQA, Public Resources Code section 21100 et seq., on September ~~August~~ XX, 2014 the State Water Board adopted Resolution 2014-XXXX-DWQ approving a Mitigated Negative Declaration for excepting the type of discharges as covered under this Order from specified requirements of the State Implementation Policy and the California Ocean Plan.

H. Total Maximum Daily Load (TMDL) Implementation. A review of Regional Water Board TMDLs found that, as of the adoption date of this Order, only the Los Angeles Regional Water Board and the San Diego Regional Water Board have TMDLs that should be considered in determining whether ~~either directly apply WLAs to, or may indirectly imply that WLAs are applicable to, the~~ discharges from drinking water systems

regulated under this ~~General Permit~~Order have a reasonable potential to cause or contribute to exceedances of water quality standards for impaired water bodies. None of these TMDLs established WLAs that apply ~~exclusively~~ to discharges from drinking water systems. Instead, the WLAs apply to general categories of discharges (e.g., "other NPDES dischargers") that might include short-term, intermittent discharges from drinking water systems. ~~These TMDLs and WLAs are applicable to the discharges from drinking water systems authorized under this Order and are therefore summarized below.~~

~~The State Water Board is required to ensure that the effluent limits in this permit Order are "consistent with the assumptions and requirements of any available waste load allocation for the discharge." (40 C.F.R. § 122.44(d)(1)(vii)(B).) Although these WLAs apply to the discharges that are authorized under this Order,~~ Nnone of the TMDLs or supporting staff reports indicates that the discharges from drinking water systems authorized under this Order are significant sources of the relevant pollutants. Based on the data that is currently available, and due to the high quality and intermittent and short-term nature of the discharges from drinking water systems authorized under this Order, it is unlikely that these discharges contribute to the impairment of the TMDL-related water bodies. Therefore, ~~it is consistent with the assumptions and requirements of the WLAs in these TMDLs for~~ this Order ~~to~~ does not include any TMDL-specific requirements.

~~This Order requires sampling of discharges in these watersheds as part of the application for coverage. If a Regional Water Board determines that any of these TMDLs, or any newly approved TMDLs, establish WLAs that should be implemented through TMDL-specific permit requirements for the discharges from drinking water systems that are authorized under this Order, the Regional Water Board may issue permit(s) for those discharges.~~ Alternatively, if ~~further~~ future TMDLs are adopted that address pollutants ~~that are likely to be~~ in discharges from drinking water systems, and allocate waste loads specifically to ~~water purveyors~~drinking water system discharges regulated under this Order, the State Water Board ~~will~~ may consider ~~additional~~ adding TMDL-specific permit requirements to Appendix G of this Order in a subsequent permit amendment, ~~or~~ renewal, or reopener.

~~I. To ensure that discharges are in compliance with any applicable TMDL requirement, the Deputy Director, through written affirmative notification from a corresponding Regional Water Board Executive Officer, must find that:~~

~~(1) the requirements in this Order are consistent with the assumptions and requirements of the WLA, and~~

~~(2) the requirements in this Order are sufficient for the water purveyor to comply with its WLAs or other TMDL requirements imposed directly on the water purveyor.~~

~~Attachment G of this Order lists TMDLs that prescribe a waste load allocation (WLA) to a water purveyor.~~

I. Notification of Interested Parties. State and Regional Water Board staff hasve conducted five eight stakeholder meetings statewide, and numerous other informal communications, and has notified prospective water purveyors and interested agencies and persons of its intent to issue this statewide NPDES permit and prescribe these statewide waste discharge requirements. The State Water Board provided an opportunity for all interested parties to submit written comments and testimony. The Fact Sheet (Attachment F) provides details regarding the public notification process.

J. Consideration of Public Comment. The State Water Board, in an August July 15, 2014 public hearing, heard and considered public comments pertaining to the Order. The State Water Board also considered all written public comments submitted by the public comment due date of July August 198, 2014 prior to its consideration of adoption of this Order. The Fact Sheet (Attachment F) provides details regarding the public notice and public hearing.

THEREFORE, IT IS HEREBY ORDERED that this Order terminates regulatory coverage provided by Regional Water Quality Control Board Orders that authorize the same type of discharge specified in the scope of this Order for which a Notice of Intent was filed, one year after the Adoption Date of this Order or as of the date of a Notice of Applicability issued by the Deputy Director of Water Quality, whichever is sooner. In order to meet the provisions contained in California Water Code, Division 7 (commencing with section 13000) and regulations adopted thereunder, and the provisions contained in the Clean Water Act and regulations and guidelines adopted thereunder, a wWater pPurveyor who has obtained coverage under this Order shall comply with the requirements in this Order.

IV. DISCHARGES NOT AUTHORIZED UNDER THIS ORDER

The following discharges are not authorized to discharge under this Order:

A. Discharges that do not meet the specifications in Ssection I of this Order and authorized in the Notice of Applicability issued by the Deputy Director of Water Quality.

B. Discharges to a water of the U.S. with a total maximum daily load (TMDL) that prescribes a waste load allocation to a water purveyor, as listed in Attachment G of this Order, where the Deputy Director of Water Quality or applicable Rregional Wwater Bboard Executive Officer determines that the requirements of this Order are not consistent with the assumptions and requirements of the waste load allocation and thus are not sufficient for the water purveyor to comply with its waste load allocations or otherthe TMDL requirements imposed directly on the water purveyor.

C. Discharges of new drinking water systems (not an expansion of an existing system) into an impaired water body that is impaired for a constituent that exists in the new discharge at a concentration greater than the criteria used to establish the impairment of the water body.

D. Direct discharges into areas designated by the State Water Board as Areas of Special Biological Significance (ASBS).

V. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The Discharger shall maintain compliance with the following specifications and effluent limitations for all planned discharges at all points of direct discharge, or discharge via a storm drain or other conveyance system~~, to the receiving waters~~, with compliance measured at the point of discharge as described in the Monitoring and Reporting Program (Attachment E). Compliance with these effluent limitations shall be determined as specified in Section IX.A~~.~~ of this Order.

A. Best Management Practices (BMP) Specification for all discharges into inland surface waters, enclosed bays, estuaries and the ocean

The Discharger shall implement~~, at a minimum,~~ the BMP procedures and measures as specified in ~~Provision~~ Section VIII.C.2, or equivalent proven BMPs provided by professional associations or institutes such as the American Water Works Association to ensure that all discharges comply with the terms and conditions of this Order~~, for all discharges to comply with DPH's MCLs and to assure that beneficial uses of the receiving water body(ies) are not adversely affected~~. For ~~emergency~~ unplanned discharges, the Discharger shall implement BMP procedures as soon as feasible while concurrently protecting public health and safety.

~~For discharges to receiving water bodies with Total Maximum Daily Loads (TMDLs) listed in Attachment G, the Discharger must implement the appropriate treatment or controls to comply with waste load allocations and other TMDL-related requirements.~~

B. Final Effluent Limitation for super-chlorinated ~~-~~discharges:

1. **Total Residual Chlorine (this limitation applies to all discharges of super-chlorinated water).** Total chlorine residual concentration in the discharge shall not exceed 0.019 mg/L.

C. Final Effluent Limitation for all planned discharges of treated or untreated groundwater~~potable water~~ directly to a surface water or via a storm drain:

1. **Turbidity.** The Turbidity measure in Nephelometric Units (NTUs) in the discharge of ~~potable~~ treated or untreated groundwater shall not exceed ~~15~~500 NTUs as a daily average or per turbidity water quality objectives in the corresponding Regional Water Board basin plan, whichever is less.

D. Final Effluent Limitation for planned, treated discharges directly into inland surface waters, enclosed bays and estuaries, or ~~that discharges~~ within 300 feet or less of a water of the U.S.~~the receiving water.~~

1. **Total Residual Chlorine.** Total chlorine residual concentration in the discharge shall not exceed 0.019 mg/L.

E. Final Effluent Limitations for planned, treated or untreated discharges directly into ocean waters, or into a storm drain that discharges within 300 feet or less to ocean waters:

1. **Total Residual Chlorine.** Total chlorine residual concentration in the discharge shall not exceed 0.008 mg/L.
2. **Turbidity.** The Turbidity concentration in the discharge shall not exceed 500225 NTU at any time.

F. Final Permit Requirements for discharges to receiving water bodies with TMDLs listed in Attachment G:

1. Discharges to receiving surface water bodies that are identified to have TMDL that either directly or indirectly name water purveyors, as listed in Attachment G, shall meet applicable permit requirements as set forth in Attachment G.

VI. MULTIPLE USES OR BENEFICIAL REUSE

The State Water Board encourages water purveyors with a discharge authorized under this Order to place the discharge water to multiple uses or a beneficial reuse. Discharges authorized under this Order that are put to multiple use or beneficial reuse are not required to obtain any other waste discharge requirements if the discharge is collected and reused for landscape irrigation or other uses in a manner that augments the existing supply, or if the discharge is directly or indirectly discharged to:

1. Storm water capture basin(s),
2. Low impact development features, or
3. Other groundwater-recharge system(s).

VII. RECEIVING WATER LIMITATIONS

Receiving water limitations are based on water quality objectives contained in the Ocean Plan, Regional Water Quality Control Board bBasin pPlans, and State Water Board water quality control plans and policies, and are a required part of this Order. Any water purveyor authorized to Ddischarges under this Order shall not violate any applicable basin plan or water quality control plan, and at minimum, shall not cause or contribute to an occurrence of the following in the receiving water:

A. pH. The pH level to be lowered below the pH receiving water objective in a corresponding Regional Water Board basin plan.

B. Chemical Constituents. Chemical constituents to be present in concentrations that adversely affect beneficial uses.

C. Floating Material and Trash. Floating material, debris or trash to be present that cause nuisance or adversely affect beneficial uses.

D. Sediment and Total Suspended Solids. The sediment load and total suspended solids discharge rate of surface waters to be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

E. Toxicity. Toxic substances to be present, individually or in combination, in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.

F. Hydromodification. Velocity and/or volume of discharge to modify the existing physical characteristics of a water body.

~~**G. For Water Bodies with an applicable TMDL.** An exceedance of the water quality objective for the pollutant(s) that is causing the impairment.~~

It shall be assumed that planned discharges that comply with the effluent limitations described in Section V above and otherwise comply with the terms and conditions of this Order do not cause or contribute to an exceedance of the receiving water limitations described in this Section VII. Exceedances of the receiving water limitations described in this Section VII shall not be considered a violation of this Order unless substantial evidence shows that the discharge caused or contributed to the relevant exceedance.

VIII. PROVISIONS

A. Standard Provisions

The Discharger shall comply with all Standard Provisions in Attachment D.

B. Monitoring and Reporting Program Requirements

The Discharger shall comply with the Monitoring and Reporting Program requirements in Attachment E.

C. Special Provisions

1. Reopener Provisions

The State Water Board may modify or reopen this Order prior to its expiration date in any of the following circumstances:

a. If present or future investigations demonstrate that the discharges governed by, and in compliance with, this Order cause adverse impacts on water quality or beneficial uses of the receiving waters;

b. If State Water Board precedential decisions, new policies, new laws, or new regulations are adopted;

c. If an administrative or judicial decision on a separate NPDES permit or Waste Discharge Requirements addresses requirements applicable to discharges authorized in this Order; and/or

d. As otherwise authorized by law.

2. Implementation of Best Management Practices

a. The Discharger shall implement best management practices (BMPs) that treat~~s~~ or control~~s~~ pollutants from its discharges to maintain compliance with this Order ~~and TMDL-related requirements,~~ including any applicable TMDL-related requirements set forth in Attachment G, as applicable. The Discharger shall implement BMPs for all discharges to maintain compliance with final effluent limitations and specifications, receiving water limitations, and to achieve the following performance measures:

i. Prevent aquatic toxicity by using dechlorination chemical additions, or equivalent proven dechlorination methods;

ii. Prevent riparian erosion and hydromodification by implementing flow dissipation measures; and

iii. Minimize sediment discharge, turbidity and color impacts by implementing sediment, turbidity, erosion and color control measures.

b. The Discharger shall assure that quality assurance and quality control protocol is implemented to assure ~~best management practices~~BMPs, monitoring and reporting are effective, valid and in compliance with this Order. The Discharger shall train all personnel operating the drinking water system and responding to ~~emergency~~ unplanned discharges to assure the quality assurance and quality control protocol is properly implemented.

c. For planned discharges, the BMPs shall be implemented prior to and during any discharge. For planned but unscheduled or automated discharges from pressure relief valves and unchlorinated pump-to waste wells, BMPs shall be implemented unless infeasible (e.g., inaccessible, inadequate space). For ~~emergency~~ unplanned discharges, the BMPs shall be implemented as soon as feasible following assurance that public safety, property, and infrastructure are protected.

d. In fulfilling the requirements of this section, the Discharger may implement proven BMPs per updated approved guidance established by industry experts such as the *2014 Edition of the BMP Manual for Drinking Water System Releases* (or subsequent updates thereto), published by the California-Nevada Section of the American Water Works Association or other professional associations or entities, to comply with the requirements of this Order. The Discharger shall make available a documented log of all BMPs implemented for its discharges to State and Regional Water Board staff upon request. The Discharger shall modify its BMPs to the maximum extent practicable~~as necessary~~ to maintain compliance with this Order.

e. Dischargers that have a waste load allocation in accordance with a Total Maximum Daily Load, as listed in Attachment G, shall submit in its application

package, a list of TMDL-specific BMPs that will be implemented to directly address compliance with its waste load allocations.

3. BMP Iterative Approach

If monitoring results or other available information demonstrates that the discharge is not in compliance with the requirements of this Order, the Discharger shall determine the source of non-compliance, and develop and implement new or revised BMPs to the maximum extent possible~~as necessary~~. As part of this process, the Discharger shall validate the effectiveness of any new or revised BMPs to achieve the requirements of this Order. All non-compliance and corresponding corrective actions to address non-compliance shall be reported to the State Water Board in the annual report, as required in the Monitoring and Reporting Program (Attachment E) of this Order. A log documenting the additional or revised BMPs shall be made available upon request by staff of the State and/or Regional Water Board.

D. Noncompliance

Noncompliance with any requirement of this Order may be subject to enforcement action by the State Water Board and/or Regional Water Board as authorized under the Porter Cologne Water Quality Control Act (Water Code Section 13000), as consistent with the State Water Board's enforcement policy.

IX. COMPLIANCE DETERMINATION

Compliance with the final effluent limitations contained in Section V of this Order will be determined as specified below:

A. General

Compliance with effluent limitations shall be determined using monitoring and reporting protocols defined in the Monitoring and Reporting Program of this Order. For purposes of reporting and administrative enforcement by the State and/or Regional Water Boards, the Discharger shall be deemed out of compliance with the effluent limitations if the constituent concentration or level is greater than the effluent limitation and greater than or equal to the minimum level (ML) or reporting level (RL) of the method used to determine compliance~~method detection limit (MDL) of properly calibrated in-field monitoring equipment~~.

B. Total Residual Chlorine

Field measurements for total residual chlorine shall be made using ~~Handheld chlorine measuring devices that are~~ U.S. EPA-approved methods described in 40 C.F.R. § 136.3~~are appropriate to measure residual chlorine in the field for compliance determination~~. The ~~MDL~~ ML or RL of the method ~~a hand-held chlorine meter~~ used to determine compliance with the total chlorine residual effluent limitations must be~~is~~ 0.1~~0~~ mg/L ~~or lower~~. A discharge monitoring result with a total residual chlorine concentration

greater than or equal to 0.1~~0~~ mg/L shall be deemed out of compliance with a chlorine effluent limitation. Due to other possible interferences of these handheld devices, if readings are false positives, these will not be evaluated for compliance if explanation of cause is provided.

ATTACHMENT A – DEFINITIONS

Adverse Effect or Adverse Impact to Beneficial Uses of a Receiving Water Body
A detrimental effect upon water quality or beneficial uses of a receiving water body caused by a discharge or loading of a pollutant or pollutants.

Annual Average
The arithmetic average of sampling event results over a period of 12 months.

Authorized Discharge
Any discharge that is authorized pursuant to this National Pollutant Discharge Elimination System (NPDES) permit and meets the conditions set forth in this Order.

Basin Plan
The Water Quality Control Plan(s) adopted by a Regional Water Quality Control Board. A Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve water quality objectives for all waters of the Basin.

Beneficial Uses
The existing or potential uses of receiving waters in the permit area as designated by a Regional Water Board basin plan or other water quality control plan.

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

Community Drinking Water System
A system regulated by the California Department of Public Health or a local county department of health, with the primary purpose of conveying, treating, storing and distributing safe drinking water to at least 15 service connections used by yearlong residents or regularly serves at least 25 year around residents of the area served by the system.

Deputy Director
The Deputy Director of Water Quality for the State Water Resources Control Board or any person(s) delegated by the Deputy Director to serve as acting Deputy Director.

Discharger
Any water purveyor named in this Order as being responsible for permit requirements within its jurisdiction. A discharger to this Order includes a contractor working on behalf of the water purveyor.

Drinking Water Systems Discharges
Release of flows from community drinking water systems, including ~~drinking water~~from storage, supply and distribution systems, ~~including flows~~ due to such situations as system failures, pressure releases, system maintenance, distribution line testing, fire hydrant flow testing,~~;~~ r~~R~~eleases due to flushing and dewatering of pipes, reservoirs, vaults, and supply well development, maintenance and rehabilitation activities.

~~**Emergency Discharge**~~
~~A discharge due to a sudden unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services, including the provision of drinking water supplies in accordance with applicable drinking water statutes and regulations.~~

Estuaries
Surface waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater.

Enclosed Bays
Enclosed bays are hydrological indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay.

Groundwater
All water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.

Inland Surface Waters
All surface waters of the state that do not include the ocean, enclosed bays, or estuaries.

Low Impact Development (LID)
A storm water management and land development strategy that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions.

Method Detection Limit (MDL)
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 in 40 C.F.R. part 136, Attachment B, revised as of July 3, 1999.

Minimum Level (ML) and Reporting Level (RL)
The minimum level (ML) means the concentration at which a properly calibrated monitoring system gives 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 monitoring procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed. A reporting level (RL) is the ML for reporting and compliance determination included in this Order.

Monthly Average
The arithmetic average of sampling event results over a period of one month.

Municipal Supply Well
A groundwater well that is installed, operated, maintained and/or rehabilitated in accordance with the federal Safe Drinking Water Act and the California Health and Safety Code, to pump ground water for the primary purpose of delivering drinking water to a municipality or community.

Monitoring Well
Specialized wells in which the depth to groundwater can be measured and samples of ground water can be collected for analysis to fulfill requirements mandated by the federal Safe Drinking Water Act and the California Health and Safety Code.

Non-community Drinking Water System
A water system that is not a community drinking water system. A community drinking water system is a water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 year around residents of the area served by the system.

Non-compliant Discharge
A discharge that does not comply with the terms and conditions of this Order.

Non-transient Water System

A water system that is not a community drinking water system and that regularly serves at least 25 of the same persons over six months per year.

Not Detected (ND)
Sample results less than the properly calibrated monitoring equipment's MDL.

~~**Non-transient Water System**~~
~~A water system that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.~~

National Pollutant Discharge Elimination System (NPDES)
The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405.

Pollutants
Substances defined in CWA §502(6) (33.U.S.C.§1362(6)), and incorporated by reference into California Water Code §13373.

Pollution Prevention
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 California Water Code section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in discharge water from one environmental medium to another

environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State Water Board or Regional Water Board.

Recycled Water
Water that, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur.

~~**Raw Water**~~

~~Surface and ground water that has not yet received treatment to make it suitable for drinking purposes, however it complies with MCLs (based on a running annual average) and is dedicated for drinking water supply.~~
~~Untreated or partially treated surface water or groundwater dedicated for drinking water supply but is not suitable for human consumption.~~

Secondary Maximum Contaminant Level
The short-term level of a contaminant in drinking water below which there is no known or expected risk to health.

Transmission Systems
Transmission systems include pipes, pumps, canals, pump houses, and other components used to move water from the point of origin to storage reservoirs, treatment facilities, and distribution systems. Transmission systems do not have connections to serve end users.

Treated Water
Ground or surface water from a drinking water distribution system that has been treated with a disinfectant by a water treatment facility.

Unplanned Discharge
A discharge due to a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services, including the provision of drinking water supplies in accordance with applicable drinking water statutes and regulations. Unplanned discharges include, but are not limited to, occurrences due to facility leaks, system failures, catastrophic events, or other emergency events involving a clear and imminent danger to public health and safety.

