

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION

BOARD ORDER NO. R6T-2003-0034

**NPDES NO. CAG996001**

FOR

**REVISED WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT  
DISCHARGE ELIMINATION SYSTEM  
GENERAL PERMIT FOR  
LIMITED THREAT DISCHARGES TO SURFACE WATERS**

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The California Regional Water Quality Control Board, Lahontan Region (Regional Board), finds that:

1. Discharger

Individuals, public agencies, private businesses, and other legal entities (hereafter Discharger) often need to discharge high quality or relatively pollutant-free water that poses little or no threat to water quality and the environment. This Region-wide General National Pollutant Discharge Elimination System (NPDES) Permit (General Permit) regulates certain categories of these discharges to waters of the United States.

2. Permit History

Waste Discharge Requirements (WDRs) for limited threat discharges resulting from dewatering and pump testing activities were adopted on June 4, 1998, under NPDES Permit No. CAG996001 entitled *NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT FOR LIMITED THREAT DISCHARGES TO SURFACE WATERS* (Board Order No. 6-98-36).

3. Reason for Action

Board Order No. 6-98-36 has a June 4, 2003 expiration date. In reissuing this General Permit the Regional Board is revising waste discharge requirements as part of a State-wide effort to conform to current regulations, and a Region-wide effort to increase coverage of limited threat discharges that may not be currently permitted or may be subject to an individual NPDES permit when a general permit would be more appropriate. The purposes of this Order are to update NPDES Permit No. CAG996001 and the associated monitoring and reporting program, incorporating provisions of the applicable regulations and policies, and expanding the types of discharges covered.

4. Justification for the General Permit

There are numerous discharges to surface waters from similar sources that do not contain significant quantities of pollutants. Many of these discharges are more appropriately regulated under a general permit rather than an individual permit. Regulating these discharges under a general permit provides adequate control, monitoring, and reporting requirements.

40 Code of Federal Regulations (CFR) 122.28 provides for the issuance of general permits to regulate discharges of wastes that are generated from similar sources. On September 22, 1989, the United States Environmental Protection Agency (USEPA) and the State Water Resources Control Board (SWRCB) entered into a memorandum of agreement which authorized and established procedures for the SWRCB and the Regional Boards to issue general NPDES permits in accordance with 40 CFR 122.28.

5. Enrollment Criteria

To be authorized by this General Permit, discharges must meet the following criteria:

- a) Pollutant concentrations in the discharge do not (1) cause, (2) have a reasonable potential to cause, or (3) contribute to an excursion above any applicable federal water quality criterion promulgated by the USEPA pursuant to the Clean Water Act (CWA) Section 303, or water quality objective adopted by the Regional Board or the SWRCB, including discharge prohibitions for the receiving waters in the Lahontan Region.
- b) Pollutant concentrations in the discharge will not cause or contribute to degradation of water quality or impair beneficial uses of receiving waters.
- c) The discharge does not cause acute or chronic toxicity in the receiving waters.
- d) Discharge to land is not a practical alternative based on information provided by the discharger.

6. Obtaining Permit Authorization

To obtain authorization for discharges under this General Permit, the owner or developer responsible for the project must submit a Notice of Intent (NOI) with an appropriate fee, and a Best Management Practices (BMPs) Plan (Attachment E) to control the discharge. BMPs shall include disposal practices to ensure compliance with the General Permit. The discharger shall be required to conduct monitoring and reporting and should submit any available data relevant to the discharge and the receiving water with the NOI. The owner or developer shall be authorized to discharge under the terms and conditions of this General Permit only after receiving a written Notice of Applicability (NOA) from the Regional Board Executive Officer, or his or her designee.

7. Individual Waste Discharge Requirements

The Regional Board may determine that a waste discharge eligible for coverage by this

General Permit is more appropriately regulated under an individual NPDES permit, another general NPDES permit, or general or individual WDRs for discharges to land. In such cases, the applicant shall be notified of the alternative requirements. The applicability of this General Permit for the discharge is immediately terminated on the date that the applicant is notified in writing by the Regional Board Executive Officer that the General Permit for the discharge is revoked or denied.

