

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California

DRAFT ORDER NO. R3-2023-0044

AMENDING ORDER NO. R3-2019-0089
GENERAL WAIVER FOR SPECIFIC TYPES OF DISCHARGES

WHEREAS, the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) finds that:

BACKGROUND

1. On September 20, 2019, the Central Coast Water Board adopted Order No. R3-2019-0089, *General Waiver for Specific Types of Discharges* (2019 General Waiver). As authorized by Water Code section 13269, the 2019 General Waiver conditionally waives waste discharge requirements for the specific types of discharges listed in the 2019 General Waiver, Attachment A,¹ and the requirement to submit a report of waste discharge for the specific types of discharges in Attachment A, Section A, provided that the associated conditions are met. The listed discharges will not have significant effects on water quality provided that the discharger complies with the corresponding conditions. This amendment adds discharge of Residual Wastewater from Reverse Osmosis Drinking Water Supply Treatment Systems to the list provided in Attachment A, Section A.
2. Groundwater supplying potable drinking water² used in individual residences and small communities that are not served by public water systems, particularly those in rural areas, is commonly degraded by nitrate and various other pollutants.
3. Reverse osmosis (RO) systems are often installed to produce high-quality, potable drinking water for individual residences and small communities. This amendment authorizes waste discharges from RO drinking water treatment systems into an existing onsite wastewater treatment system (OWTS) where the water provided by the small water system or private domestic well exceeds the primary maximum contaminant level (MCL) for nitrate or is under threat of not meeting the MCL for nitrate.
4. Residual wastewater from the RO systems (RO concentrate) may contain concentrations of nitrate, arsenic, hexavalent chromium, and other various salts and

¹ Subsequent references to "Attachment A" in this Order means the 2019 General Waiver, Attachment A.

² Potable water is specifically used as drinking water and does not include water treated for industrial, commercial, or agricultural use.

minerals that could pose a threat to water quality, if not properly managed. When a sanitary sewer collection system is not available, residual RO waste streams with nitrate may be disposed of to an onsite wastewater treatment system (OWTS or septic system).

5. If properly managed, discharges of RO concentrate to OWTS do not pose a significant threat to water quality because (1) the RO concentrate recombines with domestic wastewater prior to disposal, causing only a minimal net increase in salts and minerals and (2) research confirms that when RO concentrate is discharged to properly functioning OWTS, the OWTS can significantly reduce nitrate concentrations through denitrification. Specifically, three RO drinking water treatment pilot projects in Monterey County conducted by a University of California, Los Angeles research team demonstrated reduction of nitrate concentrations when the RO concentrate was discharged directly to an OWTS.³
6. State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*, requires the Central Coast Water Board, in regulating the discharge of waste, to maintain high quality waters of the state until it is demonstrated that any change in quality will be consistent with the maximum benefit to the people of the state, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in regional and state policies. The Water Quality Control Plan for the Central Coastal Basin (Basin Plan), in Chapter 5, Section I.B and Appendix A-2, implements and incorporates by reference both the state and federal antidegradation policies.. The discharge authorized by this order amending the 2019 General Waiver is consistent with Resolution No. 68-16 because the discharge is subject to conditions, is not expected to pose a significant threat to waters of the state and is consistent with the maximum benefit to the people of the state. The discharges regulated by this amending order to the 2019 General Waiver are further discussed in Attachment A, Section A, Item 7.
7. This amendment to the 2019 General Waiver supports the state-wide priority to ensure all Californians have access to safe and affordable drinking water, including State Water Board Resolution No. 2016-0010 and Central Coast Water Board Resolution No. R3-2017-0004. Groundwater in rural areas of the Central Coast is more likely to be degraded by nitrate. Residents of rural areas are also historically at higher risk of being underrepresented and/or economically disadvantaged and often have limited access to safe drinking water. Additionally, this amendment streamlines permitting and clarifies requirements for treatment system wastes in cases where treatment is required to meet public health standards or where drinking water is at threat of not meeting public health standards (drinking water maximum contaminant levels, or MCLs).

³ UCLA reports and correspondence are available on GeoTracker for the three projects at: (1) Bluerock View https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000012707 (2) Pryor Farms https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000012702 (3) Santa Teresa https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000012978

PROPOSED AMENDMENT

8. As authorized by Water Code section 13269, this amendment adds Residual Wastewater from Reverse Osmosis Drinking Water Supply Treatment Systems to the discharge categories covered by the 2019 General Waiver, Attachment A, Section A, provides conditions for the discharge of Residual Wastewater from Reverse Osmosis Drinking Water Supply Treatment Systems for small water systems and private domestic where the water provided exceeds the primary maximum contaminant level (MCL) for nitrate or is under threat of not meeting the MCL for nitrate.
9. RO concentrate from RO drinking water treatment systems that are installed to remove or decrease nitrate concentrations may be discharged into an existing OWTS under the conditions provided in Attachment A, Section A, Item 7.
10. For dischargers enrolled in the 2019 General Waiver prior to this modification, a new report of waste discharge is not required at the time this amendment is adopted.

CEQA

11. The Central Coast Water Board is the lead agency for this project pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code sections 21100 et seq.). The Central Coast Water Board conducted an Initial Study in 2002 in accordance with California Code of Regulations (CCR), title 14, section 15063. The Central Coast Water Board adopted a negative declaration on October 11, 2002, concurrently with the adoption of Resolution No. R3-2002-0115, *Waiver of Waste Discharge Requirements for Specific Types of Discharges*. The Central Coast Water Board prepared an addendum to the Negative Declaration (2019 General Waiver, Attachment B) concurrent with the adoption of the 2019 General Waiver. The Central Coast Water Board has determined that this amendment does not result in substantial changes to the 2019 General Order, there have not been any substantial changes with respect to the circumstances under which the 2019 General Waiver is undertaken, and there is no new information of substantial importance since the Negative Declaration was adopted. Therefore, consistent with title 14, CCR sections 15162 and 15164, an addendum to the Negative Declaration is appropriate.

PUBLIC NOTICE

12. The Central Coast Water Board has notified interested agencies and persons of its intent to amend the 2019 General Waiver to include this type of discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written comments and recommendations.
13. The Central Coast Water Board has considered all comments pertaining to the discharge.

Any aggrieved person may petition the State Water Board to review the decision of the Central Coast Water Board regarding this order amending the General Waiver for Specific Types of Discharges Order No. R3-2019-0089. The petition must be received

by the State Water Board at the following address within 30 calendar days of the Central Coast Water Board's action:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

For instructions on how to file a petition for review, see:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml

IT IS HEREBY ORDERED THAT:

1. Residual wastewater from reverse osmosis drinking water supply treatment systems is included in the discharge categories covered by Order No. R3-2019-0089, and the table in Finding 3 is amended to include the discharge.
2. Attachment A, Section A of Order No. R3-2019-0089, *General Waiver for Specific Types of Discharges*, is amended as shown in Attachment 1 to this order.
3. Staff is directed to prepare and post a conformed copy of Order No. R3-2019-0089 incorporating the revisions made by this order.

I, Matthew T. Keeling, Executive Officer of the California Regional Water Quality Control Board, Central Coast Region, do hereby certify that this order with all attachments is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Central Coast Region on **August XX, 2023**.

Matthew T. Keeling
Executive Officer

Attachments

1. Attachment A, Order No. R3-2019-0089, additions and edits highlighted
2. Attachment B, IS/ND Addendum

R:\RB3\Shared\WDR\General Waiver for Specific Types of Disch\2023 Revisions\R3-2023_00XX_GenWaiver RO Discharge_051723.docx