

**PROPOSED BASIN PLAN LANGUAGE
FOR THE
LOW THREAT DISCHARGE ACTION PLAN**

The proposed draft amendment language shown in italics, entitled “Low Threat Discharge Action Plan” will be inserted into the Basin Plan, Section 4, Implementation Plans, immediately preceding the Action Plan for Storm Water Discharges, on page 4-9.00, as follows:

The Regional Water Board finds that there are categories of discharges that pose a low threat to water quality when conducted and managed properly. A low threat discharge is a planned discharge that is generally short-term and/or of minimized volume from a definable project that results in a point source discharge to surface waters and that is managed in a manner that does not threaten the quality or beneficial uses of water without additional dilution. These discharges meet the definition of a waste¹, and as such, are required to be permitted pursuant to the California Water Code. These low threat discharges can cause, or threaten to cause, minor impairment of beneficial uses of the receiving water if they are not properly managed through the application of a best management practices (BMP) program that includes the implementation of measures and actions that remove pollutants and minimize the volume, rate, and duration of discharge.

The purpose of this Action Plan is to identify procedures for regulating low threat point source discharges that can be demonstrated to not have an adverse impact on beneficial uses or water quality and for which there are no other reasonable discharge alternatives, and thus provide exceptions to the Basin Plan Point Source Waste Discharge Prohibitions, set out on pages 4-1.00 to 4-2.00.

Discharges resulting from the following sources could be determined to be low threat provided that the discharge does not contain pollutants in quantities that could adversely affect beneficial uses and the discharge meets specific criteria identified in this Action Plan:

- *Construction dewatering;*
- *Installation, development, test pumping, maintenance and purging of water supply or geothermal wells;*
- *Hydrostatic testing, maintenance, repair, and disinfection of potable water supply vessels, pipelines, tanks, reservoirs, etc.;*
- *Hydrostatic testing of newly constructed pipelines, tanks, reservoirs, etc, used for purposes other than potable water supply (e.g., gas, oil, reclaimed water, etc.);*
- *Dredge spoils dewatering;*

¹ California Water Code, Section 13050(d) defines a waste as including “sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of disposal.”

- *Other similar types of discharges that pose a low threat to water quality, yet technically must be regulated under a surface water discharge permit.*

Low-threat point source discharges may be permitted to surface waters and may be exempted from the Basin Plan seasonal and year-round point source discharge prohibitions and discharge flow limitation, provided that all of the following conditions are met:

- 1. The discharge shall not adversely affect the beneficial uses of surface water or cause a condition of nuisance.*
- 2. The discharge shall comply with all applicable water quality objectives.*
- 3. Best practicable treatment or control of the discharge shall be implemented to assure that pollution and nuisance will not occur, and the highest water quality consistent with maximum benefit to the people of the State will be maintained.*
- 4. The discharge is necessary because no feasible alternative to the discharge (reclamation, evaporation, infiltration, discharge to a sanitary sewer system, etc.) is available.*
- 5. The discharge is limited to that increment of wastewater that remains after implementation of all reasonable alternatives for reclamation or disposal.*
- 6. The discharge is regulated by NPDES permit/waste discharge requirements.*

Implementation Plan

Low threat discharges that result in the discharge of pollutants to surface waters shall be covered under an NPDES permit/waste discharge requirements. Several permit options are available, including, but not limited to Statewide general municipal, industrial, or construction storm water permits, Statewide General NPDES Permit for Discharges from Utility Vaults and Underground Structures, Regional Water Board general permits designed to address low threat discharges, and individual permits.

Discharges may be eligible for consideration for permit coverage as a low-threat discharge after the discharger submits specific information to the Regional Water Board for review and approval as required by and outlined in the appropriate permit or as otherwise required by the Regional Water Board.