8. Land Disposal

The Regional Board encourages the disposal of wastewater on land where practicable, and requires applicants for this General Permit to evaluate land disposal as a first alternative. Where evidence shows that year-round land disposal is not practicable, the Regional Board requires dischargers to evaluate dry season land disposal as an alternative. Discharge under this General Permit will only be authorized when land disposal is not a feasible option based on information or evidence provided by the applicant within the NOI. The information provided will be reviewed on a case-by-case basis. Such information may include, but is not limited to, considerations of the availability of land for disposal, the quantity and timing of the discharge, effects on groundwater quality, cost, disruptions (to services, plant or animal communities, endangered species, etc.), and other relevant factors.

9. Discharge Characteristics

This General Permit meets the requirements of 40 CFR 122.28(a)(2)(ii) for general permits. Waste discharges permitted under this Order:

- a) Involve similar threats to water quality;
- b) Involve similar type of wastes;
- c) Require similar effluent limitations;
- d) Require similar monitoring; and
- e) Are more appropriately controlled under a general permit than individual permits.

10. Discharge Categories Covered Under This Permit

This General Permit covers discharges of pollutants to surface waters that constitute low-threat waste loads meeting criteria specified in this General Permit. This General Permit covers discharges from the following sources provided that the discharge does not contain significant quantities of pollutants that could adversely affect designated beneficial uses:

- a) Diverted stream flows;
- b) Construction dewatering;
- c) Dredge spoils dewatering;

- d) Subterranean seepage dewatering;
- e) Well construction and pump testing of aquifer supplies;
- f) Geothermal well testing;
- g) Hydrostatic testing, maintenance, repair, and disinfection of potable water supply pipelines, tanks, reservoirs, etc.;
- h) Water treatment plant backflushing, residuals, and wasting;
- i) Fire hydrant testing or flushing;
- j) Hydrostatic testing of newly constructed pipelines, tanks, reservoirs, etc., used for purposes other than potable water supply (gas, oil, reclaimed water, etc.).

This General Permit is intended to regulate the limited threat discharges identified above. It is not intended for ground water contamination cleanup projects or to regulate discharges that contain industrial chemicals, chlorinated hydrocarbons, or organic pollutants, herbicides, pesticides, oil and grease, radioactivity, salinity or any substance or physical property in significant quantities that may adversely affect beneficial uses or cause acute or chronic toxicity to aquatic life in the receiving waters for the discharge.

Discharges to a sanitary sewer do not need regulatory coverage under the NPDES Program, although the agency controlling the sanitary sewer may specify requirements for discharges to its conveyance and/or treatment system.

#### 11. Flow Characteristics and Rates

Many of the discharges authorized by this General Permit are expected to be short-term, seasonal, or intermittent. Discharge and receiving water flow rates shall be considered but are not necessarily a limiting factor in the applicability of this General Permit for a specific discharge, except for discharges that are granted a categorical exception to the California Toxics Rule (see Finding No. 19, below). The discharge flow characteristics, and anticipated flow rates and volumes, shall be specified in the NOI.

#### 12. Discharge Classes

If an individual discharge is classified as a major discharge based on SWRCB or USEPA criteria and regulations, this General Permit will not be applicable to the discharge.

#### 13. Water Quality Characteristics

Water quality characteristics and potential pollutants of concern for the discharge categories identified in Finding No. 10 are tabulated below. Intermittent testing will be required throughout the period of discharge to ensure compliance with requirements related to the constituents of concern for particular discharges.