Untreated Water
Ground or surface water from a drinking water distribution system that has not been treated with a disinfectant by a water treatment facility.

Waters of the State
Any surface water or groundwater, including saline waters, within boundaries of the state.

Waters of the United States (U.S.)
- **a.** All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- **b.** All interstate waters, including interstate wetlands;

c. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

1. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
3. Which are used or could be used for industrial purposes by industries in interstate commerce;

d. All impoundments of waters otherwise defined as waters of the U.S. under this definition;
e. Tributaries of waters identified in paragraphs (a) through (d) of this definition;
f. The territorial sea; and
g. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraph (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act (other than cooling ponds as defined in 40 Code of Federal Regulations 423.22(m), which also meet the criteria of this definition are not waters of the U.S. This exclusion applies only to man-made bodies of water, which neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with U.S. EPA.

ATTACHMENT B1 – NOTICE OF INTENT

STATE WATER RESOURCES CONTROL BOARD

NOTICE OF INTENT

TO COMPLY WITH THE TERMS OF
ORDER 2014-XXXX-DWQ
NPDES NO. CAGXXXXXX

FOR DRINKING WATER SYSTEMS DISCHARGES TO WATERS OF THE U.S.

A. DRINKING WATER SYSTEM OWNER

Name		CDPH Drinking Water System No.: Number of Connections:	
Mailing Address			
City	State	ZIP	Phone
Contact Person			
Signature:[2]		Date:	

B. WATER PURVEYOR/CONTRACTOR[1]

Name			
Mailing Address			
City	State	ZIP	Phone
Contact Person			
Signature:[2]		Date:	

C. WATER SUPPLIERS (IF APPLICABLE)

Name			
Mailing Address			
City	State	ZIP	Phone
Contact Person			
Signature:[2]		Date:	

D. BILLING ADDRESS

Name			
Mailing Address			
City	State	ZIP	Phone
Contact Person			

[1] If additional property owners are involved, provide the information in a supplementary letter.

[2] *I hereby certify under penalty of perjury that the information provided in this application and in any attachments is true and accurate to the best of my knowledge. By signing this Notice of Intent, I agree to closely monitor and stop the discharge if there is any violation of Order 2014-XXXX-DWQ or impact to receiving water beneficial uses.*

E. PLANNED DISCHARGE INFORMATION

Identify type of discharge (all that apply)			
☐	Water Treatment Plant (Discharge ~~Potable~~ Treated Water Only)	☐	Pressure Relief Valves
☐	Storage Tank and/or Reservoir Dewatering	☐	Groundwater Well Installation
☐	Disinfection System Dewatering, Disinfection, Flushing, and Pressure Testing	☐	Groundwater Well Flushing
☐	Fire Flow Testing	☐	Groundwater Well Rehabilitation
☐	Meter Testing	☐	Groundwater Well Development and Testing
☐	Automated Water Quality Analyzers	☐	Other (explain below)

List and description of other discharges.

Are the discharges existing discharges as of the adoption date of this Order ~~August XX, 2014~~)? If not, ~~what is the date the discharges initiated~~ identify the new discharges that are proposed to take place prior to the expiration date of this Order? _____

Distribution and discharge area (Provide general ~~map~~ information (including site ~~schematic~~map) showing boundaries of distribution system ~~and identifying the receiving waters~~. Include alignment of storm water collection system, if applicable.)

List any additives to the discharge, their purpose, and quantity (e.g. specific dechlorination agent).

List any constituents added to the system, their purpose, and quantity (e.g. zinc orthophosphate for corrosion control).

F. MULTIPLE WATER USE OPTIONS

Provide a brief description of groundwater infiltration/recharge facility that accepts the discharge (or portion thereof), or the collection and application of the discharge (or portion thereof) for irrigation or other beneficial reuse. If no multiple water use options of any portion of your discharge are viable, explain why (attach additional sheet as necessary).

Is using a portion of the discharge ~~to~~for groundwater infiltration/recharge ~~facility~~ or other beneficial reuse a viable option?	☐ Yes	☐ No
Is land disposal of a portion of your discharge a viable option?	☐ Yes	☐ No

G. RECEIVING WATER INFORMATION (provide on separate sheet if necessary)

Name of receiving waterbody (ies):		
Regional Water Quality Control Board where receiving water body (ies) is/are located (REGION 1, 2, 3, 4, 5, 6, 7, 8, or 9): Region _____ (See Attachment H-Locations of Regional Water Quality Control Boards)		
Is/Are the receiving water body(ies) listed on the current 303d list[1] for a constituent in your discharge?[1]	☐ Yes	☐ No
If Yes, then list the water body(ies) in the 303d list, the constituent causing the impairment, and the adopted TMDL if applicable:		
Does/Do the receiving water body(ies) have applicable waste load allocations identified in Section K of the Fact Sheet and/or TMDL-related requirements prescribed to the water purveyors listed in Attachment G applying for coverage under this Order? ~~(See Attachment G)~~ If yes, the following items **must** be included in your application package for it to be deemed complete: a. Laboratory Analysis and estimated volume of your discharge, after appropriate treatment or controls are implemented, for the constituent associated with the applicable waste load allocation(s) and/or TMDL-related requirements b. A copy of the additional best management practices, including applicable treatment or controls that will be implemented to comply with ~~waste load allocations and/or~~ TMDL-related requirements in Attachment G, if any.	☐ Yes	☐ No

H. BEST MANAGEMENT PRACTICES (CHECK ALL THAT APPLY)

☐ Best Management Practices (BMPs) are being implemented by operators of the subject drinking water system(s).

If not, provide date BMPs will be implemented. (Date must be within 6 months of the effective date of this Order.)

*Date that implementation of BMPs for the above identified Drinking Water System:*_____

[1] See http://www.waterboards.ca.gov/water_issues/programs/tmdl/ for current Clean Water Act section 303(d) listing.

☐ ~~If the receiving water body(ies) is/are listed on Attachment G of this Order, do you have TMDL-specific best management practices as required in Sections II.B.1.d and VIII.B.2.d of this Order, included in your application package?~~

~~*If not, explain. The Deputy Director of Water Quality must approve the TMDL-specific treatment or controls prior to issuance of a Notice of Applicability.*~~

~~*Date TMDL-specific BMPs were implemented for the above identified Drinking Water System:*~~_____

I. APPLICATION FEE

☐ Provide the appropriate applicable fees. Information on applicable fees can be found at http://www.waterboards.ca.gov/resources/fees/ Checks must be made payable to the State Water Resources Control Board.

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.

_____ _____
Signature Date

ATTACHMENT B2 – NOTICE OF NON-APPLICABILITY

STATE WATER RESOURCES CONTROL BOARD

NOTICE OF NON-APPLICABILITY

CERTIFYING NON-APPLICABILITY OF REGULATORY COVERAGE UNDER ORDER 2014-XXXX-DWQ, NPDES NO. CAGXXXXXX

A. DRINKING WATER SYSTEM OWNER

Name			CDPH Drinking Water System No.:
Mailing Address			
City	State	ZIP	Phone
Contact Person			
Signature:			Date:

B. WATER PURVEYOR

Name			
Mailing Address			
City	State	ZIP	Phone
Contact Person			
Signature:			Date:

C. REASON FOR NON-APPLICABILITY: (check one that applies and complete information)

Discharges from the above system(s):

☐ Are regulated by a separate NPDES Permit issued by a Regional Water Board ~~for discharges that are outside the scope of this Order~~:

Regional Water Board Order No. _____
NPDES Permit No._____

☐ Are covered under a local agreement with an municipal sewer storm system (MS4) permittee (Attach a copy of agreement ~~and acknowledgement by the corresponding Regional Water Board~~)

☐ Are covered as an (MS4) permittee or co-permittee under Order No. _____

☐ Are from a community drinking water system with less than 2000 connections and are subject to best management practices that treat or control pollutants to protect the beneficial uses of the receiving waters.

☐ Do not discharge to a water of the U.S. or conveyance that drains to a water of the U.S.

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.

_____ _____

Signature Date

ATTACHMENT C – BEST MANAGEMENT PRACTICES (BMPs)

The Discharger shall implement~~, at a minimum,~~ BMPs that include but are not limited to the procedures outlined below~~, (~~or proven practices established by the American Water Works Association or other professional Associations or Institutes per feasible updated available technology~~,)~~ to comply with this Order, to protect the beneficial uses of the receiving waters and to prevent erosion or hydromodification caused by discharges.

I. BMP Procedures

A. Treated ~~Drinking~~ Water Discharges

All treated ~~drinking~~ water shall be dechlorinated. Filter bags or rolls, or equivalent, shall be used to remove any sand, silt or debris from entering the surface water or storm drain system.

B. Super-chlorinated Water Discharges

All super-chlorinated water shall be dechlorinated at the point of discharge directly into a surface water or the point of discharge into any storm water conveyance system. Filter bags or rolls, or equivalent, shall be used to remove any sand, silt or debris from entering the surface water or storm drain system.

C. Treated ~~Drinking~~ Water Distribution and Storage Tank Drainage Discharges

All discharges from distribution system draining for cleaning and maintenance shall be dechlorinated~~, pH adjusted as appropriate,~~ and filtered to remove sediment, prior to discharging to surface waters or storm drains.

D. Municipal Groundwater Supply Well Discharges

During flushing, rehabilitation, or development of supply water wells, BMPs~~multi-baffled settling tanks, or equivalent,~~ shall be used if necessary to remove large particles and to reduce turbidity to 500~~10~~ Nephelometric Turbidity Units (NTU). After settling, if turbidity is greater than 500~~10~~ NTU, the Discharger shall filter the water implementing a 5-micron filter bag filtration system, or equivalent practice, before discharging to achieve a turbidity threshold of 500~~10~~ NTUs as a daily average.

II. BMP Measures

A. Sediment ~~Salt, Minerals,~~ and Erosion Control

Sediment~~, salt, minerals~~ and erosion control BMPs that assess and prevent potential impacts to receiving waters, at discharge points and downstream reaches.

i. **Receiving Waters.** The Discharger shall identify methods for locating discharge points and receiving waters to determine appropriate sediment and erosion control measures.

ii. **Sediment~~, Salt, and Mineral~~ Control.** Sediment~~, salt and mineral~~ control practices shall be used to filter and trap sediment particles~~, salts and minerals~~ to prevent them from reaching storm drains or receiving waters. The following practices may be used to control sedimentation~~, salt and minerals~~ buildup in receiving waters:

(a) Straw waddles and gravel bags may be placed in a flow pathway and around storm drain inlets;

(b) Plastic sheets may be used to line a trench and flow pathway to prevent water contact with soil;

(c) Check dams may be constructed to dissipate flow energy and minimize the potential for discharges to dislodge soil; and

(d) A storm water swale, if available nearby to the point of discharge that has sufficient capacity for the discharge.

(e) Where possible, water removed as the result of an ~~emergency~~ unplanned or planned discharge may be discharged to an open field or turf to remove sand and/or silt or larger particles prior to surface water discharge.

iii. Erosion Controls. Erosion control practices shall be used to protect soil surfaces at discharge points and receiving waters. Erosion control practices shall be used to prevent re-suspension of ambient sediment within a receiving water, and shoreline erosion and streambed scour. Such controls shall minimize the energy of discharges by managing flow velocities and volumes, and shall be appropriately designed so that the discharge does not exceed the hydraulic capacity of the receiving water at the point of discharge and areas downstream of the discharge point. The following measures may be used to control erosion in receiving waters:

(a) Construct check dams to slow down the flow;

(b) Install flow diffusers at discharge point;

(c) Fashion discharge flow path with as little slope as possible; and

(d) Decrease discharge flow rates and duration.

B. Dechlorination

The following types of dechlorination methods, or equivalent, will be utilized as appropriate to achieve a hand-held meter reading of non-detect for total chlorine residual, with a ~~meter method detection level~~ML of 0.1~~0~~ mg/L ~~or less~~, or a detectable concentration of a dechlorination agent:

i. Dechlorinating Diffuser – The dechlorinating diffuser connects directly to a discharge nozzle (e.g., to a fire hydrant or fire hose using a standard 2 ½ inch to 4 ½ inch National Pipe Thread coupling) and contains a chamber that houses dechlorination agent. Some diffusers feature a siphon for dechlorinating agent tablets or a solution to dechlorinate the water.

ii. Dechlorination Mats – These mats are used to facilitate effective contact between the flow and dechlorinating agent during dechlorination. For dechlorination of discharges from trenches during main breaks, the tablets are placed inside synthetic mesh fabric pockets sewn together in a grid or line. The dechlorinating mats are laid across the flow path or over the storm water conveyance system.

As the discharged water flows over and around the tablets, dechlorinating agent is released, which removes the chlorine.

iii. Broadcast Dechlorination – Dechlorination granules are spread over an area, such as pavement, where chlorinated water is flowing toward a storm water conveyance system inlet.

iv. Chemical Injection Metering Pump – Occasionally, a dechlorination agent is injected into a discharge pipe, such as a tank drain, to dechlorinate the water before entering the storm water system.

Addition of dechlorination chemicals must be managed to ensure the dechlorination agent does not adversely affect or impact beneficial uses of the receiving waters.

C. Copper and Zinc Management

A Discharger that applies copper-based herbicides or zinc-based corrosion inhibitors to its water must implement BMP measures to eliminate or reduce copper and zinc concentrations in its discharges to the extent feasible, including but not limited to the following

i. Record keeping of where, when and how much zinc or copper is used by the Discharger to treat water that has the potential to be discharged to a surface water.

ii. Implementation of BMPs that eliminate planned discharges and minimize ~~emergency~~ unplanned discharges to surface water bodies from occurring within 48 hours of applying copper-based herbicides or zinc-based corrosion inhibitors.

iii. Implementation of BMPs to eliminate or reduce to the extent feasible the use of copper-based herbicides or zinc-based corrosion inhibitors by using less toxic agents or other methods in place of copper-based herbicides or zinc-based corrosion inhibitors.

D. Operation and Maintenance

All facilities and equipment must be maintained and operated to assure the requirements of this Order are met. All personnel using, operating and maintaining all facilities and equipment must be properly trained and appropriately certified by the Department of Public Health, as applicable.

E. Equipment and Supplies

Equipment and sampling meters shall be inspected, maintained and calibrated per manufacturer instructions and specifications.

F. Training

The Discharger's staff and/or contractors shall be properly trained for facility inspections and maintenance, and monitoring and reporting, and for the proper use and maintenance of the drinking water system, and comprehension of permit compliance needs.

ATTACHMENT D – 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 (Water Code) and is grounds for a potential enforcement action, permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 CFR 122.41(a).)

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a violation of this Order for a Discharger in noncompliance to immediately halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 CFR 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 CFR 122.41(d).)

D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Water Purveyor to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision includes the operation of backup or auxiliary facilities or similar systems that are installed by a Water Purveyor only when necessary to achieve compliance with the conditions of this Order. (40 CFR 122.41(e).)

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 CFR 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 CFR 122.5(c).)

F. Inspection and Entry

The Water Purveyor shall allow State and/or Regional Water Board staff, 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 CFR 122.41(i); Water Code section 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 CFR 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 CFR 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 CFR 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 CFR 122.41(i)(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 CFR 122.41(f).)

B. Duty to Reapply

If the Discharger chooses to continue a discharge regulated by this Order after the expiration date of this Order and after the State Water Board has reissued this Order, the Discharger must apply for and obtain new permit coverage as required by the new Order. (40 CFR 122.41(b).)

C. Transfers

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

III. STANDARD PROVISIONS – MONITORING

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

B. If applicable, monitoring results must be conducted according to test procedures under 40 CFR Part 136. (40 CFR 122.41(j)(4) and 122.44(i)(1)(iv).)

IV. STANDARD PROVISIONS – RECORDS

A. Records Retention

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 State Water Board's Division of Water Quality Deputy Director at any time. (40 CFR 122.41(j)(2).)

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements (40 CFR 122.41(j)(3)(i));

2. The individual(s) who performed the sampling or measurements (40 CFR 122.41(j)(3)(ii));

3. The date(s) sampling and monitoring were performed (40 CFR 122.41(j)(3)(iii));

4. The individual(s) who performed the analyses (40 CFR 122.41(j)(3)(iv)); and

5. The results of such monitoring. (40 CFR 122.41(j)(3)(vi).)

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

1. The name and address of any permit applicant or Discharger (40 CFR 122.7(b)(1)); and

2. Permit applications and attachments, permits and monitoring data. (40 CFR 122.7(b)(2).)

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the State Water Board or USEPA within a reasonable time, any information which the 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 State Water Board, a Regional Water Board or USEPA copies of records required to be maintained by this Order. (40 CFR 122.41(h); Wat. Code, § 13267.)

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting sections V.B.2 through V.B.7, below. (40 CFR 122.41(k).)

2. For a corporation, a responsible corporate officer shall sign all permit applications. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (40 CFR 122.22(a)(1).)

3. For a partnership or sole proprietorship, a general partner or the proprietor shall sign all permit applications, respectively. (40 CFR 122.22(a)(2).)

4. For a municipality, State, federal, or other public agency, 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 CFR 122.22(a)(3).).

5. All reports required by this Order and other information requested by the State Water Board, a Regional 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 CFR 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 CFR 122.22(b)(2)); and

c. The written authorization is submitted to the State Water Board. (40 CFR 122.22(b)(3).)

6. 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 State and Regional Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 CFR 122.22(c).)

7. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above is making 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 CFR 122.22(d).)

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program in Attachment E of this Order.

2. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136, the results of this monitoring shall be included in the calculation and reporting of the data to the State Water Board. (40 CFR 122.41(l)(4)(ii).)

D. 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 CFR 122.41(l)(6)(i).)

2. The State Water Board or a 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 CFR 122.41(l)(6)(iii).)

E. Anticipated Noncompliance

The Discharger shall give advance notice to the appropriate 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 CFR 122.41(l)(2).)

F. Other Noncompliance

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

G. Other Information

When the Water Purveyor 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 Water Purveyor shall promptly submit such facts or information. (40 CFR 122.41(l)(8).)

VI. Standard Provisions – Enforcement

The State and Regional Water Board are 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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ATTACHMENT E – MONITORING AND REPORTING PROGRAM

Title 40 of the Code of Federal Regulations, Part 122.48 (40 CFR 122.48) requires that all National Pollutant Discharge Elimination System (NPDES) permits specify monitoring and reporting requirements. California Water Code sections 13267 and 13383 also authorize the State Water Resources Control Board (State Water Board) and a Regional Water Quality Control Board (Regional Water Board) to require technical and monitoring reports. This Monitoring and Reporting Program establishes monitoring and reporting requirements, which implement the federal and State of California regulations.

I. GENERAL MONITORING PROVISIONS

A. Samples and measurements taken as required herein shall be representative of the nature of the monitored discharge. All samples shall be taken at the monitoring locations specified below and, unless otherwise specified, before the discharge flow joins or is diluted by any other waste stream or body of water.

B. Chemical analyses that require laboratory testing are not required in this Order~~.~~ (with the exception of application requirements for discharge into a water body with applicable waste load allocations identified in Section K of the Fact Sheet and/or TMDL-related requirements prescribed to the water purveyors listed in Attachment G.~~ a Total Maximum Daily Load (TMDL) and Waste Load Allocation (WLA) requirements placed on water purveyors)~~ The Discharger shall conduct onsite field measurements for~~ pH,~~ turbidity~~,~~ and total chlorine residual per its implemented quality assurance and quality control (QA/QC) protocol. Onsite field measurements shall be performed using handheld devices by trained water purveyor personnel, or other qualified personnel acting on the Discharger's behalf. A manual containing the proper steps followed for any onsite field measurements, including manufacturer's operating instruction for any equipment must be kept onsite or at the water purveyor's office and shall be available for inspection by State Water Board or Regional Water Board staff. The Discharger must have sufficient capability, including qualified and trained employees, and properly calibrated and maintained field instruments to adequately perform all field measurements) required in this Order. The QA/QC protocol must conform to U.S. EPA guidelines, or procedures approved by the American Water Works Association or other professional drinking water industry association.

C. Appropriate field meter devices shall be selected consistent with accepted scientific practices and used to ensure the accuracy and reliability of measurements of monitored discharges. All devices shall be properly maintained and calibrated per manufacturer instructions and as necessary to ensure their continued accuracy.

D. Monitoring results, including noncompliance, shall be reported at intervals and in a manner specified in this Monitoring and Reporting Program.

E. The Discharger shall monitor ~~emergency~~ unplanned discharges according to ~~s~~Sections II and III below~~, if the discharge has the potential to adversely affect the beneficial uses of the surface water~~, but only after protection of public health, safety, and property is

established, ~~and~~ best management practices are implemented, and ~~if~~ it is feasible to monitor.

II. MONITORING LOCATIONS AND SAMPLING

A. Event Monitoring: The Discharger shall monitor the following planned events:

~~1) direct discharges to a receiving water body of the U.S.,~~
~~2) discharges that are located within 300 feet of a water of the U.S. (traveling via a storm drain or other conveyance system),~~
~~3)~~1) Planned direct or non-direct discharges, ~~that are~~ greater than 325,850 gallons per event, to water bodies of the U.S.

B. Representative Monitoring: The Discharger shall monitor all other direct or non-direct discharges (traveling via a storm drain or other conveyance system), ~~(those with more than 300 feet from a surface water)~~ based on representative monitoring, as specified below.

1. The Discharger shall identify representative monitoring locations in its water supply system that represent the type and quality of the discharge after BMPs have been implemented and prior to the discharge entering the receiving water, or other conveyance system. The representative monitoring locations shall be determined by evaluating a location in which a sample taken at the location will represent all discharges from the system that have the following items in common:

a. The same general water source
b. The same water treatment, and
c. The same series of implemented BMPs

2. The Discharger shall monitor all labeled representative monitoring locations on its site plan, in accordance with all discharge monitoring and reporting requirements in this Monitoring and Reporting Program. In its annual report, the Discharger shall (1) identify the portions of its system in which the representative monitoring results represent, and (2) include any changes in its representative monitoring locations, as applicable. The annual report shall identify all discharges within a 300 foot conveyance distance from a water body of the U.S. and/or within a 300 foot radius of a water body of the U.S. Unless a Discharger submits technical data in its annual report indicating otherwise, it shall be presumed that waters identified on United States Geological Survey maps constitute water bodies of the U.S.

C. Monitoring samples of the discharge are required as described below and in Table E-1. The objective of the monitoring is to validate that the BMPs are performing properly to maintain compliance with this Order and protect receiving waters from adverse impacts to beneficial uses. As shown in Table E-1 below, one sample of the discharge shall be taken and analyzed within the first 10 minutes of discharge. A second sample shall be required if the discharge lasts up to 60 minutes. For discharges lasting longer than 60

minutes, a third sample shall be required and shall be taken and analyzed approximately within the final 10 minutes of the discharge.

Table E-1. Discharge Sampling Frequency Requirements

Duration of Discharge	Sampling Requirements
Less than 20 minutes	One sample is required during the first 10 minutes of the discharge.
20 minutes to 60 minutes	One sample is required during the first 10 minutes of the discharge, plus a second sample is required within the last 10 minutes of the discharge.
Greater than 60 minutes	One sample is required within the first 10 minutes, a second sample is required within the next 50 minutes, and a third sample is required approximately within the last 10 minutes of the discharge.

D. Monitoring is not required for any portion of the discharges that: (1) do not ultimately reach a water of the U.S., and (2) are implemented for multiple uses or beneficial reuse.

E. The State Water Board Deputy Director of Water Quality or an Executive Officer of the appropriate Regional Water Board may increase monitoring frequency at any time to ensure the protection of the beneficial uses of the receiving water.

III. DISCHARGE CONSTITUENT MONITORING REQUIREMENTS

A. Discharge Constituent Monitoring Requirements

The Discharger shall monitor discharges meeting the requirements in Section II above for the following constituents or parameters:

Table E-2. Discharge Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency per ~~Representative~~ Monitoring Location[3,4]	Required Analytical Test Method
Chlorine, Total Residual	mg/L	Grab	1/Event or 1/Year	[1,2]
Flow	Gallons	Estimate	1/Event or 1/Year	[1]
pH	Standard Units	Grab	~~1/Event or~~ 1/Year[5]	[1]
Turbidity	NTU	Grab	1/Event or 1/Year	[1,3]

Parameter	Units	Sample Type	Minimum Sampling Frequency per ~~Representative~~ Monitoring Location[3,4]	Required Analytical Test Method

[1] A handheld field meter shall be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. The Discharger shall maintain a calibration and maintenance log for each meter used for monitoring required by this Monitoring and Reporting Program.

[2] Total chlorine residual must be monitored using a U.S. EPA-approved ~~with a~~ method (see 40 C.F.R. § 136.3) with ~~sensitive to and accurate at~~ a ~~method~~ detection limit less than the applicable ML~~of 0.10 mg/L~~. False positives are acceptable if explanation of the cause is included.

[3] If feasible for Discharger to monitor turbidity downstream of management practices.

[4] Event as defined in S~~s~~ection II (see Table E-1) of this Monitoring and Reporting Program. Each planned discharge event that requires monitoring shall be monitored once per year.

[45] Compliance with this pH monitoring requirement may be satisfied by providing monitoring data contained in the annual Consumer Confidence Report, as is required to be submitted to U.S. EPA pursuant to the Consumer Confidence Rule. *See* 63 Fed. Reg. 7605 (Feb. 13, 1998).

IV. RECEIVING WATER MONITORING REQUIREMENTS DURING NON-COMPLIANCE WITH THIS ORDER

The receiving water shall be monitored for all planned direct discharges that are out of compliance with this Order. Receiving water monitoring shall be conducted during the same sampling event of non-compliant discharges monitored in Section II above. The Discharger shall monitor the point of confluence of the discharge and the receiving water. If the receiving water presents hazards to the monitoring personnel, visual monitoring shall be conducted using telephoto lenses and binoculars. If further hazards exist beyond such measures, monitoring shall not be required, and the hazards must be documented in the corresponding monitoring report. Receiving water monitoring shall consist of digital photographs and documentation of observed effects the discharge has on the receiving water body including the presence or absence of:

a. Erosion;
b. Floating or suspended matter;
c. Discoloration;
d. Impact on aquatic life;
e. Visible films, sheens, or coatings; and
f. Potential nuisance conditions.

Photographs and documented observation notes on receiving water conditions shall be included in the monitoring report.

V. POST-NOTIFICATION OF ~~EMERGENCY~~ DISCHARGES ~~OR NON-COMPLIANT DISCHARGES~~ THAT ENDANGER PUBLIC HEALTH AND SAFETY~~ADVERSE EFFECT OR IMPACTS ON BENEFICIAL USES OF RECEIVING WATER~~

Within 24 hours of the Discharger becoming aware of a discharge that may endanger human health and safety~~adverse effects or impact on beneficial uses of a receiving water body due to non-compliance of this Order, or within 24 hours of the Discharger becoming aware of a system failure or emergency involving a discharge from its drinking water system that may adversely affect or impact beneficial uses of a receiving water body~~, the Discharger shall notify the California Governor's Office of Emergency Services (CalOES), and shall confirm this notification in writing to the corresponding Regional Water Board within five days. The notification shall include the following:

A. The location and extent of ~~non-compliance or emergency~~ the discharge

B. The cause of the ~~non-compliance or emergency~~ discharge

C. The date, time and expected duration of the ~~non-compliance or emergency~~ discharge;

D. The estimated volume of discharge,

E. The applicable receiving water body, and

F. The corrective actions taken (or being taken) to prevent future discharges~~non-compliance or repair the system failure~~.

VI. PRE-NOTIFICATION OF LARGE PLANNED DISCHARGES GREATER THAN ONE ACRE-FOOT (325,850 GALLONS)

Three (3) days prior to initiation of a planned discharge (or retroactively within 24-hours after the Discharger is informed to conduct an urgent planned discharge) of a volume equal to or greater than one acre-foot (325,850 gallons), the Discharger shall notify the appropriate Regional Water Board and provide:

A. The start date of discharge
B. The location of discharge and the applicable receiving water
C. The estimated volume of discharge, and
D. The reasons for discharge

VII. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. Dischargers authorized under this Order shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

2. Dischargers shall report to the State Water Board any toxic chemical release data it reports to the State Emergency Response Commission within 15 days of reporting the data to the Commission pursuant to section 313 of the "Emergency Planning and Community Right to Know Act" of 1986.

3. Dischargers shall report catastrophic discharges to the California Governor's Office of Emergency Services (CalOES) within 24 hours of the discovery of the discharge or as soon as feasible after measures to protect public health and safety have been implemented. For the purposes of this reporting, catastrophic discharges include, but are not limited to, release of super-chlorinated water that is not properly de-chlorinated, high volume discharges that cause erosion and discharge sediment, salts and minerals in receiving waters, discharges that threaten public safety (e.g., washout of a hillside), and discharges potentially harming aquatic life (see also Section V above).

4. Self-monitoring reports including compliant and non-compliant discharge monitoring information shall be submitted to the State Water Board annually and include all monitoring results according to the schedule in Table E-3 below and required in this Monitoring and Reporting Program. All non-compliant discharge monitoring information must be accompanied by the corrective actions the Discharger has taken to return the discharge to compliance. If no discharge occurred during the reporting period, the monitoring report shall report that there was no discharge.

~~4.~~5. All annual reports shall contain data showing compliance with primary and secondary MCLs, on a running annual average basis. CWSs may demonstrate compliance by submitting monitoring data contained in their annual Consumer Confidence Report, as is required to be submitted to U.S. EPA pursuant to the Consumer Confidence Rule. *See* 63 Fed. Reg. 7605 (Feb. 13, 1998).

~~5.~~6. Dischargers shall report if its drinking water system is discharging to receiving waters different than that noted in the approved application package.

B. Self-Monitoring Reports (SMRs)

1. At any time during the term of this permit, the Deputy Director of Water Quality may notify authorized Dischargers to electronically submit self-monitoring reports 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, each Discharger shall submit a hard copy of its self-monitoring reports. Subsequent guidance will be provided to the Discharger upon the Deputy Director's notification for electronic submittal of self--monitoring reports. (Direction and guidance for electronic SMR submittals is currently available on the CIWQS Web site at http://www.waterboards.ca.gov/water_issues/programs/ciwqs/chc_npdes.shtml

2. Authorized Dischargers shall report in the SMR the results for all monitoring specified in this Monitoring and Reporting Program. Dischargers shall submit an annual SMR including the results of all required monitoring using properly calibrated USEPA-approved equipment, as specified in this Order. If a Discharger monitors any pollutant more frequently than required by this Order, the results of this monitoring shall be reported in the SMR.

3. Monitoring periods and reporting for all required monitoring shall be completed according to the schedule in Table E-3 below. Each discharge event that meets the conditions in section II and Table E-1 of this MRP shall be monitored.

Table E-3. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On…	Monitoring Period	SMR Due Date
1/Event/Year	Event Specific	Jan 1 thru Dec 31	1 March

4. Authorized Dischargers shall submit the **annual** SMRs in accordance with the following requirements:

a. The Discharger shall arrange and summarize any reported numerical data in a tabular format. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, the Discharger shall electronically submit the data in a tabular format as an attachment.

b. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify discharge events of non-compliance with the permit; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified non-compliance must include a description of the requirement that was violated and a description of the violation.

c. SMRs must be submitted to the State Water Board, signed and certified as required by the Standard Provisions (Attachment D), to the address listed below:

State Water Resources Control Board
Division of Water Quality
NPDES Wastewater Unit
1001 I Street, 15th Floor
Sacramento, CA 95814

ATTACHMENT F – FACT SHEET

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This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order. ~~As described in section III.B of the Order, the State Water Board incorporates this Fact Sheet as its findings supporting the issuance of the Order.~~

I. PERMIT INFORMATION

A. Background

Water districts or public/private water purveyors are responsible for developing water supplies and providing drinking water to their communities and customers in accordance with statutory requirements of the federal Safe Drinking Water Act and the California Health and Safety Code. In performing this essential public service, ~~M~~mandatory system-development and system-maintenance activities often result in surface water discharges, either via storm drain systems or other conveyance systems, or directly to a surface water body. The occasional discharges are a necessary task of safe system operation and are required in order to provide safe, reliable water service to customers.

The Federal Water Pollution Control Act (also referred to as the Clean Water Act) section 402 requires that a discharge of any pollutant or combination of pollutants to surface waters that are deemed waters of the United States, with certain exceptions, be regulated by a National Pollutant Discharge Elimination System (NPDES) permit. On September 22, 1989, the U.S. Environmental Protection Agency (U.S. EPA) granted the State of California, through the State Water Resources Control Board (State Water Board) and the Regional Water Quality Control Boards (Regional Water Boards), the authority to issue general NPDES permits pursuant to title 40 Code of Federal Regulations (40 C.F.R.) 122 and 123.

Many discharges from drinking water systems that enter surface waters directly or via a storm water conveyance system are unregulated. For those discharges that are regulated, some Regional Water Quality Control Boards (Regional Water Boards) regulate these discharges of ~~potable and treated~~ drinking water using differing region-wide low threat-type general NPDES permits that regulate a broad range of constituents, and not always necessarily constituents of concern from these type discharges. Regardless, Regional Water Boards regulate these discharges through differing regulatory approaches.

Large and small municipalities have Municipal Separate Storm Sewer System (MS4) NPDES permits for discharge of storm water to waters of the United States (U.S.). Some municipalities allow drinking water system discharges to enter their storm water systems as authorized non-storm water discharges, typically through established local agreements. Other MS4 permit holders do not allow such discharges to enter their storm water systems unless the State or Regional Water Board separately regulates those discharges prior to entering the system.

40 CFR 122.28 provides for issuance of general permits to regulate a category of point sources if the sources involve the same or substantially similar types of operations; discharge the same type of waste; require the same type of effluent limitations or

operating conditions; require similar monitoring; and are more appropriately regulated under a general order rather than individual orders. Thus:

1. This Order issues NPDES Permit No. CAG00XXXXX with the intent to provide consistent and efficient regulatory coverage for these drinking water system discharges on a statewide basis.

2. This Order authorizes discharges from drinking water conveyance, treatment, storage and distribution systems, transmission systems, and water supply and monitoring wells in drinking water aquifers. Owners or operators of drinking water systems that apply for coverage under this Order and that are issued a Notice of Applicability are hereinafter called referred to as "Dischargers." For the purposes of this Order, references to "discharger" or "permittee" in applicable federal and State laws, regulations, plans, and policy are considered equivalent to references to the Dischargers herein.

B. Facilities Covered Under this Order

This Order covers discharges from drinking water systems that qualify as a "community water system" as defined in the California Health and Safety Code and wholesalers of water to community water systems. Community water systems provide daily drinking water for at least 15 service connections and at least 25 individuals at least 60 days each year. These water systems must comply with the California Health and Safety Code per the California Code of Regulations titles 17 and 22. Title 17 ensures that water delivered by public water systems is wholesome and potable. Title 22 contains potable water standards, including the California Department of Public Health (CDPH) primary and secondary maximum contaminant levels (MCLs), and requires monitoring and reporting on surface water and groundwater drinking water sources.

1. **Transmission Systems.** Transmission systems are the pipes, pumps, canals, pump houses, and other components used to move water from the point of origin to storage reservoirs, treatment facilities, and distribution systems. Transmission systems do not have connections to serve end users. Pipes generally range in diameter from 24 inches to 90 inches. They may be aboveground or underground. Some facilities are open channels. The water in transmission systems may or may not meet standards for human consumption.

2. **Distribution Systems.** Distribution systems are the pipes and associated pumps, valves, hydrants, and other structure that carry ~~potable~~ treated water from treatment plants, wells, reservoirs, and transmission systems to end users. Distribution pipes generally range in diameter from 2 inches to 24 inches.

3. **Wells in Drinking Water Aquifers.** Water supply wells are installed in borings advanced into the ground to extract groundwater for use as drinking water. These types of wells are typically 12 inches to 36 inches in diameter. Monitoring wells are also in borings advanced into the ground to gage the depth to groundwater for aquifer management purposes such as groundwater overdraft protection. In addition monitoring wells serve as access points to sample the aquifer to characterize the

water quality and to detect contaminants such as bacteria before the contaminant reaches the water supply. Monitoring wells are typically 12 inches or less in diameter. Discharges from water supply and monitoring wells occur during well development, maintenance (including flushing), rehabilitation, and sampling. This Order covers discharges from wells in unpolluted drinking water aquifers.

II. DISCHARGE DESCRIPTION

A. Discharge Definitions.

This Order covers both planned and ~~emergency~~ unplanned discharges. Planned discharges are part of a water purveyor's essential operations to comply with the federal Safe Drinking Water Act, the California Health and Safety Code, ~~and~~ CDPH regulations, the American Water Works Association guidance standards, permits issued by local county departments of health, and any regulations, permits, or guidance issued by the State Water Board Division of Drinking Water for providing reliable and safe drinking water. Planned discharges include scheduled and unscheduled discharges that take place under the control of the Discharger to comply with regulatory mandates. ~~Emergency~~ Unplanned discharges may occur due to system failures and emergencies. This Order serves as a general NPDES permit for the discharge to waters of the U.S. of water that is altered by chlorine, corrosion inhibiting agents, or algaecides but otherwise complies with the terms and conditions set forth herein~~meets California Department of Public Health Maximum Contaminant Levels~~. This Order also regulates groundwater discharges from water supply wells in unpolluted drinking water aquifers. The types of discharges this Order covers are categorized as follows:

1. **Treated ~~Drinking~~ Water.** For the purposes of this Order, treated ~~drinking~~ water refers to ~~treated~~ ground or surface water ~~and water from drinking water distribution systems~~ that has been treated with a disinfectant by a water treatment facility~~ and is suitable for human consumption in accordance with the drinking water regulations in titles 17 and 22 of the California Code of Regulations, including compliance with CDPH's Primary Maximum Contaminant Levels (MCLs) as a 30-day average concentration and CDPH's secondary MCLs as an annual average~~.

2. ~~**Raw and Potable**~~ **Untreated Water**

   For the purposes of this Order, untreated water refers to ground or surface water that has not been treated with a disinfectant by a water treatment facility. ~~raw water is defined as untreated surface water or groundwater dedicated for drinking water supply, that has an annual running average concentration of drinking water constituents below CDPH's primary and secondary MCLs. Ppotable water is defined as groundwater that may or may not have received treatment, and meets the following criteria:~~

   ~~Is suitable for human consumption,~~

   ~~Complies with the primary and secondary MCLs as a running annual average.~~

   ~~3. Raw Water~~

~~For the purposes of this Order, raw water is defined as untreated or partially treated surface water or groundwater dedicated for drinking water supply but is not suitable for human consumption. To be eligible for coverage under this Order, discharge of raw water may not cause or contribute to the receiving water exceeding a primary or secondary drinking water MCL, on a running annual average basis.~~

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B. Disinfection and Dechlorination

Disinfection processes typically involve chlorine:

1. **Chlorination.** Most Dischargers use chlorine to disinfect their water in accordance with California Code of Regulations title 22 or to control microbial growth that can lead to corrosion. Chlorine reacts with organic matter and pipe materials (such as iron); as a result, the total chlorine residual decreases following chlorine treatment as water flows throughout the distribution system, making a system vulnerable to bacterial regrowth. Dischargers manage the lack of adequate chlorine concentrations in the distribution system by occasionally flushing water from dead end areas or other parts of their system with new water that has a sufficient chlorine residual concentration. Dischargers may also use booster stations to inject additional chlorine.

2. **Chloramination.** Chloramine forms when chlorine and ammonia combine. Some Dischargers prefer chloramine over chlorine. Chloramine's disinfection power is one hundredth that of free chlorine, but chloramine is also more stable and less reactive. It is also more persistent when released into the environment. Chloramine provides longer-lasting, more reliable protection against bacterial regrowth. In addition, chloramine generates lower concentrations of disinfection byproducts, such as trihalomethanes.

3. **Super-chlorination.** Super-chlorinated water typically has a total chlorine residual greater than 4.0 mg/L, and the concentration is typically closer to 200 mg/L. Super-chlorination is necessary when disinfecting new facilities, when returning facilities to service after taking them offline, and when contamination is detected.

Common dechlorinating agents are sodium bisulfite, sodium thiosulfate, sodium ascorbate, and ascorbic acid. Chlorine removal effectiveness depends in part on chemical dose and contact time. During planned discharges, flows may be connected to devices that add dechlorinating chemicals prior to discharge. During ~~emergency~~ unplanned discharges, dissolving pellets or mesh bags containing the dechlorinating chemicals may be placed in the path of the flow.

C. Activities Covered by this Order

This Order covers planned and ~~emergency~~ unplanned discharges, which occur daily throughout the State related to the following activities. These activities are short-term or seasonal in nature.