**POTENTIAL CONSTITUENTS OF CONCERN**

<b>Discharge Category</b>	<b>Potential Constituents of Concern</b>
a) Diverted stream flows	Sediments, turbidity, detritus
b) Construction dewatering	Sediments, turbidity, construction materials, total petroleum hydrocarbons
c) Dredge spoils dewatering	Sediments, turbidity, nutrients (N, P), total petroleum hydrocarbons
d) Subterranean seepage dewatering	Sediments, total dissolved solids, total petroleum hydrocarbons
e) Well construction and pump testing of aquifer supplies	Sediments, total dissolved solids
f) Geothermal well testing	Sediments, total dissolved solids, metals, heat
g) Hydrostatic testing, maintenance, repair, and disinfection of potable water supply pipelines	Minor adhesives, scale, corrosion products, hardness, chlorine, rust, iron
h) Water treatment plant backflushing, residuals, and wasting	Filter sludge, water treatment chemicals, iron, chloride, aluminum sulfate, chlorine, algae, metals
i) Water supply system flushing and flow testing	Sediment, total dissolved solids, scale, corrosion products, chlorine
j) Hydrostatic testing of new pipelines, tanks, reservoirs, etc., used for purposes other than potable water supply	Scale, corrosion products, total petroleum hydrocarbons

14. Effluent Limitations

It is not feasible or practical to establish numeric effluent limitations for pollutants in discharges from the above-cited limited-threat discharge sources. Instead, the provisions of this General Permit require implementation of BMPs to control and abate the discharge of pollutants to surface waters and to achieve compliance with Best Available Technology Economically Achievable (BAT)/Best Conventional Pollutant Control Technology (BCT) requirements and with applicable water quality standards.

Federal regulations require effluent limitations for all pollutants that are or may be discharged at a concentration causing or having reasonable potential to cause, or contribute, to in-stream excursions above narrative or numerical water quality standards. Based on the enrollment criteria and application and other information required as part of this General Permit, authorized discharges are not expected to cause or contribute to an in-stream excursion above a water quality objective. Effluent limits for these discharges are not feasible to establish at this time. Additional information and water quality monitoring data will be obtained during the term of this General Permit, and used to assess whether effluent

limits may be needed. If necessary this permit may be re-opened and modified to include effluent limits.

15. Basin Plan

In compliance with the Porter-Cologne Water Quality Control Act, the Regional Board adopted an updated *Water Quality Control Plan for the Lahontan Region* (Basin Plan) that became effective on March 31, 1995. The Basin Plan incorporates SWRCB plans and policies by reference, contains beneficial use designations and water quality objectives for all waters of the Lahontan Region, and provides a strategy for protecting beneficial uses of surface and ground waters throughout the Lahontan Region. The Basin Plan can be accessed on the Internet at <http://r6sweb/R6PM/PDF/BPLAN.PDF>, reviewed at the Regional Board office, or purchased at a nominal cost.

16. Beneficial Uses - Surface Waters

Designated beneficial uses of surface waters for many locations within the Lahontan Region include: municipal and domestic supply and agricultural supply (MUN, AGR); ground water recharge and freshwater replenishment (GWR, FRSH); water contact and non-contact recreation (REC-1, REC-2); cold freshwater habitat, spawning, reproduction, and development, commercial and sport-fishing (COLD, SPWN, COMM, respectively); wildlife habitat (WILD); water quality enhancement and flood peak attenuation/flood water storage (WQE, FLD).

Select locations may also include designations for: industrial service supply (IND), industrial process supply (PRO), hydropower generation (POW), navigation (NAV), preservation of biological habitats of special significance (BIOL), aquaculture (AQUA), warm freshwater habitat (WARM), inland saline water habitat (SAL), rare, threatened, or endangered species (RARE), and migration of aquatic organisms (MIGR).

Table 2-1 in the Basin Plan may be consulted for the beneficial use designations for any specific water body.

17. Beneficial Uses - Ground Water

Designated beneficial uses of ground water for typical locations within named ground water basins in the Lahontan Region are municipal and domestic, agricultural, and industrial supply and fresh water recharge (MUN, AGR, IND, FRSH, respectively). Select named ground water basins include designations for aquaculture and wildlife habitat (AQUA, WILD). Unnamed ground water basins have the MUN designation. Table 2-2 in the Basin Plan may be consulted for the beneficial use designations for any specific ground water basin.