1. **Maintenance and Repair.** Facility maintenance and repairs occur frequently (e.g., multiple times a day) at different locations. Discharges may be necessary for dewatering the repair or maintenance site. Underground facilities require excavation for access, and dewatering is necessary to prevent flooding. The resulting "trench dewatering" discharges are usually turbid because the discharge velocity may be strong enough to dislodge and transport sediment from trenches and pits. Discharges may also be necessary to maintain positive water pressure within the drinking water system. Positive pressure may be necessary during repair and replacement of pipes, valves, and other components to prevent sediment, debris, and microorganisms from entering the system.

2. **System Flushing.** Flushing portions of a system may be necessary to replace old, stagnant water when demand is low or to remove poor quality water. Flushing may also be needed to respond to consumer complaints. Fire hydrants serve as access portals for flushing water distribution systems. Flushing can also occur from other valves or standpipe connections. Flushing may be part of routine operations, and can occur annually or more frequently based on seasonal water use or known water quality trends. Pipelines and water supply wells are periodically taken out of service for maintenance or in response to low water demands. Before reactivation, they must be flushed with super-chlorinated water.

3. **Pipeline, Tunnel, and Reservoir Drainage.** Occasionally, pipelines, tunnels, and reservoirs must be taken out of service for maintenance, such as inspections, repairs, and upgrades. Planned discharges may occur as often as once per year or as infrequently as once every 20 years. These facilities may also be drained in emergency circumstances due to unanticipated drinking-water quality concerns.

4. **Groundwater Pumping.** The most common type of discharge from a drinking water well is well "blow-off" or purging water from the well. Well blow-off is required to reactivate a well after it has been out of service, to purge the system to collect a monitoring sample, or to purge the system when monitoring indicates that the water supply does not meet water quality requirements. Discharges from water supply wells also occur as a result of well maintenance, such as unclogging a filter screen from sediment and mineral build-up. This Order covers discharges from such activities after any slurry or other waste products from the well are removed and contained pursuant to waste management regulations as set forth in Title 27, CCR, Division 2, Subdivision 1, Section 20005, et seq, and as long as the water source does not exceed water quality objectives or promulgated criteria per the corresponding averaging period for determining compliance.

5. **Unanticipated Incidents.** ~~Emergency~~ Unplanned discharges occur when pipelines or other infrastructure break or leak, valves malfunction, or other unanticipated events occur, such as noncompliance with drinking water standards or hydraulic releases necessary to prevent pipeline rupture. ~~Emergency~~ Unplanned discharges also result from emergency flushing necessary to respond to unanticipated water quality concerns. The cause of ~~emergency~~ unplanned discharges is generally equipment failure, unexpected~~ly~~ factors beyond the control of an operator, or operator error; however, in rare instances, a catastrophic event, such as an

earthquake, landslide, or other emergency, can result in an ~~emergency~~ unplanned discharge. The frequencies of ~~emergency~~ unplanned discharges vary widely throughout the state. Based on 2012 data from the San Francisco Bay Regional municipal storm water program and data from a large water purveyor in that region, the frequencies of ~~emergency~~ unplanned discharges range from fewer than 25 per year for small systems serving fewer than 100,000 people, to over 3,000 per year for large systems serving over 1,000,000 people.

D. Types of Discharges:

1. Planned Discharges include but are not limited to:

a. Treated ~~Drinking~~ Water

i. Water Treatment Plant releases (Discharges of treated ~~drinking~~ water only)

ii. Distribution System Storage Tank releases

iii. Distribution System Dewatering, Flushing, and Pressure Testing

iv. Fire Flow/Fire Hydrant Testing

v. Meter Testing

vi. Automated Water Quality Analyzers

vii. Pressure Relief Valves

viii. Other activities mandated by the Federal Safe Drinking Water Act and the California Health and Safety Code

b. ~~Potable~~ or ~~Raw water~~Untreated Water

i. Groundwater Supply Well Flushing

ii. Groundwater Well Development, Installation, Rehabilitation, and Testing.

iii. Groundwater Monitoring for purpose of Supply Well Development, Installation, Rehabilitation and Testing.

iv. Transmission System Installation, Cleaning, Testing.

v. Other activities including unscheduled activities that must be conducted to comply with mandates of the Federal Drinking Water Act and California Health and Safety Code.

2. ~~Emergency~~ Unplanned Discharges

a. ~~Emergency~~ Unplanned System Repairs, including transmission system failure or leaks, and distribution system pipe breaks.

b. Trench Dewatering.

c. Catastrophic Events.

The following table illustrates more detail on the types of discharges this Order covers and their typical characteristics. This table is not inclusive of all potential discharges:

Table F-1. Typical Characteristics of ~~Potable~~ Treated Water Discharges

Facility and Discharge Category [1]	Planned or ~~Emergency~~ Unplanned	Flow Rate (gpm) [2]	Duration [2]	Frequency [2]	Total Residual Chlorine (mg/L) [2]
Transmission Systems					
Dewatering for new construction, maintenance, or inspection [3]	Planned	200 to 3,500	2 hours to 21 days	Once per year to 20 years	0.8 to 2.5
Disinfection (new construction)	Planned	200 to 1,350	2 hours to 14 days	Upon start-up	10 to 50
Maintenance or construction	Planned	50 to 200	2 to 4 minutes	Once per year to 20 years	0.8 to 2.5
Aqueduct dewatering	Planned	250 to 50,000	1 to 2 days	1 per 2 to 10 years	0.8 to 2.5
Disinfecting (new pipeline or storage facility after repair) [4]	Both	Up to 3,500	1 hour to 21 days	Upon initial use	25 to 200
Water pipeline breaks, pipeline diameter > 24 inches (includes trench dewatering)	~~Emergency~~Unplanned	5 to 3,500	30 minutes to multiple days		0.8 to 2.5
Storage Facilities					
Drain valve testing	Planned	5 to 300	60 to 120 minutes	Once per 5 to 10 years	0.8 to 2.5
Reservoir rehabilitation pipe flushing	Planned	Varies	Varies		0.8 to 2.5
Tank and reservoir draining for maintenance	Planned	200 to 1,350	1 to 14 days	2 per year to 1 per 5 years	0.8 to 2.5
Reservoir overflow	~~Emergency~~Unplanned	Varies	Varies	Varies	0.8 to 2.5
Distribution Systems					
Standpipe cleaning	Planned	500 to 2,000	1 to 2 days		0.8 to 2.5
Water meter field testing	Planned	50 to 1,000	30 to 60 minutes		0.8 to 2.5
Dead-end pumping	Both	200 to 2,000	30 minutes to 1 hour	4 to 12 per year	0.8 to 2.5
Line flushing through a hydrant	Both	700 to 1,600	≤10 to 60 minutes	1 to 3 per year per hydrant	0.8 to 2.5
Distribution system maintenance or pipe breaks, pipeline diameter < 24 inches (includes trench dewatering)	Both	5 to 1,350	10 to 60 minutes		0.8 to 2.5

Water quality management and water quality sampling (e.g., for bacteria; metals; taste; odor; etc.)	Both	100 to 15,000	5 minutes to several hours	1 to 50 (for management); up to 5,000+ events per year (for sampling)	0.8 to 2.5
Unauthorized hydrant opening	~~Emergency~~Unplanned	500 to 1,000	60 minutes to 8 hours		0.8 to 2.5
Groundwater Well Operations					
Water supply well development	Planned	500 to 5,000	15 to 40 hours	Upon start-up	0
Water supply well rehabilitations	Planned	500 to 3,500	7 days	As-needed; up to 4 per year	0
Monitoring well sampling	Planned	15-60	20 minutes to 3 hours per well	Semi-annual or as needed	0
Water supply well disinfection		500 to 3,500	30 minutes to 24 hours	As needed	≤ 200
Monitoring well development	Planned	15-60	3-8 hours	Semi-annual or as needed	0
Discharge by water supply well ("blow-off") for reactivation or monitoring	Both	500 to 3,500	30 minutes to 24 hours	Up to 4 per year (planned); or more frequently for ~~emergency~~ unplanned circumstances	0

Unit Abbreviations:

gpm = gallons per minute

mg/L = milligrams per liter

Footnotes:

[1] Source: Tikkanen, Maria, John Schroeter, Lawrence Y.C. Leong, and Rajagopalon Ganesh, 2001. Guidance Manual for the Disposal of Chlorinated Water. Denver, CO. AWWA Research Foundation and American Water Works Association; with modifications by the Alameda County Water District, Alameda County and San Jose Water Company, Santa Clara County, 2013.

[2] The data presented are typical ranges; actual conditions may vary outside of these ranges.

[3] This information does not apply to ~~raw, unaltered~~untreated water.

[4] The processes to disinfect water pipelines and storage facilities use different chlorination methods, which have different chlorine contact times. Chlorinated water is dechlorinated before discharge under planned operations.

E. Discharge Scenarios and Corresponding Threat To Receiving Waters:

1. **Scenario No. 1:** Direct discharge to a water of the U.S.

   Threat: Threat to aquatic life due to toxicity; Potential adverse impact on beneficial uses due to: (1) loading of sediment debris and trash, (2) increased turbidity, and (3) hydromodification.

   Applicable Permit Requirements: BMP specifications, chlorine effluent limit, turbidity effluent limitation (applicable to groundwater only), monitoring, and reporting

2. **Scenario No. 2:** Discharge to a municipal storm water system where the discharge travels less than 300 feet from the point of discharge to the receiving water body; if the length of the storm drain conveyance is unknown, the distance shall be a direct 300 feet to a water of the U.S.

   Threat: Threat to aquatic life due to toxicity; Potential adverse impact on beneficial uses due to: (1) loading of sediment debris and trash, (2) increased turbidity, and (3) hydromodification.

   Applicable Permit Requirements: BMP specifications, chlorine effluent limit, turbidity effluent limitation (applicable to groundwater only), monitoring, and reporting

3. **Scenario No. 3:** Discharge to a municipal storm water system where the discharge travels more than 300 feet, or the water body is greater than a 300-foot radius of the location of discharge into the storm drain.

   Threat: Potential adverse impact on beneficial uses due to: (1) loading of sediment debris and trash, (2) increased turbidity, and (3) hydromodification.

   Applicable Permit Requirements: BMP specifications, turbidity effluent limitation (applicable to groundwater only), monitoring, and reporting.

4. **Scenario No. 4:** Discharges of superchlorinated water, either directly or via a storm water system, to waters of the U.S.

   Threat: Threat to aquatic life due to toxicity.

   Applicable Permit Requirements: BMP specifications, chlorine effluent limit, monitoring, and reporting.

5. **Scenario No. 5:** Discharges from portions of the drinking water system that: (1) Directly discharges into, or discharge to a storm water conveyance system that conveys the discharge into:

   i. Storm water capture basin(s),

   ii. Low impact development features, or

   iii. Other groundwater-recharge system(s); and

   (2) Are collected and used for landscape irrigation and/or other beneficial reuse.

   Threat: No threat to water of the U.S. or water of the state.

   Applicable Permit Requirements: Reporting only. No effluent limits or monitoring requirements.

F. Discharge Points and Receiving Waters

Discharges flow directly into receiving waters or indirectly to receiving waters via storm drains and other conveyance systems. Discharges occur into creeks, rivers, lakes, enclosed bays, estuaries, and the ocean throughout the State.

G. Requirements in Other NPDES Storm Water Permits

This Order is a new NPDES permit for discharges from drinking water systems; however, other NPDES permits for storm water have certain specific requirements for these types of discharges.

The State Water Board issues statewide NPDES permits for the regulation of storm water discharges from small communities, and for storm water discharges resulting from construction and industrial activities. Regional Water Quality Control Boards issue NPDES permits for the regulation of storm water from large municipalities. Special conditions in these storm water orders authorize non-storm water discharges from fire hydrant flushing, operation, maintenance, or testing of ~~potable~~ treated water systems, and groundwater dewatering systems, similar to discharges covered under this Order. The State Water Board finds that the monitoring and reporting requirements and discharge limitations contained in this Order are necessary to assure protection of beneficial uses of receiving waters. However, the State Water Board will not require a water purveyor that holds a local agreement with a municipal storm water permittee to obtain regulatory coverage under this Order as long as the corresponding Regional Water Quality Control Board acknowledges in writing the local agreement. At its discretion, a Regional Water Quality Control Board may require a water purveyor to obtain regulatory coverage under this Order regardless of an existing local agreement with a municipal storm water permittee.

II. NOTIFICATION REQUIREMENTS

A. General Permit Application

Dischargers enrolling for coverage under this General Order are required to submit a complete application package, including a Notice of Intent (NOI), as detailed in Attachment B1. A water purveyor with multiple community drinking water systems need only submit one complete application package, (individual NOIs for each of its water systems and the applicable fee) and obtain one Notice of Applicability for regulatory coverage of all its systems that discharge to waters of the U.S. ~~,~~ The application package shall include (see also Section II.B of the Order):

1. General information about the water purveyor and the existing or proposed discharge(s).

2. A site map that includes the general location of the transmission and distribution facilities comprising the ~~drinking~~ community drinking water system, the location of the receiving waters, and discharge location(s) relative to the receiving water(s).

The map shall also identify the general location of all groundwater supply wells and system facility locations that discharge to surface waters.

3. An application fee payable to the State Water Board that shall be in accordance with title 23, California Code of Regulations or subsequent fee regulations updates. The current fee schedule is available at http://www.waterboards.ca.gov/resources/fees/docs/fy13_14_fee_schedule_npdes_permit.pdf.

4. Evaluation of multiple water use or beneficial reuse options.

Article X, section 2 of the California Constitution, and Water Code section 100 prohibit the waste or unreasonable use of water. Water Code section 275 directs the State Water Board to take all actions necessary to prevent the waste or unreasonable use of water. Pursuant to these state policies, the State Water Board encourages discharges of water from drinking water systems to be captured for reuse. Therefore, to obtain coverage under this Order, a water purveyor is required to evaluate its water reuse options. These options include:

a. Discharging into a storm water system that employs low impact development practices or flows into storm water capture basins to recharge groundwater.

b. Collecting and using the water for local landscape irrigation or other appropriate uses in lieu of potable drinking water supply.

c. Discharging into a sanitary sewer collection system that conveys water to a local wastewater reclamation plant.

Discharges from drinking water systems to land that do not drain to waters of the U.S. do not need authorization to discharge under an NPDES permit. Discharges to groundwater may require waste discharge requirements issued by the State and/or Regional Water Boards. As an incentive to promote multiple uses of ~~potable and~~ treated ~~drinking~~ water, the State Water Board will not require waste discharge requirements or monitoring for discharges regulated under this Order that are beneficially reused because they are small and intermittent. A water purveyor must estimate the quantity of water discharged from its system that is beneficially reused, and report it in the annual report. If the entire drinking water system does not discharge to waters of the U.S., NPDES permit coverage is not needed.

~~**5.** Receiving water information, including names of all receiving water bodies and major downstream water bodies.~~

~~6.~~5. Implementation of Best Management Practices.

Special Provision VIII.C.3 requires a Discharger to implement best management practices (BMPs) for all discharges to maintain compliance with final effluent limitations, specifications, receiving water limitations, and to protect the discharges from causing or contributing to an impact on beneficial uses of the receiving waters.

A log documenting the implementation of the BMPs for each discharge shall be made available to Water Board staff upon request. The BMPs implemented by the Discharger shall include, at a minimum, the elements identified in Attachment C, or equivalent.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in this Order are based on the applicable plans, policies, and regulations identified in the Findings in Ssection III of this Order. This section provides supplemental information, where appropriate, for the plans, policies, and regulations relevant to the discharge.

A. Legal Authorities. This Order serves as Waste Discharge Requirements pursuant to California Water Code article 4, chapter 4, division 7 (commencing with § 13260). This Order is also issued pursuant to federal Clean Water Act (CWA) section 402 and implementing regulations adopted by U.S. EPA, and California Water Code chapter 5.5, division 7 (commencing with § 13370). It shall serve as an NPDES permit for point source discharges from multiple discharge points to surface waters, storm drains, and other storm water conveyances leading to surface waters.

B. State Implementation Policy. The *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP) establishes implementation provisions for priority pollutant criteria, and objectives and provisions for chronic toxicity control. However, section 5.3 of the SIP allows the State Water Board to grant categorical exceptions from meeting priority pollutant criteria/objectives for discharges from drinking water systems conducted by the owners or operators to fulfill statutory requirements mandated by the federal Safe Drinking Water Act and the California Health and Safety Code. The California Toxics Rule contains criteria for 126 priority pollutants that may be present in these drinking water systems discharges. In many cases, discharges from drinking water systems do not comply with all of the applicable priority pollutant criteria (such as for the protection of aquatic life) since potable and treated drinking water isare only required to comply with MCLs for the protection of public health. A review of the 126 priority pollutants found that there are priority pollutant criteria that are more stringent than the established maximum contaminant levels (MCLs) established by the California Department of Public Health.

The planned and emergency unplanned drinking water systems discharges covered under this Order are in accordance with the exception granted by the State Water Board through Resolution 2014-XXXX-DWQ, allowing water purveyors an exception to comply with priority pollutant criteria for the priority pollutants that have an applicable CTR criterion more stringent than its corresponding MCL, or do not have an adopted pollutant-specific MCL. The exception was granted in accordance with the requirements set forth in Section 5.3 of the State Implementation Policy.

C. California Ocean Plan. In 1972, the State Water Board adopted the Water Quality Control Plan for Ocean Waters of California (hereinafter Ocean Plan), as amended. The latest Ocean Plan amendment became effective on August 19, 2013. The Ocean

Plan is applicable, in its entirety, to point source discharges to the ocean waters of the State. To protect the beneficial uses of ocean water, the Ocean Plan establishes water quality objectives and a program of implementation. Requirements of this Order implement the Ocean Plan and are applicable for those discharges entering directly into the Ocean or indirectly via a storm water system that drains into the Ocean near the location of discharge. This Order does not authorize direct discharges into Areas of Special Biological Significance (ASBS). Section III.J of the Ocean Plan allows the State Water Board to grant an exception to specified Ocean Plan requirements where the State Water Board determines that the exception will not compromise protection of beneficial uses of ocean waters and the public interest will be served. In many cases, discharges from drinking water systems due to mandated activities do not comply with all of the established Ocean Plan objectives (such as for protection of aquatic life or human health based on more stringent carcinogenic objectives) since these discharges are only required to comply with MCLs for the purpose of public health and safety. A review of the Ocean Plan pollutant water quality objectives shows that there are a number of pollutants that may occur in mandated drinking water system discharges, with Ocean Plan objectives that are more stringent than the MCLs. State Water Board Resolution 2014-XXXX-DWQ granted water purveyors an Ocean Plan exception to water purveyors for the pollutants that have an Ocean Plan objective more stringent than its corresponding MCL or do not have an adopted pollutant-specific MCL. The exception was granted in accordance with the Ocean Plan exception requirements.

D. California Environmental Quality Act. Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of CEQA, (commencing with section 21100) of Division 13 of the Public Resources Code.

Pursuant to CEQA, Public Resources Code section 21100 et seq., on September ~~August~~ XX, 2014 the State Water Board adopted Resolution 2014-XXXX-DWQ approving a Mitigated Negative Declaration (MND) for exceptions from specified requirements of the State Implementation ~~Plan~~ Policy and California Ocean Plan for statewide discharges resulting from mandated activities required by the federal Safe Drinking Water Act and California Health and Safety Code. The MND concludes that discharges from drinking water systems have less than significant impact with appropriate mitigation incorporated. This Order implements Resolution 2014-XXXX-DWQ and establishes appropriate mitigation requirements for discharges authorized under this Order.

E. Regional Water Boards' Water Quality Control Plans

The Regional Water Boards have adopted Water Quality Control Plans (hereinafter Basin Plans) that designate beneficial uses, establish water quality objectives, and contain implementation programs and policies to achieve those objectives for all waters addressed through the plans. In addition, the Basin Plans implement State Water Board Resolution No. 88- 63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. The Basin Plans identify typical beneficial uses as follows: municipal and domestic supply, agricultural irrigation, stock watering, process supply, service supply, hydropower supply, water contact recreation, canoeing and rafting recreation, other non-contact water recreation, warm freshwater aquatic habitat, cold freshwater habitat, warm fish migration habitat, cold fish migration habitat, warm and cold spawning

habitat, wildlife habitat, navigation, rare, threatened, or endangered species habitat, groundwater recharge, and freshwater replenishment. Requirements of this Order implement provisions contained in the applicable Basin Plans.

F. Antidegradation Policy

Section 131.12 of 40 C.F.R. requires that 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 high water quality be maintained unless degradation is justified based on specific findings. The State Water Board and Regional Water Board's Water Quality Control Plans implement, and incorporate by reference, both the state and federal antidegradation policies. The permitted discharges must be consistent with the antidegradation provision of section 131.12 and State Water Board Resolution 68-16.

Given the nature of a general permit and the broad range of beneficial uses to be protected across the state, it is not feasible to analyze each surface water body in the state to determine which water bodies are of high quality for the constituents in the discharges authorized by this Order. The State Water Board finds that, due to the intermittent, seasonal and temporary characteristics of these discharges, the impact on existing surface water quality from these discharges will be insignificant, as further explained in the MND approved by the State Water Board in Resolution 2014-XXXX-DWQ. While surface waters may be temporarily degraded and there may be temporary excursions above water quality objectives in the immediate vicinity of these discharges, any such impacts to surface water quality that may occur are consistent with the maximum social and economic benefit of the people of the state, provided that the discharges comply with this Order. The discharges are a necessary consequence of providing safe, clean, affordable, and accessible drinking water to the people of the state in accordance with the state policy declared in Water Code section 106.3, subdivision (a), and the discharges are mandated by drinking water laws and regulations. The BMPs required under this Order constitute best practical treatment and control of these discharges. Therefore the discharges permitted under this Order are consistent with the antidegradation provision of section 131.12 and the State Water Board Resolution 68-16.

G. Anti-Backsliding Requirements

Sections 402(o)(2) and 303(d)(4) of the CWA and 40 CFR section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. This Order is a new statewide NPDES permit that regulates discharges from community drinking water systems statewide. Some of these same discharges are currently regulated under existing Regional Water Board NPDES permits. Some of these same discharges are not regulated at all. This Order, when implemented, will provide consistent regulatory requirements that apply to discharges from drinking water system discharges statewide. The following existing Regional Water Board NPDES permits regulate discharges from

community drinking water systems, among other types of discharges, so these NPDES permits' effluent limitations were analyzed for the purpose of comparing them to the requirements contained in this Order.

The Central Valley Regional Water Board Permit (R5-2013-0074) is a general permit applicable to dewatering activities and other types of low threat discharges to surface waters including discharges from drinking water systems. It includes limitations for Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), settleable solids, pH, and total chlorine residual. Since this Permit applies to a large set of what the Central Valley Water Board considered low threat discharges, it established a wide range of effluent limitations to ensure protection of beneficial uses.

This statewide Order and its requirements are specifically applicable to drinking water systems that discharge either groundwater and/or surface water that has received treatment per DPH regulations or otherwise complies with primary and secondary MCLs. The treatment of all surface waters to make them suitable for drinking includes filtration and disinfection. This treatment is expected to remove any BOD, TSS or settleable solids, if any, present in the surface water. Similarly, groundwater that is suitable for drinking water purposes receives natural or well-head treatment so it is not expected to have BOD, TSS, or settleable solids. In addition, sedimentation and erosion control BMPs are required to be implemented to prevent the discharges authorized by this Order from carrying sediment and causing soil erosion that would add TSS and settleable solids in their discharge prior to entering a storm drain or receiving water directly. It is therefore unnecessary to establish effluent limits for BOD, TSS, or settleable solids in this Order.

Community drinking water systems are required to maintain a pH of 7.0 in their distribution systems as part of their corrosion control treatment plans (40 CFR Section 141.82(f)). For all other community systems that do not need to maintain a corrosion control plan, it is expected that they will have no issues with pH levels because they have no issues with corrosion of their systems. Including an effluent limitation for pH in this Order would only over-regulate those systems that are already required to comply with a 7.0 pH level and force other community drinking water systems to add additional chemicals prior to discharging, which in turn may add salts and other pollutants that may cause water quality impacts. Therefore, it is unnecessary to include an effluent limitation for pH in this Order.

The San Francisco Bay Regional Water Board Permit (R2-2009-0033) is a general permit applicable only to surface water treatment facilities for potable supply discharges for either long term or short term. The short term discharges includes limits for TSS, settleable matter, pH, total chlorine residual, total trihalomethanes (TTHMs), zinc, and acute toxicity. As previously discussed, a surface water treatment facility operating per DPH's regulations, would remove TSS and settleable matter. For the other effluent limits of TTHMs and zinc, the discharges would be in compliance with MCLs for TTHMs as required by DPH. In addition, pursuant to the SIP and Ocean Plan exceptions, the discharges covered under this Order are not required to comply with zinc objectives.

Therefore, there is no need to establish TTHMs and zinc effluent limitations, nor an effluent limitation for pH, as previously discussed.

The Los Angeles Regional Water Board Permit (R4-2003-0108) is a general permit for discharges of groundwater from potable water supply wells to surface waters and it includes limits of TSS, turbidity, BOD, settleable solids, chlorine residual, pH, TTHMs, Methyl tertiary butyl ether (MTBE) and a list of 15 volatile organic compounds (VOCs) that are also considered priority pollutants, PCBs, and various limits for TDS, Sulfate, Chloride, Boron and Nitrogen applicable per watershed/stream reach. As previously discussed, there is no need to impose limits for BOD, TSS, settleable solids, pH, and TTHMs. In the case of PCBs and the 15 VOCs, since these are priority pollutants that are granted exceptions, it is also not necessary to establish limits for these pollutants. With regards to the various limits for TDS, Sulfate, and chloride, compliance with the MCLs, which is required of these discharges, should comply with the TDS, sulfate and chloride limits so there is no need to impose the same limitations in this Order. With regards to Nitrogen, compliance with the Nitrate MCL should ensure compliance with the nitrogen limitations. During the effective period of R4-2003-0108 there were no issues of non-compliance with the Boron limitations. This is new information to justify that there is no reasonable potential to exceed the Boron limits. Therefore, there is no need to impose a Boron limitation.

The San Diego Regional Water Board Permit (R9-2010-0003) is a general permit for discharges of hydrostatic test water and potable water to surface waters and storm drains or other conveyance systems. It establishes limits for total chlorine residual and pH. As previously discussed there is no need to include an effluent limit for pH.

This Order requires that discharges meet primary and secondary MCLs and mandates the use of multiple BMPs, and also contains effluent limitations for chlorine residual and turbidity and receiving water limitations for pH, chemical constituents, sediment and total suspended solids, and toxicity, among other requirements. This Order does not include specific effluent limitations for BOD, TSS, settleable solids or settleable matter, pH, TTHMs, zinc, acute toxicity, MTBE, 15 priority pollutants VOCs, PCBs, TDS, Sulfate, Chloride, Boron and Nitrogen, which are included in some of the comparable Regional Water Board permits, as described above. To the extent that this Order may impose less stringent limitations than those contained in the existing Regional Water Board permits, applicable exceptions to the anti-backsliding prohibition that are supported by the analysis above include: waters in attainment, where permit requirements are consistent with antidegradation (§ 303(d)(4)(B)); new information available (§ 402(o)(2)(B)(i)); and events beyond dischargers' control (§402(o)(2)(C)), due to the mandatory or ~~emergency~~ unplanned nature of the discharges. All requirements under this Order, when implemented, will increase the regulatory requirements over drinking water system discharges on a statewide basis. The effluent limitations for chlorine residual and turbidity in this Order are as stringent as the Regional Water Board permits.

H. Monitoring and Reporting Requirements

Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. § 13267 and §13383 of the Water Code authorize the regional boards to require technical and monitoring reports. The Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements to implement State and federal requirements. This MRP is provided in Attachment E.

I. Endangered Species Act

This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code § 2050 et. seq) or the Federal Endangered Species Act (16 U.S.C.A. § 1531 et. seq). This Order requires compliance with effluent limitations, receiving water limitations, and other requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

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

Under section 303(d) of the 1972 CWA, states, territories, and authorized tribes are required to develop lists of water quality limited segments. The waters on these lists do not meet water quality standards, even after discharges of point sources of pollution have installed the minimum required levels of pollution control technology. On October 11, 2011, U.S. EPA gave final approval to California's 2010 section 303(d) List of Water Quality Limited Segments. The Basin Plans reference this list of Water Quality Limited Segments (WQLSs), which are defined as "…*those sections of lakes, streams, rivers or other fresh water bodies where water quality does not meet (or is not expected to meet) water quality standards even after the application of appropriate limitations for point sources* (40 C.F.R. Part 130.2(j))." The Basin Plans also state, "*Additional treatment beyond minimum federal standards will be imposed on dischargers to [WQLSs]. Dischargers will be assigned or allocated a maximum allowable load of critical pollutants so that water quality objectives can be met in the segment*." Impaired waters are those waters not meeting quality standards pursuant to section 303(d) of the CWA, thus do not support beneficial uses. States must also prioritize the water bodies on the list and develop action plans, called total maximum daily loads (TMDLs) to improve the water quality. California impaired waters, as approved by the State Water Board, are listed on http://www.waterboards.ca.gov/water_issues/programs/tmdl/2010state_ir_reports/2010_combo303d.xls.

TMDLs in California are developed either by the Regional Water Boards or by U.S. EPA. TMDLs developed by Regional Water Boards are designed as Basin Plan amendments and include implementation provisions. TMDLs developed by U.S. EPA typically contain the total load and load allocations required by section 303(d), but do not contain comprehensive implementation provisions. This stems from the fact that U.S. EPA authorities related to implementation of nonpoint source pollution control measures are generally limited to education and outreach as provided by CWA section 319. TMDLs are currently required for all waters and pollutants on the 303(d) list. TMDLs must

consider and include allocations to both point sources and nonpoint sources of listed pollutants. Although the abbreviation stands for "Total Maximum Daily Load," the limitations contained in a TMDL may be other than "daily load" limits. There also can be multiple TMDLs on a particular water body, or there can be one TMDL that addresses numerous pollutants. The basis for grouping is whether or not there can be a common analytical approach to the assessment or a common management response to the impairment.

~~This Order includes a list of impaired water bodies with a TMDL and specified waste load allocation (WLA) applicable to discharges from drinking water systems, and the established effluent limitations shown in Attachment G of this Order. To ensure that discharges from drinking water systems are in compliance with any applicable TMDL that prescribes a WLA, this Order requires that the Deputy Director of Water Quality of the state water board or a regional water board Executive Officer must find that the requirements herein address the TMDL and are:~~
~~(1) consistent with the assumptions and requirements of the WLA, and~~
~~(2) sufficient for the water purveyor to comply with its WLAs or other TMDL requirements imposed directly on the water purveyor.~~

~~Furthermore, t~~This Order does not authorize the discharge of new drinking water systems (not an expansion of an existing system) into an impaired water body that is impaired for a constituent that exists in the new discharge at a concentration greater than the criteria used to establish the impairment of the water body.

NOTE: ALL THE FOLLOWING TEXT IN SECTION K THAT IS HIGHLIGHTED YELLOW IS NEW PROPOSED LANGUAGE ADDED TO THE DRAFT PERMIT THAT WAS ISSUED ON JUNE 6, 2014.

K. Summaries of Applicable Total Maximum Daily Loads (TMDLs) with Waste Load Allocations (WLAs) to Water Purveyors

A review of Regional Water Board TMDLs found that, as of the adoption date of this Order, only the Los Angeles Regional Water Board and the San Diego Regional Water Board have TMDLs that should be considered in determining ~~that may indirectly imply that WLAs are applicable to the~~ whether discharges from drinking water systems regulated under this ~~General Permit~~Order have a reasonable potential to cause or contribute to exceedances of water quality standards for impaired water bodies. None of these TMDLs established WLAs that apply ~~exclusively~~ to discharges from drinking water systems. Instead, the WLAs apply to general categories of discharges (e.g., "other NPDES dischargers") that might intermittently include discharges from drinking water systems. These TMDLs and WLAs are not applicable to the discharges from drinking water systems authorized under this Order, but are summarized below to determine if the discharges have a reasonable potential to adversely affect impaired water bodies. ~~and are therefore summarized below.~~

~~The State Water Board is required to ensure that the effluent limits in this permit Order are "consistent with the assumptions and requirements of any available waste load allocation for the discharge." (40 C.F.R. § 122.44(d)(1)(vii)(B).) Although these WLAs~~

~~apply to the discharges that are authorized under this Order, none~~ None of the TMDLs, WLAs, or supporting staff reports indicates that the discharges from drinking water systems authorized under this Order are significant sources of the relevant pollutants. Based on the data that is currently available, and due to the high quality and intermittent and short-term nature of the discharges from drinking water systems authorized under this Order, it is unlikely that these discharges contribute to the impairment of the TMDL-related water bodies. Therefore, this Order does ~~it is consistent with the assumptions and requirements of the WLAs in these TMDLs for this Order to~~ not include any TMDL-specific requirements.

~~This Order requires sampling of discharges in these watersheds as part of the application for coverage. If a Regional Water Board determines that any of these TMDLs, or any newly approved TMDLs, establish WLAs that should be implemented through TMDL-specific permit requirements for the discharges from drinking water systems that are authorized under this Order, the Regional Water Board may issue permit(s) for those discharges.~~ Alternatively, if ~~further~~ future TMDLs are adopted that address pollutants ~~that are likely to be~~ in discharges from drinking water systems, and allocate waste loads specifically to ~~water purveyors~~drinking water system discharges regulated under this Order, the State Water Board ~~will~~ may consider ~~additional~~ adding TMDL-specific permit requirements to Appendix G of this Order in a subsequent permit amendment, ~~or~~ renewal, or reopener.

The following summaries provide~~s~~ general information regarding the TMDLs adopted by U.S. EPA or the Regional Water Boards for the Los Angeles and San Diego regions that are applicable to the discharges from drinking water systems authorized under this Order. These TMDLs have been approved by the State Water Board, and/or the U.S. EPA under Clean Water Act section 303(c).

Los Angeles Water Board

The following is a listing of TMDLs in the Los Angeles region that have waste load allocations for general NPDES discharge categories, followed by a general description. Further information on the listed TMDLs can be found at the following websites:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/
or
http://epa.gov/region09/water/tmdl/final.html

1. **Total Maximum Daily Load for Nitrogen, Phosphorus, Mercury, Trash, Organochlorine Pesticides and Polychlorinated Biphenyls (PCBs) in the Los Angeles Area Lakes**

   U.S. EPA established TMDLs in the following nine lakes in the Los Angeles region, for the following pollutants:

   - Peck Road Park Lake: nitrogen, phosphorus, chlordane, DDT, dieldrin, PCBs, trash
   - Lincoln Park Lake: nitrogen, phosphorus, trash

- Echo Park Lake: nitrogen, phosphorus, chlordane, dieldrin, PCBs, trash
- Lake Calabasas: nitrogen, phosphorus
- El Dorado Park Lakes: nitrogen, phosphorus, mercury
- Legg Lakes (North, Center and Legg): nitrogen, phosphorus
- Puddingstone Reservoir: nitrogen, phosphorus, chlordane, DDT, PCBs, mercury, dieldrin
- Santa Fe Dam Park: nitrogen, phosphorus
- Lake Sherwood: mercury

The NPDES permits in the watersheds draining to the impaired lakes include municipal separate storm sewer system (MS4) permits, a California Department of Transportation (Caltrans) stormwater permit, general construction stormwater permits, general industrial stormwater permits, and a general NPDES permit. Other than the MS4 and Caltrans stormwater permits, there are no major individual NPDES permits in the watersheds draining to the impaired lakes. Sources of pollutants include discharges of potable water used to maintain lake levels. These types of discharges are not authorized by this Order.

TMDL Waterbody	Pollutant
Peck Rd Park Lake	Total Nitrogen
Peck Rd Park Lake	Total Phosphorus
Lincoln Lake and Lake Calabasas,	Total Nitrogen Total Phosphorus
Echo Lake	Total Nitrogen Total Phosphorus
El Dorado Park Lake	Total Nitrogen Total Phosphorus Mercury
Santa Fe Dam Park Lake	Total Nitrogen Total Phosphorus

2. Total Maximum Daily Load for Chloride in the Upper Santa Clara River

Chloride levels in Reach 3 of the Santa Clara River exceed the water quality objective (WQO) of 80 mg/L for chloride in Reach 3 established in the Water Quality Control Plan, Los Angeles Region (Basin Plan). U.S. EPA established a TMDL for Reach 3. There are two major point sources that discharge into Reach 3, the Santa Paula and Fillmore Water Reclamation Plants. Minor point source discharges to

Reach 3 include:

- storm water regulated under the NPDES municipal stormwater permit
- runoff from construction sites regulated under the statewide construction general NPDES permit,
- storm water regulated under the CalTrans statewide NPDES permit,
- runoff from industrial sites regulated under the statewide industrial facility general NPDES permit, and
- dewatering operations regulated under NPDES permits

In addition, elevated chloride concentrations are causing impairments of the water quality objective of 100 mg/L in Reach 5 (EPA 303(d) list Reach 7) and Reach 6 (EPA 303(d) list Reach 8) of the Santa Clara River (SCR). These reaches were on the 1998 and 2002 Clean Water Act (CWA) 303(d) lists of impaired water bodies as impaired due to chloride. The objectives for these reaches were set to protect all beneficial uses; agricultural beneficial uses have been determined to be most sensitive, and not currently attained at the downstream end of Reach 5 (EPA 303(d) list Reach 7) and Reach 6 (EPA 303(d) list Reach 8) in the Upper Santa Clara River (USCR). Irrigation of salt sensitive crops such as avocados, strawberries, and nursery crops with water containing elevated levels of chloride results in reduced crop yields. Chloride levels in groundwater in Piru Basin underlying the reach downstream of Reach 5 are also rising.

TMDL Waterbody	Pollutant
Upper Santa Clara River Reach 3	Chloride
Upper Santa Clara River (Reaches 4B, 5 and 6)	Chloride

3. Total Maximum Daily Load for Bacteria in the Santa Monica Bay

Many of the beaches along Santa Monica Bay (SMB) were listed on the California's 1998 section 303(d) List, due to impairments for coliform or for beach closures associated with bacteria generally. The Los Angeles Regional Board adopted TMDLs to address bacteriological water quality impairments for 44 beaches along Santa Monica Bay located in Los Angeles County, California. WLA(s) are expressed as the number of sample days at a shoreline monitoring site that may exceed the following single sample numeric targets:

- Total coliform density shall not exceed 10,000/100ml.
- Fecal coliform density shall not exceed 400/100ml
- Enterococcus density shall not exceed 104/100ml

- Total coliform density shall not exceed 1000/100 ml if the ratio of fecal-to-total coliform exceeds 0.1.

With the exception of isolated sewage spills, storm water runoff conveyed by storm drains and creeks is the primary source of elevated bacterial indicator densities to the SMB beaches during wet weather. Waste load allocations are expressed as allowable exceedance days because the bacterial density and frequency of single sample exceedances are the most relevant to public health protection. All responsible jurisdictions and responsible agencies (local agencies that are responsible for discharges from a publicly owned treatment works to the SMB watershed or directly to the Bay, permittees or co-permittees on a municipal storm water permit, the California Department of Transportation, and other agencies that have jurisdiction over a beach adjacent to SMB) within a subwatershed are jointly responsible for complying with established allowable number of exceedance days.

TMDL Waterbody	**Pollutant**
Santa Monica Bay	Total Coliform

4. Total Maximum Daily Load for Nutrients in the Los Angeles River

Reaches of the Los Angeles River and its tributaries were listed as impaired for nitrogen compounds (ammonia, nitrate, and nitrate) and related effects such as algae, pH, odor, and scum on the 2002 303(d) list. These reaches were listed because numeric and narrative water quality objectives for nitrogen compounds and related effects were exceeded, thereby impairing warm, freshwater, and wildlife habitats, and recreation beneficial uses.

The principal source of nitrogen compounds to the Los Angeles River is discharges from the Donald C. Tillman Water Reclamation Plant (WRP), the Los Angeles-Glendale WRP, and the Burbank WRP. During dry weather period, the major POTWs contribute 84.1% of the total dry weather nitrogen load. Urban runoff, storm water, and groundwater discharge may also contribute nitrate loads. Further evaluation of these sources is set forth in the Implementation Plan

Concentration based WLAs for nitrogen compounds are allocated to minor point sources enrolled under NPDES or WDR permits including but not limited to Tapia Water Reclamation Plant (WRP), Whittier Narrows WRP, Los Angeles Zoo WRP, industrial and construction storm water, and municipal storm water and urban runoff from municipal separate storm sewer systems (MS4s). The WLA(s) are listed by receiving water and established as the applicable one-hour and thirty-day average effluent limitations at the point of discharge.