18. Clean Water Act Standards

Effluent limitations, and toxic and pretreatment effluent standards established pursuant to Sections 301, 302, 304, and 307 of the CWA and amendments thereto are applicable to the discharge.

19. California Toxics Rule

The USEPA promulgated the California Toxics Rule (CTR) in May 2000. The CTR, which is codified in 40 CFR section 131.38, establishes numeric criteria for toxic priority pollutants for California's inland surface waters, enclosed bays, and estuaries. Concurrently with the CTR adoption, the SWRCB adopted a Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP).

The SIP establishes procedures for assessing priority pollutants requiring water quality-based effluent limitations, and for calculating limits where necessary to maintain water quality objectives. Compliance requires Regional Board analysis to determine whether priority pollutants are present that require effluent limitations to prevent violations of receiving water quality objectives. The determination must be made with data of the quality required in the SIP for each of 126 priority pollutants (See Attachment A). If pollutants are present that may cause or contribute to violations of an applicable federal water quality criterion for receiving waters or effluent limits are deemed necessary, coverage under the General Permit may be denied or revoked by the Regional Board Executive Officer, as this General Permit does not contain effluent limitations.

If recent high quality data for a water source is not available, sampling and analyses for CTR priority pollutants is required. Where feasible, such analyses should be performed prior to discharge. However, in some cases that may not be feasible. Based on the limited threat discharge categories, priority pollutants are generally not anticipated at levels that will violate receiving water objectives. It is therefore not unreasonable to require priority pollutant monitoring upon commencement of discharge where pre-discharge monitoring is infeasible. Where pre-discharge CTR monitoring results are not provided with the NOI, the Regional Board Executive Officer may request such results pursuant to CWC Section 13267 if deemed necessary and/or feasible.

SIP Exceptions to the CTR:

The SIP (Section 5.3) authorizes short-term and/or seasonal exceptions from the CTR provisions for certain categories of discharges by public entities, such as for resource management, and fulfillment of statutory requirements of the federal Safe Drinking Water Act or the California Health and Safety Code (e.g., draining water supply reservoirs, canals, pipelines, municipal storm water conveyances and treatment facilities for cleaning and maintenance).

This General Permit authorizes a categorical exception to the criteria and objectives in the CTR and SIP for discharges as described in Finding No. 10, g, h, and i, and requires full compliance with the SIP for other discharge categories (a.-f., and j., in Finding No.10). Waste discharges in categories g, h, and i in Finding No.10 carried out to comply with the Safe Drinking Water Act or the California Health and Safety Code meet the conditions for a categorical exception to criteria and objectives in the CTR and SIP. In this General Permit, the Regional Board hereby grants a categorical exception for those dischargers meeting the SIP exception criteria, as determined by the Executive Officer based on information provided by the applicant, as follows.

To be eligible for a categorical exception to the CTR/SIP requirements, the discharger shall notify potentially affected public and governmental agencies and shall submit project details to the Executive Officer for approval. To expedite the approval process for expected or routine activities that fall under categorical exceptions, the discharger is advised to file the following information when seeking an exception:

- 1) A detailed description of the proposed action, including the necessity for, and the proposed method of completing, the action;
- 2) A time schedule;
- 3) A discharge and receiving water quality monitoring plan (before project initiation, during the project, and after project completion, with the appropriate quality assurance and quality control procedures);
- 4) California Environmental Quality Act documentation;
- 5) Contingency plans;
- 6) Identification of alternative water supply (if needed); and
- 7) Residual waste disposal plans.

Additionally, Section 5.3 of the SIP requires the discharger to provide certification by a qualified biologist that the receiving water beneficial uses have been restored upon completion of the project.

#### 20. Total Maximum Daily Load

The Regional Board is currently developing and implementing Total Maximum Daily Loads (TMDLs) for many impaired water bodies in the Lahontan Region. Enrollees under this General Permit that discharge to these impaired water bodies may be required to collect discharge monitoring data applicable to developing appropriate future wasteload allocations for the discharge.

#### 21. California Environmental Quality Act

The action to adopt a general NPDES permit is exempt from provisions of Chapter 3 of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq.), in accordance with Section 13389 of the California Water Code. However, Regional Board action to approve a categorical exception to the CTR/SIP is subject to CEQA. For the purpose of adopting a categorical exception to the CTR/SIP, the Regional Board is the lead

agency. A Mitigated Negative Declaration for the Regional Board action to approve a categorical exception to the CTR/SIP for certain categories of limited threat discharges was circulated for public review, and was approved by the Regional Board on July 9, 2003.

22. Anti-Backsliding

40 CFR Section 122.44(1) requires that effluent limitations for reissued NPDES permits be at least as stringent as the previous permit, unless certain grounds for “backsliding” apply. There were no effluent limitations in the previous General Permit cited in Finding No. 2, above, and there are no effluent limitations in this revised General Permit. Therefore, this General Permit is in compliance with Anti-Backsliding provisions of 40 CFR.

23. Anti-Degradation

The Regional Board has considered anti-degradation pursuant to 40 CFR 131.12 and SWRCB Resolution No. 68-16, and finds that the subject low-threat discharges are consistent with those provisions. If a discharge is not consistent with the above-cited regulations and policies it will not be authorized under this General Permit. There will be no degradation if the requirements of the General Permit are met.

24. Local Agency Authority

This Order does not preempt or supersede the authority of other federal, state, or local agencies to prohibit, restrict, or control the discharge of wastewater subject to their control.

25. Public Notification

The Regional Board has notified interested agencies and persons of its intent to prescribe waste discharge requirements in this General Order and has provided them with an opportunity to submit their written views and recommendations and an opportunity for a public hearing. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.

**IT IS HEREBY ORDERED** that all dischargers indicating their intention to be regulated under the provisions of this General Permit, and all heirs, successors, or assigns, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, shall comply with the following:

**A. Application:**

Dischargers described in Finding No. 1 are eligible for coverage under this General Permit provided that:

1. The discharger submits to the following address a complete and accurate NOI to comply (Attachment D), project map, and first annual fee (checks made payable to “State Water

Resources Control Board” in the amount of currently \$1,000 and subject to change) to cover eligible low-threat discharges by the Discharger within the boundaries of the Lahontan Region. The NOI must be signed in accordance with the signatory requirements of Standard Provision B.2. The NOI, fee and BMP Plan shall be submitted to either:

**Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150**

**OR**

**Lahontan Regional Water Quality Control Board  
15428 Civic Drive, Suite 100  
Victorville, CA 92392**

2. The Discharger, upon written request, submits additional information necessary to ascertain whether the discharge meets the criteria for coverage under this General Permit, including, but not limited to, information pertaining to the categorical exception to CTR/SIP requirements, if applicable (See Finding No. 19, above).
3. No discharge under this General Permit is authorized until a written Notification of Applicability (NOA) is received from the Regional Board Executive Officer or his or her designee or the permit application is deemed complete pursuant to Section 65956 of the California Government Code. Where the proposed discharge meets the eligibility criteria for a CTR/SIP categorical exception, as determined by the Executive Officer, the NOA shall notify the Discharger that the Regional Board has granted an exception for specific discharges. If coverage under the General Permit and/or the CTR exception is denied, the applicant shall be informed in writing by the Executive Officer.

#### **B. Discharge Prohibitions:**

Section 4.1 of the Basin Plan contains prohibitions against the discharge of wastes to surface waters in various locations throughout the Lahontan Region. Any discharge proposed in an area where a discharge prohibition may apply must be evaluated on an individual basis to determine if the discharge would violate the prohibition. In some instances, exemptions may be granted on a case-by-case basis by resolution of the Regional Board, or by the Executive Officer in accordance with Regional Board policy. In addition to the specific prohibitions for various locations in the Region, the following general prohibitions apply throughout the Lahontan Region.

1. The discharge of waste that causes violation of any narrative water quality objective contained in the Basin Plan, including the Nondegradation Objective, is prohibited.
2. The discharge of waste that causes violation of any numeric water quality objective contained in the Basin Plan is prohibited.

3. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste that causes further degradation or pollution (as defined in CWC Section 13050) is prohibited.
4. The discharge of untreated sewage, garbage, or other solid wastes, or industrial wastes into surface waters of the Region is prohibited.
5. For municipal and industrial discharges:

The discharge, bypass, or diversion of raw or partially treated sewage, sludge, grease, or oils to surface waters is prohibited.

The discharge of wastewater except to the designated disposal site (as designated in waste discharge requirements) is prohibited.

“Waste” is defined to include any waste or deleterious material including, but not limited to, waste earthen materials (such as soil, silt, sand, clay, rock, or other organic or mineral material) and any other waste as defined in CWC Section 13050(d).

### **C. Solids Disposal**

1. Collected screenings and other solids removed from liquid wastes shall be disposed of in a manner that is consistent with Chapter 15, Division 3, Title 23, of the California Code of Regulations (CCR).
2. Any proposed change in solids use or disposal practice shall be reported to the Executive Officer and USEPA Regional Administrator at least 90 days in advance of the change.

### **D. Receiving Water Limitations**

The following numerical and/or narrative water quality objectives apply to all surface waters, including wetlands, in the Lahontan Region. The discharge of waste to surface waters shall not cause, or contribute to, a violation of the following:

1. Ammonia

Ammonia concentrations shall not exceed the values listed in Tables 3-1 to 3-4 of the Basin Plan for the corresponding conditions in these tables.

2. Bacteria, Coliform

Waters shall not contain concentrations of coliform organisms attributable to anthropogenic sources, including human and livestock wastes.

The fecal coliform concentration during any 30-day period shall not exceed a log mean of 20/100 ml, nor shall more than 10 percent of all samples collected during any 30-day period exceed 40/100 ml. *The log mean shall ideally be based on a minimum of not less than five samples collected as evenly spaced as practicable during any 30-day period. However, a log mean concentration exceeding 20/100 ml, or one sample exceeding 40/100ml, for any 30-day period shall indicate violation of this objective even if fewer than five samples were collected.*

3. Biostimulatory Substances

Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect the water for beneficial uses.

4. California Toxics Rule Constituents

Waters shall not contain concentrations of CTR constituents in excess of the CTR criterion concentrations listed in Attachment A. The Minimum Reporting Levels in the Monitoring and Reporting Program (Attachment C) are for use in reporting and compliance determination in accordance with Section 2.4 of the SIP. These minimum levels shall be used until new values are adopted and become effective.

Discharges categories g, h, and i, in Finding No. 10 are eligible for a categorical exception and do not need to meet CTR/SIP criteria and objectives, providing certain requirements listed in the Notice on Intent (Attachment D) are fulfilled.

5. Chemical Constituents

Waters designated as MUN shall not contain concentrations of chemical constituents in excess of the maximum contaminant level (MCL) or secondary maximum contaminant level (SMCL) based upon drinking water standards specified in provisions of the California Code of Regulations, Title 22, Division 4, Chapter 15, hereby incorporated by reference into this General Permit. This incorporation is prospective including future changes to the incorporated provisions as the changes take effect.

Waters shall not contain concentrations of chemical constituents in amounts that adversely affect the water for beneficial uses.

6. Chlorine, Total Residual

For the protection of aquatic life, total chlorine residual shall not exceed either a median value of 0.002 mg/L or a maximum value of 0.003 mg/L. Median values shall be based on daily measurements taken within any six-month period.

7. Color

Waters shall be free of coloration that causes nuisance or adversely affects the water for beneficial uses.

8. Dissolved Oxygen

The dissolved oxygen concentration as percent saturation shall not be depressed by more than 10 percent, nor shall the minimum dissolved oxygen concentration be less than 80 percent of saturation.

For waters with the beneficial uses of COLD, COLD with SPWN, WARM, and WARM with SPWN, the minimum dissolved oxygen concentration shall not be less than that specified in Table 3-6 of the Basin Plan.

9. Floating Materials

Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect the water for beneficial uses.

For natural high quality waters, the concentrations of floating material shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

10. Oil and Grease

Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect the water for beneficial uses.

For natural high quality waters, the concentration of oils, greases, or other film or coat generating substances shall not be altered.

11. Nondegradation of Aquatic Communities and Populations

All wetlands shall be free from substances attributable to wastewater or other discharges that produce adverse physiological responses in humans, animals, or plants; or which lead to the presence of undesirable or nuisance aquatic life.

All wetlands shall be free from activities that would substantially impair the biological community as it naturally occurs due to physical, chemical and hydrologic processes.

12. Pesticides

For the purposes of this Basin Plan, pesticides are defined to include insecticides, herbicides, rodenticides, fungicides, pesticides and all other economic poisons. An economic poison is any substance intended to prevent, repel, destroy, or mitigate the damage from insects, rodents, predatory animals, bacteria, fungi or weeds capable of infesting or harming vegetation, humans, or animals (CA Agriculture Code § 12753).

Pesticide concentrations, individually or collectively, shall not exceed the lowest detectable levels, using the most recent detection procedures available. There shall not be an increase in pesticide concentrations found in bottom sediments. There shall be no detectable increase in bioaccumulation of pesticides in aquatic life.

Waters designated as MUN shall not contain concentrations of pesticides or herbicides in excess of the limiting concentrations set forth in the CCR, Title 22, Division 4, Chapter 15.

13. pH

In fresh waters with designated beneficial uses of COLD or WARM, changes in normal ambient pH levels shall not exceed 0.5 pH units. For all other waters of the Region, the pH shall not be depressed below 6.5 nor raised above 8.5.

*The Regional Board recognizes that some waters of the Region may have natural pH levels outside of the 6.5 to 8.5 range. Compliance with the pH objective for these waters will be determined on a case-by-case basis.*

14. Radioactivity

Radionuclides shall not be present in concentrations which are deleterious to human, plant, animal, or aquatic life nor which result in the accumulation of radionuclides in the food web to an extent which presents a hazard to human, plant, animal, or aquatic life.

Waters shall not contain concentrations of radionuclides in excess of the limits specified by the more restrictive of the CCR, Title 22, Division 4, Chapter 15, or 40 CFR, Part 141.

15. Sediment

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 the water for beneficial uses.

16. Settleable Materials

Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or that adversely affects the water for beneficial uses. For natural high quality waters, the concentration of settleable materials shall not be raised by more than 0.1 milliliter per liter.

17. Suspended Materials

Waters shall not contain suspended materials in concentrations that cause nuisance or that adversely affects the water for beneficial uses.

For natural high quality waters, the concentration of total suspended materials shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

18. Taste and Odor

Waters shall not contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish or other edible products of aquatic origin, that cause nuisance, or that adversely affect the water for beneficial uses. For naturally high quality waters, the taste and odor shall not be altered.

19. Temperature

The natural receiving water temperature of all waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such an alteration in temperature does not adversely affect the water for beneficial uses.

For waters designated WARM, water temperature shall not be altered by more than five degrees Fahrenheit (5°F) above or below the natural temperature. For waters designated COLD, the temperature shall not be altered.

Temperature objectives for COLD interstate waters and WARM interstate waters are as specified in the "Water Quality Control Plan for Control of Temperature in The Coastal and Interstate Waters and Enclosed Bays and Estuaries of California" including any revisions. This plan is summarized in Chapter 6 (Plans and Policies), and included in Appendix B of the Basin Plan.

20. Toxicity

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.

Waters shall not contain concentrations of CTR constituents in excess of the CTR criterion concentrations listed in Attachment A. The Minimum Reporting Levels in the Monitoring and Reporting Program (Attachment C) are for use in reporting and compliance determination in accordance with Section 2.4 of the SIP. These minimum levels shall be used until new values are adopted and become effective.

The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary, for other control water that is consistent with the requirements for “experimental water” as defined in the most recent edition of *Standard Methods for the Examination of Water and Wastewater* (American Public Health Association, et al.).

#### 21. Turbidity

Waters shall be free of changes in turbidity that cause nuisance or adversely affect the water for beneficial uses. Increases in turbidity shall not exceed natural levels by more than 10 percent.

### **E. Ground Water Limitations**

1. The discharge shall not cause constituent concentrations in the ground water downgradient of the disposal area to exceed water quality objectives for coliform bacteria, or taste and odor, specified in the Basin Plan.
2. The discharge shall not cause the concentration of chemicals and radionuclides in ground water to exceed primary and secondary drinking water limits set forth in Title 22 of the California Code of Regulations (CCR).

### **F. Provisions**

1. The Discharger shall comply with all conditions of this Order, including compliance with Monitoring and Reporting Program No. R6T-2003-0034, which is attached to, and made a part of, this Order pursuant to CWC Section 13267. The Discharger shall comply with any additional monitoring and reporting requirements as specified by the Executive Officer. Violations may result in enforcement action, including Regional Board or court orders requiring corrective action or imposing civil monetary liability, or revocation of authorization to discharge under this Order.
2. Individuals and companies that apply for coverage and that are responsible for site operations retain primary responsibility for compliance with these requirements, including day-to-day operations and monitoring.
3. A copy of this Order shall be kept at the Discharger’s facility for reference by operating personnel. Key operating and site management personnel shall be familiar with its contents and responsible for compliance.

4. The Discharger shall comply with all the applicable items of the “Standard Provisions for NPDES Permits” contained in Attachment B of this Order.
5. This Order expires on **July 9, 2008**.
6. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the authorized Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to this Regional Board.

To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer with a Board Order Transfer Request Form (F). Failure to submit the request shall be considered discharge without requirements, a violation of the CWC. Transfer shall be approved or disapproved in writing by the Executive Officer.

7. The Discharger shall immediately stop any discharge authorized by these requirements in the event there is a violation, or threatened violation, of this General Permit or if the Executive Officer so orders. The Discharger shall notify the Regional Board as soon as reasonably possible by telephone, with a written confirmation within one week, when a violation of this Order is known to exist. The discharge may not be resumed until authorized in writing by the Executive Officer.
8. The Executive Officer or his or her designee is authorized to issue a single NOA to a Discharger proposing multiple limited threat discharges at multiple locations within the Lahontan Region, provided that the general nature of the discharges and the general locations are reported and included in the application information provided with the NOI for this General Permit.
9. Supplemental information proposing new discharges or discharge locations similar to the discharges and locations authorized in the NOA must be supplied in writing to the Regional Board 30 days prior to discharge. If the new discharges or locations are determined not to be a material change to the NOA, the Discharger will be notified to proceed. If the new proposed discharges or locations are determined to be a material change, not within the original scope of the NOA, the Executive Officer may re-issue a modified NOA or the Discharger may be requested to submit a new NOI for this General Permit or an application for a different general or individual permit.

### **G. Permit Reopening, Revision, Revocation and Re-Issuance**

1. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the CWA, or amendments thereto, the Regional Board will revise this General Permit in accordance with such standards.
2. This General Permit may be reopened to address any changes in State or federal plans, policies or regulations that would affect the requirements for the discharges, or to establish effluent limitations, as necessary.
3. This General Permit may be modified, revoked and reissued, or terminated for cause.

### **H. Rescission of Waste Discharge Requirements**

Board Order No. 6-98-36 is hereby rescinded on the effective date of this General Permit.

I, Harold J. Singer, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the Regional Board, on July 9, 2003.

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HAROLD J. SINGER  
EXECUTIVE OFFICER

- Attachments:
- A. [California Toxics Rule Objectives for Priority Pollutants](#)
  - B. [Standard Provisions for NPDES Permits](#)
  - C. [Monitoring and Reporting Program No. R6T- 2003-0034](#)
  - D. [Notice of Intent](#)
  - E. [Best Management Practices Plan](#)
  - F. [Board Order Transfer Request Form](#)

JSS/cgT: revised LTD NPDES permit  
[Pending]