TMDL Waterbody	Pollutant
Los Angeles River above LA-Glendale WRP	Ammonia
Los Angeles River above LA-Glendale WRP	Ammonia
Los Angeles River below LA-Glendale WRP	Ammonia
Los Angeles River below LA-Glendale WRP	Ammonia
Los Angeles River tributaries	Ammonia
Los Angeles River tributaries	Ammonia
Los Angeles River	Nitrate-nitrogen
Los Angeles River	Nitrite-nitrogen
Los Angeles River	nitrate-nitrogen + nitrite nitrogen

5. Total Maximum Daily Load for Nutrients in the Santa Clara River

Discharge of wastes containing nitrite, nitrate and ammonia to the Santa Clara River causes exceedances of water quality objectives for ammonia, nitrate and nitrite established in the Basin Plan. The Santa Clara River is listed as impaired by ammonia in Reach 3 and by nitrate plus nitrite in Reach 7 on the 2002 303(d) list of impaired water bodies. Reach 8 of the Santa Clara River is included on the State Monitoring List for organic enrichment/dissolved oxygen, which may be caused by excessive nitrogen. Nitrate and nitrate are biostimulatory substances that can cause eutrophic effects such as low dissolved oxygen and algae growth. Excessive ammonia can cause aquatic life toxicity.

The principal source of ammonia, nitrite, and nitrate to the Santa Clara River is discharges from the Saugus and Valencia Water Reclamation Plants (WRPs) and the Fillmore and Santa Paula Publicly Owned Treatment Works (POTWs). Agricultural runoff, storm water discharge and groundwater discharge may also

contribute nitrate loads. Further evaluation of these sources is set forth in the Implementation Plan.

Concentration-based waste loads are allocated to major point sources of ammonia and nitrate+nitrite in Reach 3, which include the Fillmore and Santa Paula POTWs; concentration-based waste loads are allocated to major point sources of ammonia and nitrite+nitrate in Reaches 7 and 8, which include the Valencia and Saugus WRPs. Concentration-based waste loads are also allocated to municipal, industrial and construction storm water sources regulated under NPDES permits and minor discharges enrolled under NPDES or WDR permits. The allocations for minor point sources are based on the water quality objectives for ammonia, nitrite, nitrate and nitrite plus nitrate. The WLAs are established as one-hour and thirty day average concentrations.

TMDL Waterbody	Pollutant
Santa Clara River (Reach 7)	Ammonia as Nitrogen
Santa Clara River (Reach 7)	Ammonia as Nitrogen
Santa Clara River	Reach 7: Nitrate plus Nitrite as Nitrogen
Santa Clara River	Reach 3: Ammonia as Nitrogen
Santa Clara River	Reach 3: Ammonia as Nitrogen
Santa Clara River	Reach 3: Nitrate plus Nitrite as Nitrogen

6. Total Maximum Daily Load for Bacteria in the Marina del Rey Mothers Beach and Back Basins

Elevated bacterial indicator densities are causing impairment of the water contact recreation (REC-1) beneficial use at Marina del Rey Harbor (MdRH) Mothers' Beach and back basins. Dry-weather urban runoff and storm water conveyed by storm drains are the primary sources of elevated bacterial indicator densities to MdRH Mothers' Beach and back basins during dry and wet-weather. As of December 2002, there were seven dischargers located within the Marina del Rey watershed. These dischargers were issued general NPDES permits, general industrial and/or general construction storm water permits. The bacteria loads associated with these

discharges are largely unknown, since most do not monitor for bacteria. However, these discharges are not expected to be a significant source of bacteria.

The Los Angeles County MS4 and CalTrans storm water permittees and co-permittees are assigned waste load allocations (WLAs) expressed as the number of daily or weekly sample days that may exceed the single sample targets identified under "Numeric Target" at a monitoring site. Waste load allocations are expressed as allowable exceedance days because the bacterial density and frequency of single sample exceedances are the most relevant to public health protection.

According to the TMDL, discharges from general NPDES permits, general industrial storm water permits and general construction storm water permits are not expected to be a significant source of bacteria.

TMDL Waterbody	Pollutant
Marina Del Rey Mothers Beach and Back Basins	Total Coliform

7. Total Maximum Daily Load for Bacteria in the Los Angeles Harbor

Elevated bacterial indicator densities are causing impairment of the water contact recreation (REC-1) beneficial use of Inner Cabrillo Beach and the potential REC-1 uses of the Main Ship Channel in the Los Angeles Harbor.

Dry-weather urban runoff and storm water conveyed by storm drains are major sources of elevated bacterial indicator densities to Inner Cabrillo Beach and the Main Ship Channel during dry and wet-weather. As of March 2004, there are 15 active individual and 15 active general, NPDES permits for discharges to the Inner or Outer Los Angeles Harbor including the Terminal Island Treatment Plant. While the fecal coliform counts in the wastewater field indicate a contribution of bacteria to the Harbor by the Terminal Treatment Plant, the wastewater field is sufficiently diluted and the bacterial densities are so much lower in the Harbor than the high bacterial densities and exceedences at the sites at Cabrillo Beach and in the Main Ship Channel that it appears that the Treatment Plant is not a significant source of bacteria to the Beach or to the Ship Channel.

Waste load allocations are expressed as allowable exceedance days because the bacterial density and frequency of single sample exceedances are the most relevant to public health protection. According to the TMDL, discharges from general NPDES permits, general industrial storm water permits and general construction storm water permits are not expected to be a significant source of bacteria.

TMDL Waterbody	Pollutant
Los Angeles Harbor	Total Coliform

8. Total Maximum Daily Load for Bacteria in Malibu Creek and Lagoon

Elevated bacterial indicator densities are causing impairment of the water contact recreation (REC-1) beneficial use at Malibu Creek, Lagoon, and adjacent beach. Fecal coliform bateria may be introduced from a variety of sources including storm water runoff, dry-weather runoff, onsite wastewater treatment systems, and animal wastes. Waste Load Allocations (WLAs) are expressed as the number of daily sample days that may exceed the single sample limits as identified under "Numeric Target." WLAs are expressed as allowable exceedance days because the bacterial density and frequency of single sample exceedances are the most relevant to public health protection.

The responsible jurisdictions and responsible agencies are the County of Los Angeles, County of Ventura, the cities of Malibu, Calabasas, Agoura Hills, Hidden Hills, Simi Valley, Westlake Village, and Thousand Oaks; Caltrans, and the California Department of Parks and Recreation. The responsible jurisdictions and responsible agencies include the permittees and co-permittees of the municipal storm water (MS4) permits for Los Angeles County and Ventura County, and Caltrans. In addition, according to the TMDL, discharges from Tapia WWRF and effluent irrigation, and general construction storm water permits are not expected to be a significant source of bacteria.

TMDL Waterbody	Pollutant
Malibu Creek Lagoon	Total Coliform
Malibu Creek	E. coli

9. Total Maximum Daily Load for Metals in the Los Angeles River

Segments of the Los Angeles River and its tributaries are on the Clean Water Act section 303(d) list of impaired waterbodies for copper, cadmium, lead, zinc, aluminum and selenium. The metals subject to this TMDL are toxic pollutants, and the existing water quality objectives for the metals reflect national policy that the discharge of toxic pollutants in toxic amounts be prohibited. When one of the metals subject to this TMDL is present at levels exceeding the existing numeric objectives, then the receiving water is toxic. The beneficial uses impaired by metals in the Los Angeles River and its tributaries are those associated with aquatic life and water supply, including wildlife habitat, rare, threatened or endangered species, warm freshwater habitat, wetlands, and groundwater recharge.

There are significant differences in the sources of metals loadings during dry weather and wet weather. During dry weather, most of the metals loadings are in the dissolved form. The three major publicly owned treatment works (POTWs) that discharge to the river (Tillman WRP, LA-Glendale WRP, and Burbank WRP) constitute the majority of the flow and metals loadings during dry weather. The storm drains also contribute a large percentage of the loadings during dry weather because although their flows are typically low, concentrations of metals in urban runoff may be quite high. The remaining portion of the dry weather flow and metals loadings represents a combination of tributary flows, groundwater discharge, and flows from other permitted NPDES discharges within the watershed.

TMDLs are developed for reaches on the 303(d) list and for reaches where recent data indicate additional impairments. Addressing the impairing metals throughout the Los Angeles River watershed will ensure that the metals do not contribute to an impairment elsewhere in the watershed. Metals allocations are therefore developed for upstream reaches and tributaries that drain to impaired reaches. These TMDLs address wet- and dry-weather discharges of copper, lead, zinc and selenium and wet-weather discharges of cadmium.

Impairments related to cadmium only occur during wet weather. Impairments related to selenium are confined to Reach 6 and its tributaries. Dry-weather impairments related to zinc only occur in Rio Hondo Reach 1. The aluminum listing was based on water quality objectives set to support the municipal water supply beneficial use (MUN). MUN is a conditional use in the Los Angeles River watershed. The United States Environmental Protection Agency (USEPA) has determined that TMDLs are not required for impairments of conditional uses.

TMDL Waterbody	Pollutant (total recoverable)
Los Angeles River: Reach 1	Copper
	Lead
Compton Creek	Copper
	Lead
Rio Hondo Reach 1:	Copper
	Lead
	Zinc
Los Angeles River Reach 2 and Arroyo Seco:	Copper
	Lead
Los Angeles River Burbank Western Channel (above WRP):	Copper
Los Angeles River Burbank Western Channel (above WRP):	Lead
Los Angeles River Burbank Western Channel (below WRP)	Copper

TMDL Waterbody	Pollutant (total recoverable)
	Lead
Los Angeles River Reach 3 above LA- Glendale WRP and Verdugo	Copper
	Lead
Los Angeles River Reach 3 below LA- Glendale WRP	Copper
	Lead
Los Angeles River Reach 4	Copper
	Lead
Los Angeles River Reach 5,6 and Bell Creek	Copper
Los Angeles River Reach 5,6 and Bell Creek	Lead
Los Angeles River Reach 5,6 and Bell Creek	Selenium
Los Angeles River	Cadmium

TMDL Waterbody	Pollutant (total recoverable)
	Copper
	Lead
	Zinc

10. Total Maximum Daily Load for Metals in Ballona Creek

Ballona Creek is on Clean Water Act Section 303(d) list of impaired waterbodies for dissolved copper, dissolved lead, total selenium, and dissolved zinc and Sepulveda Canyon Channel is 303(d) listed for lead. TMDLs are developed for reaches on the 303(d) list and metal allocations are developed for tributaries that drain to impaired reaches. This TMDL address dry- and wet-weather discharges of copper, lead, selenium and zinc in Ballona Creek and Sepulveda Canyon Channel.

There are significant differences in the sources of copper, lead, selenium and zinc loadings during dry weather and wet weather. During dry weather, most of the metals loadings are in the dissolved form. Storm drains convey a large percentage of the metals loadings during dry weather because although their flows are typically low, concentrations of metals in urban runoff may be quite high. During dry years, dryweather loadings account for 25-35% of the annual metals loadings. Additional sources of dry weather flow and metals loading include groundwater discharge and flows from other permitted NPDES discharges within the watershed. During wet weather, most of the metals loadings in Ballona Creek are in the particulate form and are associated with wet-weather storm water flows.

Concentration-based dry- and wet-weather wasteload allocations are assigned to the minor NPDES permits and general non-storm water NPDES permits that discharge to Ballona Creek or its tributaries.

TMDL Waterbody	Pollutant (total recoverable)
Ballona Creek	Copper
	Lead
	Zinc

11. Total Maximum Daily Load for Toxic Pollutants in the Ballona Creek Estuary

Ballona Creek Estuary (Estuary) is on the Clean Water Act Section 303(d) list of impaired water bodies for cadmium, copper, lead, silver, zinc, chlordane, DDT, PCBs, PAHs and toxicity in sediments. Urban storm water has been recognized as a substantial source of metals. Numerous researchers have documented that the most prevalent metals in urban storm water (i.e., copper, lead, zinc, and to a lesser degree cadmium) are consistently associated with suspended solids. Because metals are typically associated with fine particles in storm water runoff, they have the potential to accumulate in estuarine sediments where they may pose a risk of toxicity.

TMDLs are developed for cadmium, copper, lead, silver, zinc, chlordane, DDT, and PCBs within the sediments of the Ballona Creek Estuary. WLAs are assigned to point sources for the Ballona Creek watershed. A grouped mass-based waste load allocation is developed for the storm water permittees (Los Angeles County MS4, Caltrans, General Construction and General Industrial permittees) by subtracting the load allocations from the total loading capacity.

Sediment based waste load allocations are assigned to minor NPDES permits and general non-storm water NPDES permits that discharge to Ballona Creek or its tributaries. The Los Angeles Water Board implements an approach for compliance for these waste load allocations by establishing a total suspended solids (TSS) effluent limitation together with a concentration-based limit for the each specific TMDL pollutant.

TMDL Waterbody	Pollutant
Ballona Creek Estuary	TSS
	Cadmium
	Copper
	Lead
	Silver
	Zinc
	Chlordane
	DDTs
	DDD
	Total PCBs

12. Total Maximum Daily Load for Toxicity in Calleguas Creek

Discharge of wastes containing chlorpyrifos, diazinon, other pesticides and/or other toxicants to Calleguas Creek, its tributaries and Mugu Lagoon cause exceedances of water quality objectives for toxicity established in the Basin Plan. Source analysis determined that agricultural and urban uses are the largest sources of chlorpyrifos and diazinon in the watershed.

A wasteload of 1.0 TUc is allocated to the major point sources (POTWs) discharging to the Calleguas Creek Watershed. Minor sources include NPDES permittees other than wastewater treatment plants, and urban storm water co-permittees (MS4s) discharging to the Calleguas Creek watershed.

A WLA of 1.0 TUc is allocated to minor point sources. In addition, WLAs for acute and chronic toxicity for diazinon and chloropyrifos are allocated to the minor point sources.

TMDL Waterbody	Pollutant
Calleguas Creek	Chronic Toxicity Unit (TU_c)
	Chlorpyrifos
	Diazinion

13. Total Maximum Daily Load for Organochlorine (OC) Pesticides and Polychlorinated Biphenyls (PCBs) in Calleguas Creek

Eleven of fourteen reaches in the Calleguas Creek Watershed (CCW) were identified on the 2002 303(d) list of water-quality limited segments as impaired due to elevated levels of organochlorine (OC) pesticides and/or polychlorinated biphenyls (PCBs) in water, sediment and/or fish tissue. Additionally, Mugu Lagoon was listed as impaired for sedimentation/siltation. OC pesticides and PCBs can bioaccumulate in fish tissue and cause toxicity to aquatic life in estuarine and inland waters. Siltation may transport OC Pesticides and PCBs to surface waters and impair aquatic life and wildlife habitats.

Monitoring data from major NPDES discharges and land use runoff were analyzed to estimate the magnitude of OC pesticides and PCBs loads to Calleguas Creek, its tributaries and Mugu Lagoon. The largest source of OC pesticides in the listed waters is agricultural runoff. Most PCB residues are due to past use of PCBs as coolants and lubricants in transformers, capacitors, and other electrical equipment. Atmospheric deposition is also a potential source of PCBs. Urban runoff and POTWs are minor sources of OC pesticides and PCBs.

TMDL Waterbody	Pollutant
Calleguas Creek	Chlordane
	4,4-DDD
Calleguas Creek	4,4-DDE
	4,4-DDT
	Dieldrin

TMDL Waterbody	Pollutant
Calleguas Creek	PCBs
	Toxaphene

14. Total Maximum Daily Load for Toxics in the Marina del Rey Harbor

The back basins of Marina del Rey Harbor are on the Clean Water Act Section 303(d) list of impaired water bodies for chlordane, copper, lead, zinc, PCBs, DDT, dieldrin, sediment toxicity and a fish consumption advisory. Review of available data during the development of this TMDL indicated that dieldrin and DDT are no longer causes of impairment. The following designated beneficial uses are impaired by chlordane, copper, lead, zinc, PCBs, and toxicity: water contact recreation (REC1); marine habitat (MAR); wildlife habitat (WILD); commercial and sport fishing (COMM); and shellfish harvesting (SHELL).

Urban storm water has been recognized as a substantial source of metals. Numerous researchers have documented that the most prevalent metals in urban storm water (i.e., copper, lead, and zinc) are consistently associated with suspended solids. Because metals are typically associated with fine particles in storm water runoff, they have the potential to accumulate in marine sediments where they may pose a risk of toxicity. Similar to metals, the majority of organic constituents in storm water are associated with particulates.

Waste load allocations (WLA) are assigned to point sources for the Marina del Rey watershed. A grouped mass-based waste load allocation is developed for the storm water permittees (Los Angeles County MS4, Caltrans, General Construction and General Industrial) by subtracting the load allocations from the total loading capacity. Sediment concentration-based waste load allocations are developed for other point sources in the watershed.

TMDL Waterbody	Pollutant
Marina del Rey Harbor	TSS
	Cadmium
	Copper
	Lead
	Silver
	Zinc
	Chlordane
	DDTs
	DDD
	Total PCBs

15. Total Maximum Daily Load for Bacteria in Ballona Creek, the Ballona Estuary, and the Sepulveda Channel

Elevated bacterial indicator densities are causing impairment of the water contact recreation (REC-1) beneficial use designated for Ballona Estuary and Sepulveda Channel, limited water contact recreation (LREC) designated for Ballona Creek Reach 2, and non-contact recreation (REC-2) beneficial uses of Ballona Creek Reach 1.

The major contributors of flows and associated bacteria loading to Ballona Creek and Estuary, are dry- and wet-weather urban runoff discharges from the storm water conveyance system. Run-off to Ballona Creek is regulated as a point source under the Los Angeles County MS4 Permit, the Caltrans Storm Water Permit, and the General Construction and Industrial Storm Water Permits. In addition to these regulated point sources, the Ballona Estuary receives input from the Del Rey Lagoon and Ballona Wetlands through connecting tide gates.

The Los Angeles County MS4 and Caltrans storm water permittees and copermittees are assigned waste load allocations (WLAs) expressed as the number of daily or weekly sample days that may exceed the single sample targets equal to the TMDLs established for the impaired reaches.

Waste load allocations are expressed as allowable exceedance days because the bacterial density and frequency of single sample exceedances are the most relevant to public health protection. According to the TMDL, discharges from general NPDES permits, general industrial storm water permits and general construction storm water permits are not expected to be a significant source of bacteria.

TMDL Waterbody	Pollutant
Ballona Creek, Ballona Estuary and Sepulveda Channel	Total Coliform
	E. coli
	E. coli

16. Total Maximum Daily Load for Metals in the Calleguas Creek Watershed

Three of fourteen reaches in the Calleguas Creek Watershed (CCW) including Revolon Slough, Lower Calleguas Creek – Reach 2, and Mugu Lagoon are identified on the 2002 Clean Water Act Section 303(d) list of water-quality limited segments as impaired due to elevated levels of metals and selenium in water. The 303(d) listings, which were approved by the State Water Resources Control Board in February 2003, require the development of Total Maximum Daily Loads (TMDLs) to establish the maximum amount of pollutants a water body can receive without exceeding water quality standards.

Significant sources of metals and selenium include urban runoff, agricultural runoff, groundwater seepage, and POTW effluent. For mercury, open space was also a significant source. Sources were also analyzed as a function of wet and dry weather.

Higher loads were delivered during wet weather for all constituents, due to the association between metals and particulate matter.

In the case of copper, nickel, and selenium, waste load allocations (WLAs) were developed for both wet and dry-weather. The dry-weather WLAs apply to days when flows in the stream are less than the 86th percentile flow rate for each reach. The wet-weather WLAs apply to days when flows in the stream exceed the 86th percentile flow rate for each reach. Annual mass loads of mercury in suspended sediment were developed according to low, medium, and high annual flow categories. Final WLAs were established for POTWs, permitted storm water dischargers, and for all other NPDES dischargers.

TMDL Waterbody	Pollutant (total recoverable)
Calleguas Creek Reach 1: Calleguas Creek	Copper
	Nickel
Calleguas Creek Reach 2:	Copper
	Nickel
Calleguas Creek Reach 3:	Copper
	Nickel
Calleguas Creek Reach 4:	Copper
	Nickel
	Selenium
Calleguas Creek Reach 5:	Copper

TMDL Waterbody	Pollutant (total recoverable)
	Nickel
Calleguas Creek Reach 5	Selenium
Calleguas Creek Reach 9:	Copper
	Nickel
Calleguas Creek Reach 10:	Copper
	Nickel
Calleguas Creek Reach 11	Copper
	Nickel
Calleguas Creek Reach 12	Copper
	Nickel
Calleguas Creek Reach 13	Copper
	Nickel

17. Total Maximum Daily Load for Salts in the Calleguas Creek Watershed

Eleven of fourteen reaches in the Calleguas Creek Watershed (CCW) are identified on the 2002 Clean Water Act Section 303(d) list of water quality limited segments as impaired due to elevated levels of boron, chloride, sulfate, or total dissolved solids (TDS) (these constitutions are commonly referred to as salts). Sources of salts in the watershed include water supply (water imported from the State Water Project or Freeman Diversion and deep aquifer groundwater pumping), water softeners that discharge to publicly owned treatment works (POTWs), POTW treatment chemicals, atmospheric deposition, pesticides and fertilizers, and indoor water use (chemicals, cleansers, food, etc.). Salts that are transported during dry weather to the surface water are quantified via the following mechanisms: groundwater pumping, groundwater exfiltration, POTWs, dry weather urban and agricultural runoff. Wet weather loadings from each of these sources have the potential to be significant, but tend to be lower in concentration and do not occur during the critical conditions for salts. Wet weather loads are significant from the perspective of transporting stranded salts off the watershed.

The TMDL includes WLAs for five POTWs, permitted storm water dischargers, and all other NPDES dischargers. Concentration-based WLAs are assigned to all other NPDES dischargers based on the Basin Plan objectives.

TMDL Waterbody	Pollutant
Calleguas Creek	Chloride
	Total Dissolved Solids (TDS)
	Sulfate
	Boron

18. Total Maximum Daily Load for Bacteria in the Harbor Beaches of Ventura County

Elevated bacteria indicator densities are causing impairment of the water contact recreation (REC-1) beneficial use at Kiddie Beach and Hobie Beach. Kiddie and Hobie Beach are referenced in the Staff Report as the Harbor Beaches of Ventura County. Bacteria sources in the Harbor Beaches of Ventura County include anthropogenic and non-anthropogenic sources and point and non-point sources. Each of these sources contributes to the elevated levels of bacteria indicator densities at the Harbor Beaches of Ventura County during dry- and wet-weather.

WLAs are expressed as allowable exceedance days. According to the TMDL, discharges from general NPDES permits, general industrial storm water permits and general construction storm water permits are not expected to be a significant source of bacteria.

TMDL Waterbody	Pollutant
Misc Ventura Coastal	Total Coliform

19. Total Maximum Daily Load for OC Pesticides, Polycyclic Aromatic Hydrocarbons (PAHs), Polychlorinated Biphenyls (PCB), and Metals in the Colorado Lagoon

Colorado Lagoon is identified on the 1998, 2002, and 2006 Clean Water Act Section 303(d) lists of water quality limited segments as impaired due to elevated levels of OC pesticides, PCBs, sediment toxicity, PAHs, and metals in fish tissue and sediment. The point sources of OC pesticides, PCBs, PAHs, and metals discharged to Colorado Lagoon are urban runoff and storm water discharges from MS4s and the California Department of Transportation (Caltrans).

Mass-based WLAs for MS4 permittees including the City of Long Beach, Los Angeles County Flood Control District, and Caltrans are allocated to the five major storm drain outfalls that currently discharge to the lagoon. Concentration-based WLAs for sediment are also assigned to these mentioned permittees. For all other point sources such as minor NPDES permits, other storm water and non-storm water permittees, sediment concentration-based WLAs are also assigned.

TMDL Water Body	Pollutant
Colorado Lagoon	Chlordane
	Dieldrin
	Lead
	Zinc
	PAHs
	PCBs
	DDT

20. Total Maximum Daily Load for Bacteria in the Santa Clara River

Elevated bacterial indicator densities are causing impairment of the water contact recreation (REC-1) beneficial use designated for the Santa Clara River (SCR) Estuary and Reaches 3, 5, 6, and 7. Recreating in waters with elevated bacterial indicator densities has long been associated with adverse human health effects. The significant contributors of bacteria loading to the SCR and Estuary are dry- and wet-weather urban runoff discharges from the storm water conveyance system.

General NPDES permits, individual NPDES permits, the Statewide Industrial Stormwater General Permit, the Statewide Construction Activity Stormwater General Permit, and the Statewide Stormwater Permit for Caltrans Activities are assigned WLAs of zero (0) allowable exceedance days of the single sample targets for both dry and wet weather and no exceedances of the geometric mean targets.

Discharges from general NPDES permits, general industrial storm water permits and general construction storm water permits are not expected to be a significant source of bacteria.

TMDL Waterbody	Pollutant
Santa Clara River	Total Coliform
	E. coli

21. Total Maximum Daily Load for Toxics in Machado Lake

Machado Lake is identified on the 1998, 2002, 2006, and 2008 Federal Clean Water Act Section 303(d) lists of impaired water bodies due to chlordane, DDT, dieldrin, Chem A, and PCBs in fish tissue. Chem A (the abbreviation for 'chemical group A') is a suite of bio-accumulative pesticides that includes chlordane and dieldrin. The 1998 303(d) listing (and subsequent listings) for Chem A was predominately based on fish tissue concentrations of chlordane and dieldrin; there was only minimal detection of other Chem A pollutants in 1983 and 1984. Chlordane and dieldrin have been recently detected in fish tissue, while other Chem A pollutants have not been detected in 25 years. Therefore, this TMDL only addresses the Chem A pollutants (chlordane and dieldrin) that are causing impairment.

Because of potential harm to human health and the environment, the use of these pollutants has been banned for many years; however, the physiochemical properties of the pollutants cause them to persist in the environment. These pollutants, bound to soil particles, are easily transported with surface runoff to water bodies. Contaminated sediments accumulate in the receiving water bodies and aquatic organisms are exposed to the toxic pollutants. Sediment toxicity has been documented at Machado Lake, and it is likely that pesticides and PCBs contribute to the toxic condition of the sediments. Moreover, all of these pollutants biomagnify as they move up the food chain, thereby increasing concentrations in higher trophic-lever aquatic organisms and wildlife.

Watershed	Type of Pollutant
Machado Lake	Total PCBs
	DDT (all congeners)
	DDE (all congeners)
	DDD (all congeners)

Watershed	Type of Pollutant
	Total DDT
	Chlordane
	Dieldrin

22. Total Maximum Daily Load for Bacteria in the Los Angeles River

General NPDES permits, individual NPDES permits, the Statewide Industrial Storm Water General Permit, the Statewide Construction Activity Storm Water General Permit, and WDR permittees in the Los Angeles River Watershed are assigned WLAs of zero (0) days of allowable exceedances of the single sample target for both dry and wet weather.

Discharges from general NPDES permits, general industrial storm water permits and general construction storm water permits are not expected to be a significant source of bacteria. Therefore, the WLAs for these discharges are zero (0) days of allowable exceedances for all three time periods and for single sample limits.

TMDL Waterbody	Type of Pollutant
Los Angeles River	E. coli

23. Total Maximum Daily Load for Metals and Toxics in the Los Angeles and Long Beach Harbors

The waters of Dominguez Channel and the Greater Los Angeles and Long Beach Harbor area are impaired by heavy metals and organic pollutants. These water bodies are included on the State's Clean Water Act 303(d) impaired waters list for one or more of the following pollutants: cadmium, chromium, copper, mercury, lead, zinc, chlordane, dieldrin, toxaphene, DDT, PCBs, certain PAH compounds, benthic community effects and toxicity. These impairments exist in one or more environmental media—water, sediment, or tissue. Impairments in fish tissue are for DDT, PCBs, toxaphene, chlordane and dieldrin.

Beneficial uses designated in these waters to protect aquatic life include the marine habitat use (MAR) and rare, threatened or endangered species habitat use (RARE). In addition, the estuaries (EST) are recognized as areas for spawning, reproduction and/or early development (SPWN), migration of aquatic organisms (MIGR), and wildlife habitat (WILD). Dominguez Channel also has an existing designated use of warm freshwater habitat (WARM) and the Los Angeles River Estuary has the designated use of wetland habitat (WET). Beneficial uses associated with human use of these waters include recreational use for water contact (REC1), non-contact water recreation (REC2), industrial service supply (IND), navigation (NAV), commercial and sport fishing (COMM), and shellfish harvesting (SHELL).

TMDL Waterbody	**Pollutant (total recoverable)**
Dominguez Channel and Torrance Lateral	Copper
	Lead
Dominguez Channel and Torrance Lateral	Zinc
Dominguez Channel	Toxicity
Dominguez Channel Estuary and Greater Harbor Waters	Copper
	Lead

TMDL Waterbody	Pollutant (total recoverable)
	Zinc
	4-4'-DDT
	Total PCBs
Dominguez Channel Estuary	PAHs
	Chlordane
	Dieldrin

24. Total Maximum Daily Load for Algae, Eutrophic Conditions and Nutrients in the Ventura River and its Tributaries

The Ventura River Estuary and Reaches 1 and 2 are on the Clean Water Act (CWA) section 303(d) list as impaired for algae and eutrophic conditions. San Antonio Creek and Cañada Larga are on the CWA section 303(d) list as impaired for nitrogen and dissolved oxygen, respectively. Recent data confirm these impairments and demonstrate additional impairments for low dissolved oxygen in the Estuary, San Antonio Creek, and Reaches 1-4. The algae and nutrient related impairments are caused by excessive loading of nutrients, particularly nitrogen and phosphorus, to Ventura River and its tributaries. The water quality impairments due to eutrophication and increased nutrient loading occur during the dry season when algae growth primarily occurs. For purposes related to this TMDL, the dry season is defined as occurring from May 1 to September 30.

Waste load allocations addressing point and non-point sources of nutrients are assigned to discharges to the Ventura River watershed.

TMDL Waterbody	Pollutant
Ventura River	Total Nitrogen
Ventura River	Total Phosphorus

25. Total Maximum Daily Load for Metals in the San Gabriel River

Segments of the San Gabriel River and its tributaries are on the Clean Water Act section 303(d) list of impaired water bodies for copper, lead, zinc, and selenium. The constituents subject to this TMDL are toxic pollutants, and the existing water quality objectives for these constituents reflect national policy that the discharge of toxic pollutants in toxic amounts be prohibited. When one of the constituents subject to this TMDL is present at levels exceeding the existing numeric objectives, then the receiving water is toxic. The beneficial uses impaired by metals and selenium in the San Gabriel River and its tributaries are those associated with aquatic life and water supply, including wildlife habitat, rare, threatened or endangered species, warm freshwater habitat, wetlands, and groundwater recharge.

TMDLs are developed for reaches on the 303(d) list and for reaches where recent data indicate additional impairments. Addressing the impairing metals and selenium throughout the San Gabriel River watershed will ensure that they do not contribute to impairments elsewhere in the watershed. Metals and selenium allocations are therefore developed for upstream reaches and tributaries that drain to impaired reaches.

These TMDLs address dry-weather impairments of copper in the estuary and selenium in San Jose Creek Reach 1 and wet-weather impairments of lead in San Gabriel River Reach 2 and copper, lead, and zinc in Coyote Creek.

TMDL Waterbody	Type of Pollutant
San Gabriel River	San Gabriel River Reach 1: Copper
San Gabriel River	Coyote Creek: Lead

San Gabriel River	Coyote Creek: Copper
San Gabriel River	Coyote Creek: Zinc
San Gabriel River	San Gabriel River Estuary: Copper
San Gabriel River	San Jose Creek Reach 1, Reach 2: Selenium
San Gabriel River	San Gabriel River Reach 2: Lead

26. Total Maximum Daily Load for Metals in the Los Cerritos Channel

Los Cerritos Channel was included on the 1998, 2002 and 2006 California 303(d) lists as an impaired water body for copper, zinc, and lead. (Regional Board, 1998 and California State Water Resources Control Board, 2002 and 2006.)

The NPDES permits in the Los Cerritos Channel Freshwater Watershed include municipal separate storm sewer system (MS4) permits, the California Department of Transportation (Caltrans) storm water permit, general construction stormwater permits, general industrial storm water permits, minor NPDES permits, and general NPDES permits.

Concentration based waste load allocations are established for minor NPDES permits and general non-storm water permits that discharge to the Los Cerritos Channel to ensure that these discharges do not contribute to exceedences of the California Toxic Rule criteria. The waste load allocation for these metals are based on dry and wet weather flows.

TMDL Water Body	**Pollutant (total recoverable)**
Los Cerritos Channel	**Copper**
	Lead
	Zinc

27. Total Maximum Daily Load for Indicator Bacteria in the Long Beach City Beaches and Los Angeles River Estuary

General NPDES permits, individual NPDES permits, the Statewide Industrial Storm Water General Permit, the Statewide Construction Activity Storm Water General Permit, the Statewide General Waste Discharge Requirements for Sanitary Systems, and the Vessel General Permit in the Long Beach City Beaches Watershed are assigned WLAs of zero (0) days of allowable exceedances for all time periods for the single sample targets and no exceedances of the 30-day geometric mean targets because they are not expected to be a significant source of indicator bacteria.

TMDL Water Body	Pollutant
Long Beach City Beaches and the Los Angeles River Estuary	Total Coliform

San Diego Regional Board TMDLs

The following is a listing of TMDLs in the San Diego region that have waste load allocation for general NPDES discharge categories, followed by a general description. Further information on the listed TMDLs can be found at the following website:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/tmdls/index.shtml

28. Total Maximum Daily Load for Metals in Chollas Creek

Chollas Creek was placed on the Clean Water Act (CWA) section 303(d) List of Water Quality Limited Segments (List of Water Quality Limited Segments) in 1996 for the metals copper, lead, and zinc. Storm water samples from Chollas Creek collected between 1994 and 2003 periodically exceeded California Toxics Rule (CTR) water quality criteria for copper, lead, and zinc, dissolved copper, lead and zinc concentrations in Chollas Creek violate numeric water quality criteria for copper, lead, and zinc promulgated in the California Toxics Rule, and the narrative objective for toxicity. Concentrations of these metals in Chollas Creek threaten and impair the designated beneficial uses of warm freshwater habitat (WARM), and wildlife habitat (WILD). For Chollas Creek, essentially all metals sources (point and nonpoint) are discharged through municipal separate storm sewer systems (MS4) that are regulated under waste discharge requirements (WDRs), NPDES Permit. The point source discharges that could affect Chollas Creek are the MS4 discharges, storm

water discharges from industrial sites, and discharges of extracted groundwater. All point source discharges to Chollas Creek will be required to achieve this WLA.

This TMDL establishes concentration-based WLAs set equal to 90 percent of the numeric water quality objectives for copper, lead, and zinc, as defined in the California Toxics Rule. Because the concentration of these metals resulting in toxic effects varies significantly with hardness, the resulting WLAs are hardness dependent.

TMDL Water body	Pollutant
Chollas Creek	Copper
Chollas Creek	Lead
Chollas Creek	Zinc

29. Total Maximum Daily Load for Total Nitrogen and Total Phosphorus in Rainbow Creek

Nitrate, total nitrogen, and total phosphorus concentrations in Rainbow Creek exceed the inorganic chemicals nitrate and biostimulatory substances water quality objectives. These exceedances threaten to unreasonably impair the municipal supply (MUN), warm freshwater habitat (WARM), cold freshwater habitat (COLD), and wildlife habitat (WILD) beneficial uses of Rainbow Creek. Excessive nutrient levels in Rainbow Creek promote the growth of algae in localized areas, creating a nuisance condition, that unreasonably interferes with aesthetics and contact and non-contact water recreation (REC1, REC2) and threatens to impair WARM, COLD and WILD beneficial uses. State highways, agricultural fields and orchards, commercial nurseries, residential and urban areas, and septic tank disposal systems contribute to increased nutrient levels in Rainbow Creek as a result of storm water runoff, irrigation return flows, and ground water contributions to the creek.

WLAs for the discharge of total nitrogen and total phosphorus into Rainbow Creek were established. Identified dischargers of total nitrogen and total phosphorus loading include Caltrans, County of San Diego and nonpoint sources. The TMDL provides WLAs of 2 percent of the total annual TMDL for both total nitrogen and total phosphorus for additional point sources, however the TMDL Implementation Action Plan does not provide for the assignment of WLAs to unidentified point source discharges, effectively resulting in the prohibition of discharges of total nitrogen and total phosphorus into Rainbow Creek.

TMDL Waterbody	Type of Pollutant
Rainbow	Total Nitrogen

Creek	
Rainbow Creek	Total Phosphorus

30. Total Maximum Daily Load Indicator Bacteria in Twenty Beaches and Creeks in the San Diego Region for Direct Discharges Only

Bacteria densities in the Pacific Ocean at various beach and coastal creek mouth segments (referred to hereafter as "beaches") exceed water quality objectives (WQOs) for indicator bacteria. Bacteria densities in ocean water at these beaches unreason ably impair and threaten to impair the water quality needed to support the contact water recreation (REC-1) designated beneficial use. Bacteria densities in the waters of Aliso Creek, San Juan Creek, Tecolote Creek, Forrester Creek, the (lower) San Diego River, and Chollas Creek exceed WQOs for indicator bacteria. Bacteria densities in these creeks unreasonably impair and threaten to impair the water quality needed to support REC-1. The federal Clean Water Act requires the establishment of Total Maximum Daily Loads (TMDLs) for pollutants that exceed the WQOs needed to support designated beneficial uses, i.e., that cause or contribute to exceedances of state "water quality standards".

Unidentified point sources have not been assigned WLAs, which is equivalent to being assigned a WLA of zero. No discharges of bacteria are expected or allowed from unidentified point sources under the dry or wet weather TMDLs.

TMDL Water Body	Pollutant
San Joaquin Hills Hydrologic Subarea & Laguna Hills Hydrologic Subarea	Total Coliform
Aliso Hydrologic Subarea	Total Coliform
Dana Point Hydrologic Subarea	Total Coliform
Lower San Juan Hydrologic Subarea	Total Coliform

TMDL Water Body	Pollutant
San Clemente Hydrologic Subarea	Total Coliform
San Luis Rey Hydrologic Unit	Total Coliform
San Marcos Hydrologic Area	Total Coliform
San Deiguito Hydrologic Unit	Total Coliform
Miramar Reservoir Hydrologic Area	Total Coliform
Scripps Hydrologic Area	Total Coliform
Tecolote Hydrologic Area	Total Coliform
Mission San Diego Hydrologic Subarea & Santee Hydrologic Subarea	Total Coliform
Chollas Hydrologic Subarea	Total Coliform

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants discharged into waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations: 40 C.F.R. section 122.44(a) requires that permits include applicable technology-based limitations and standards, and 40 C.F.R. section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of receiving waters.

A. Technology-Based Effluent Limitations

CWA section 301(b) and 40 C.F.R. section 122.44 require that permits include conditions meeting technology-based requirements at a minimum and any more stringent effluent limitations necessary to meet water quality standards. The CWA requires U.S. EPA to develop effluent limitations guidelines (ELGs), and standards 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). CWA section 402(a)(1) and 40 C.F.R. section 125.3 authorize the use of Best Professional Judgment to derive technology-based effluent limitations on a case-by-case basis when ELGs are unavailable.

This Order does not establish technology-based effluent limitations because U.S. EPA has not established ELGs for the types of discharges this Order authorizes. Moreover, data necessary to develop technology-based effluent limitations on a case-by-case basis using Best Professional Judgment are unavailable. The technology-based effluent limitations in Regional Water Board Basin Plans do not apply because this Order does not cover wastewater treatment facility discharges.

B. Water Quality Based Effluent Limitations

1. Scope and Authority

This Order contains water quality-based effluent limitations (WQBELs) that implement water quality objectives and criteria that protect beneficial uses. CWA section 301(b) and 40 C.F.R. § 122.44(d) require that permits include limitations more stringent than federal technology-based requirements where necessary to achieve applicable water quality standards. According to 40 C.F.R. section 122.44(d)(1)(i), permits must include effluent limitations for all pollutants that are or may be discharged at levels that have a 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, WQBELs must be established using (1) U.S. EPA 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 a narrative criterion, supplemented with relevant information (40 C.F.R. § 122.44[d][1][vi]). The process for determining reasonable potential and calculating WQBELs is intended to achieve applicable water quality objectives and criteria, and to protect designated beneficial uses of receiving waters.

2. Applicable Objectives and Criteria

This Order authorizes discharges to inland surface waters, enclosed bays, estuaries and the ocean, statewide. The water quality objectives and criteria applicable to these receiving waters are contained in the corresponding Basin Plan(s), other water quality control plans, the CTR, and the Ocean Plan.

a. Regional Boards Basin Plans Objectives. Basin Plans specifies various narrative and numeric water quality objectives, including the maximum contaminant levels (MCLs) in California Code of Regulations, title 22. Typical narrative objectives most relevant to this Order are listed below:

i. Toxicity. The toxicity objective typically states, "All waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms." U.S. EPA water quality criteria were used to translate this objective with respect to chlorine. U.S. EPA's recommended 1-hour average acute criterion for chlorine is 0.019 mg/L and its 4-day average chronic criterion is 0.011 mg/L (the acute or chronic criteria are not to be exceeded more than once every three years on average in any single location).

ii. pH. The pH objective typically states, "The pH shall not to be depressed below 6.5 nor raised above 8.5. This encompasses the pH range usually found in waters. Controllable water quality factors shall not cause changes greater than 0.5 units in normal ambient pH levels."

iii. Sediment. The sediment objective typically states, "The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses."

iv. Settleable Material. The settleable material objective typically states, "Waters shall not contain substances in concentrations that result in the deposition of material that cause nuisance or adversely affect beneficial uses."

v. Suspended Material. The suspended material objective typically states, "Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses."

vi. Turbidity. The turbidity objective typically states, "Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases from normal background light penetration or turbidity relatable to

waste discharge shall not be greater than 10 percent in areas where natural turbidity is greater than 50 NTU."

b. California Toxic Rule (CTR) Criteria. The CTR specifies numeric aquatic life and human health criteria for numerous priority pollutants. Some human health criteria are for consumption of "water and organisms" and others are for consumption of "organisms only." The criteria applicable to "water and organisms" apply to many receiving waters subject to this Order because they are potential drinking water sources with the municipal and domestic supply (MUN) beneficial use. In accordance with Resolution 2014-XXXX-XXX-DWQ, this Order grants a SIP exception to the CTR criteria for a number of priority pollutants on the basis that these discharges are less than significant with mitigation, and that mandated activities to protect public safety and health is held paramount.

c. Ocean Plan Water Quality Objectives. The Ocean Plan specifies in Table 1 of the Ocean Plan, numeric water quality objectives for the protection of Marine Aquatic Life and Human Health (Carcinogens and non-carcinogens) for numerous priority pollutants. In accordance with Resolution 2014-XXXX-XXX-DWQ, this Order grants an exception to the Ocean Plan water quality objectives for a number of priority pollutants on the basis that these discharges are less than significant with mitigation, and that mandated activities to protect public safety and health is held paramount.

d. Sediment Quality Objectives. The *Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1, Sediment Quality* contains a narrative water quality objective: "Pollutants in sediments shall not be present in quantities that, alone or in combination, are toxic to benthic communities in bays and estuaries of California." This objective is to be implemented by integrating three lines of evidence: sediment toxicity, benthic community condition, and sediment chemistry. The policy requires that if the Water Board determines that a discharge has reasonable potential to cause or contribute to an exceedance of this objective, it is to impose the objective as a receiving water limit.

3. Need for Water Quality Based Effluent Limitations (Reasonable Potential Analysis)

Assessing whether a pollutant has reasonable potential to exceed a water quality objective or criterion is the fundamental step in determining whether a water quality based effluent limitation is required. As explained below, this Order finds reasonable potential for toxicity (chlorine), sediment, settleable material, suspended material, and turbidity.

a. Analysis for Numeric Objectives and Promulgated Criteria. SIP section 1.3 sets forth the method used for this Order for assessing whether a pollutant has reasonable potential to exceed a numeric water quality objective or promulgated criterion. The analysis begins with identifying the maximum effluent concentration (MEC) observed for each pollutant based on available effluent concentration data

and the ambient background concentration (B). SIP section 1.4.3 states that ambient background concentrations are either the maximum ambient concentration observed or, for water quality objectives intended to protect human health, the arithmetic mean of observed concentrations. There are three triggers in determining reasonable potential:

- Trigger 1 is activated if the maximum effluent concentration is greater than or equal to the lowest applicable water quality objective (MEC $\geq$ water quality objective).

- Trigger 2 is activated if the ambient background concentration observed in the receiving water is greater than the water quality objective (B > water quality objective) *and* the pollutant is detected in any effluent sample.

- Trigger 3 is activated if a review of other information indicates that a WQBEL is needed to protect beneficial uses.

The Ocean Plan also has a method for assessing reasonable potential as described in Appendix V of the Ocean Plan.

These discharges are required to comply with MCLs per DPH's regulations and therefore for pollutants that have MCLs more stringent than the CTR or Ocean Plan water quality objectives, this Order finds those priority pollutants do not have reasonable potential to exceed a water quality objective. However for the remaining priority pollutants for which the MCL is not the most stringent applicable water quality objective, an exception to those objectives has been granted through Resolution 2014-XXXX-DWQ.

b. Analysis for Narrative Objectives. This Order finds reasonable potential for the following pollutants based on available information:

i. Toxicity (Chlorine). This Order translates the narrative toxicity objective with respect to chlorine by using U.S. EPA's water quality criteria for chlorine. Water distribution systems are usually chlorinated to meet the minimum total chlorine residual requirements in California Code of Regulations title 22. According to the most recent Annual Consumer Confidence Reports from various water agencies, the typical average total chlorine residual concentration in a distribution system is about 2.0 mg/L, which is roughly 100 times U.S. EPA's acute water quality criterion of 0.019 mg/L. However, chlorine in water discharges can dissipate from volatilization and reaction with dirt and organic matter on streets and storm drain systems. Based on the analysis in IV.B.4, below, reasonable potential for toxicity exists only for superchlorinated waters and other chlorinated waters that are in closer proximity to receiving waters (within 300 feet).

ii. Sediment, Settleable Material, Suspended Material, and Turbidity. Various discharges may contain sediment. Sediment accumulates at the dead ends of distribution systems during periods of low water demand. The sediment within a system must be flushed periodically. ~~Raw~~ Untreated water

may contain sediment due to naturally occurring minerals and organic debris. Trench dewatering can result in relatively high sediment loads, depending on soil type, flow rate and duration, and excavation size. Rehabilitation of inactive wells may result in sediment discharges, and discharges from new well development may also have high sediment loads. After a well is drilled, drilling mud, cuttings, and loose sediment must be removed from the bottom of the well and around the screen.

Discharges can also contribute to sedimentation and erosion within receiving waters when discharge flows and volumes are high. Such discharges can dislodge sediment and transport it to receiving waters, or destabilize and erode shorelines or other natural receiving water features.

c. **Analysis for Sediment Quality.** Pollutants in some receiving water sediments may be present in quantities that alone or in combination are toxic to benthic communities. Efforts are underway to identify stressors causing such conditions. Owing to the relative clean nature of treated~~potable~~ water, it is unlikely that these discharges would contribute to sediment toxicity. However, to date there is no evidence either way; therefore, the State Water Board cannot draw a definitive conclusion about reasonable potential for these discharges to cause or contribute to exceedances of the sediment quality objectives.

4. WQBELs

This Order contains WQBELs for pollutants with reasonable potential (i.e., chlorine, sediment, settleable material, suspended material, and turbidity). Regulations at 40 C.F.R. section 122.44(k)(3) require numeric WQBELs unless numeric WQBELs are infeasible. This Order contains numeric chlorine and turbidity WQBELs and narrative WQBELs for sediment, settleable material, and suspended material, through BMPs as set forth in Provision VIII.C.2 of this Order. Narrative WQBELs are appropriate because there is no readily available means to translate the sediment, settleable material, and suspended material objectives into numeric WQBELs appropriate for the many receiving waters that could be affected by the discharges covered by this Order.

All 126 priority pollutants have also been considered as well as the pollutants with Ocean Plan water quality objectives. The pollutants with MCLs as the most stringent water quality objective have shown no reasonable potential because these discharges are already required to comply with MCLs per DPH's regulations. For the remaining pollutants a categorical SIP and an Ocean Plan exception has been granted so no need for WQBELs for these pollutants. In addition this Order imposes implementation of BMPs for all discharges as an effluent limitation.

This Order imposes numeric WQBELs for total residual chlorine and turbidity because it is feasible to calculate numeric WQBELs for these pollutants. Also, field test kits are readily available to measure them, so it is feasible to collect representative total residual chlorine and turbidity data.

The total chlorine residual WQBEL is 0.019 mg/L based on U.S. EPA's acute water quality criterion for chlorine, which is expressed as a one-hour average. The numeric WQBEL for total residual chlorine is applicable to the following discharges: (1) superchlorinated discharge, and (2) chlorinated discharges located within 300 feet of a receiving water body. These discharges pose a reasonable potential to cause exceedance of water quality objective for toxicity in the receiving water due to the elevated residual chlorine concentrations found in super-chlorinated water and proximity to receiving waters.

The Turbidity WQBEL is set at 5~~1~~00 NTU as a daily average for discharges to inland surface waters, enclosed bays and estuaries, and at 500~~225~~ NTU for discharges to the Ocean based on Regional Boards' Basin Plans and the State Water Board's Ocean Plan water quality objectives.

According to a controlled field study conducted by East Bay Municipal Utilities District (EBMUD), when dechlorination BMPs are properly implemented, the total chlorine residual concentration in chlorinated discharges is fully neutralized within 200 feet to concentrations below a minimum level of 0.1 mg/L (Tikkanen et. al, 2001, *Guidance Manual for Disposal of Chlorinated Water*). The study analyzed samples from nine fire hydrants discharging at varying flow rates and treated with dechlorination BMPs within the EBMUD jurisdiction. Similarly, the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) analyzed samples from ten fire hydrants discharging at varying flow rates and treated with dechlorination BMPs in the Cities of Palo Alto, San Jose and Sunnyvale. Based on the SCVURPPP study, eight of the discharge events monitored achieved full neutralization (to concentrations below 0.1 mg/L) by 160 feet. The two remaining discharge events spiked above the minimum level of 0.1 mg/L, but ultimately achieved full neutralization within 425 feet. The spike in concentration was suspected to be due to turbidity interference.

Based on these data, the State Water Board determines that discharges where dechlorination BMPs have been properly implemented that are more than 300 feet from a receiving water body do not pose a reasonable potential to exceed the applicable total residual chlorine water quality objective. Thus, the numeric WQBEL is not applicable to such discharges.

C. Discharges Not Authorized By This Order

1. Discharges other than those required to enroll per S~~s~~ection I of this Order or discharges other than those authorized in the Notice of Applicability issued by the Deputy Director of Water Quality.

2. Discharges to a water of the U.S. with a total maximum daily load (TMDL) ~~that prescribes a waste load allocation~~ where the Regional Water Board finds that additional permit requirements are necessary to address waste load allocations for

pollutants in a specific discharge from a specific drinking water systems~~to a water purveyor, as listed in Attachment G of this Order, where the Deputy Director of Water Quality or regional water board Executive Officer does not determine that the requirements of this Order are consistent with the assumptions and requirements of the waste load and allocation and are sufficient for the water purveyor to comply with its waste load allocations or other TMDL requirements imposed directly on the water purveyor~~.

3. Discharges of new drinking water systems (not an expansion of an existing system) into an impaired water body that is impaired for a constituent that exists in the new discharge at a concentration greater than the criteria used to establish the impairment of the water body.

4. Direct discharges into areas designated by the State Water Board as Areas of Special Biological Significance (ASBS).

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

The receiving water limitations require compliance with federal and State water quality standards in accordance with the CWA and regulations adopted thereunder, and are based on narrative and numeric water quality objectives in the Regional Water Boards' Basin Plans and State Water Board's Ocean Plan.

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (Attachment E) of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the Monitoring and Reporting Program of this Order.

A. Effluent Monitoring

1. Pursuant to the requirements of 40 CFR 122.44(i)(2), reporting of effluent monitoring is required for all constituents with effluent limitations. Effluent monitoring is necessary to assess compliance with effluent limitations, assess the effectiveness of the implemented BMPs and treatment process (where applicable), and to assess the impacts of the discharge on the receiving water.

2. Effluent limitations have been established in this Order for chlorine residual and turbidity. Monitoring has been established in this Order to determine compliance with the effluent limitations.

B. Receiving Water Monitoring

1. Surface Water

a. Receiving water monitoring is necessary to assess compliance with receiving water limitations as a result of a direct discharge that is not in compliance with this Order, and to assess the impacts of the non-compliant discharge on the receiving water.

b. This ~~General~~ Order requires Dischargers to maintain a log of the receiving water conditions during non-compliant discharge events, giving attention to floating or suspended matter; trash, discoloration; bottom deposits; aquatic life; visible films, sheens, or coatings; fungi, slimes, or objectionable growths; and potential nuisance conditions.

C. Other Monitoring Requirements

1. **Post-Discharge Report.** This ~~General~~ Order requires Dischargers to submit a post-discharge report after each ~~non-compliant~~ discharge that has the potential to endanger human health and ~~an adverse effect or impact on beneficial uses of the receiving water~~safety.

VII. RATIONALE FOR 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. The discharger must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR 122.42.

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) 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 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

a. The reopener provisions allow the State Water Board to reopen this Order in accordance with 40 CFR §122.62.

b. Total Residual Chlorine. The State Water Board is developing a draft chlorine policy, which when adopted is intended to establish consistent standards and implementation procedures for regulating chlorine statewide. This reopener allows the State Water Board to reopen this Order to include a revised reporting level to determine compliance with effluent limitations for total residual chlorine if a statewide policy for total residual chlorine is adopted during the term of this Order.

2. Implementation of Best Management Plans

a. Best Management Practice (BMP) Plan. Water purveyors may have numerous intentional and unintentional releases of water to surface waters and surface water drainage courses due to many factors, including system failures, pressure releases, and pipeline/tank flushing and dewatering. For the purposes of this Order, these multiple discharges shall be considered a project. Water purveyors covered by this Order may include irrigation districts, water districts, and water agencies that use the drinking water system for the primary use of delivering safe drinking water to its customers. Water purveyors with more than one discharge point shall identify and report representative monitoring locations in accordance with the requirements of Attachment E. This provision is based on CWA section 304(e) and 40 C.F.R. section 122.44(k), which authorize the Regional Water Board to require implementation of BMPs when necessary to achieve effluent limitations and standards. The BMPs serve as narrative WQBELs for toxicity from chlorine, sediment, settleable material, suspended material, and turbidity. The BMPs are necessary to prevent toxicity from total chlorine residual and control sedimentation and erosion in receiving waters.

b. BMP Iterative Approach

Where a discharge does not achieve compliance with the requirements of this Order, the Discharger shall determine the source of non-compliance, and develop and implement new or revised BMPs as necessary. As part of this process, the Discharger shall validate the effectiveness of any new or revised BMPs to achieve the requirements of this Order. Corrective actions to address all non-compliant discharges shall be reported to the State Water Board in the annual report, as required in the Monitoring and Reporting Program (Attachment E) of this Order. A log of additional or revised BMPs implemented to address non-compliance shall be made available upon request by staff of the State and/or Regional Water Board.

VIII. PUBLIC PARTICIPATION

The State Water Board adopted waste discharge requirements that serve as this general NPDES permit for low threat discharges from drinking water systems on September ~~August~~ XX, 2014. As a step in the Board adoption process, the State Water Board staff developed a draft Order. The State Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The State Water Board has notified interested agencies, parties, and persons of its intent to consider adoption of this general Order for low threat discharges from drinking water systems and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided to interested parties through specific mailings, distribution through the Water Board Lyris Email System and through publication in the following newspapers for the following communities:

- Inter-City Express - Alameda County
- Tahoe Daily Tribune - Alpine County
- Fresno Bee - Fresno County
- Imperial Valley Press - Imperial County
- Los Angeles Daily Journal - LA County
- Orange County Recorder - Orange County
- Daily Recorder - Sacramento County
- San Diego Commerce - San Diego County
- New Times - San Luis Obispo County
- Record Searchlight - Shasta County
- Sonoma County Herald - Sonoma County

B. Public Comments

A draft Order was issued for public comment and review on June 6, 2014. Interested persons were invited to submit written comments concerning the draft Order. The State Water Board considered comments that were submitted either in person or by email or standard mail, in accordance with the public notice issued for this Order.

For State Water Board staff and the State Water Board to be fully responsive and consider public comments, all comments were required to be submitted to the State Water Board by noon on August 19~~July 8~~, 2014. The State Water Board heard public comments at a Public Hearing held on August ~~July 1~~5, 2014.

C. Public Hearing

The State Water Board held a public hearing on the draft Order during its regular Board meeting on the following date and time and at the following location:

Date: August 5, ~~15 July~~ 2014
Time: 9:00 a.m.
Location: California Environmental Protection Agency Headquarters Office
1001 I Street, 2nd Floor
Sacramento, CA 95814

Interested persons were invited to attend. At the public hearing, the State Water Board heard testimony, if any, pertinent to the subject discharges, and this Order. Oral testimony was heard; however, for accuracy of the record, important testimony was required to be submitted in writing.

All pertinent dates, documents and agendas were kept updated and accessible on the NPDES Program Page of the State Water Board website at the following web address: http://www.waterboards.ca.gov/water_issues/programs/npdes/.

D. Waste Discharge Requirements

This Order serves as statewide Waste Discharge Requirements (WDRs) pursuant to California Water Code, article 4, chapter 4, division 7 (commencing with § 13260). This Order is also issued pursuant to federal Clean Water Act (CWA) section 402 and implementing regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA), and California Water Code chapter 5.5, division 7 (commencing with § 13370). This Order shall serve as a statewide general NPDES permit for point source discharges from single or multiple discharge points to surface waters, storm drains, and other storm water conveyances leading to waters of the U.S.

Due to the drought conditions and the State of California water conservation goals, the State Water Board encourages water purveyors with a discharge authorized under this Order to place the discharge water to multiple uses or a beneficial reuse. The multiple use or beneficial reuse of the discharges authorized under this Order are not required to obtain coverage under waste discharge requirements if the discharge is collected and reused for landscape irrigation or other uses in a manner that augments the existing supply, or if the discharge is directly or indirectly discharged to:

- Storm water capture basin(s),
- Low impact development features
- Other groundwater-recharge system(s), or

Discharges from drinking water systems to land that do not drain to waters of the U.S. do not need authorization to discharge under an NPDES permit. Although discharges to groundwater may require waste discharge requirements issued by the State and/or Regional Water Boards, as an incentive to promote multiple uses of ~~potable and~~ treated ~~drinking~~ water, the State Water Board will not require waste discharge requirements or monitoring for such discharges from water systems regulated under this Order that are beneficially reused. A water purveyor must estimate and report in its annual report, the quantity of water that would otherwise have been discharged but is used multiple times or is beneficially reused for this provision to apply.

E. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding this Order must register on the Drinking Water Systems Discharge Permit lyris listing at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml, by selecting 'Water Quality Topics', then selecting 'Drinking Water Systems Discharges'.

F. Additional Information

Requests for additional information or questions regarding this Order should be directed to Ms. Diana Messina, staff of the State Water Board, at diana.messina@waterboards.ca.gov.

ATTACHMENT G – Water Bodies with Total Maximum Daily Loads (TMDLs) and Wasteload Allocations (WLAs) to Water Purveyors

NOTE: THE FOLLOWING HIGHLIGHTED TEXT IN THIS ATTACHMENT IS NEW PROPOSED LANGUAGE ADDED TO THE DRAFT PERMIT ISSUED ON JUNE 6, 2014.

As of the adoption date of this Order, no TMDLs have established WLAs that apply ~~exclusively~~ to discharges from drinking water systems regulated under this Order. Due to the nature of the discharges authorized under this Order, it is unlikely that these discharges contribute to the impairment of the TMDL-related water bodies; therefore existing TMDL-related requirements that include WLAs to general categories of discharges are not applicable.

This Attachment is reserved for the State Water Board to include additional permit requirements if approved in a subsequent permit renewal or reopener process to implement future TMDLs that~~:~~ contain WLAs imposed on drinking water system discharges, including assumptions and requirements related to those drinking water system discharges. ~~:~~

~~(1) address pollutants likely to be in discharges from drinking water systems, and~~
~~(2) allocate waste loads specifically to water purveyors regulated under this Order.~~

ATTACHMENT H - MAP OF THE REGIONAL WATER QUALITY CONTROL BOARDS

To find the Regional Water Board for a particular location, click on the map or enter a street address at the following website:*http://www.waterboards.ca.gov/waterboards_map.shtml#rwqcbs*

Or click on the map below: