ATTACHMENT F – FACT SHEET

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ATTACHMENT F - FACT SHEET

This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

I. PERMIT INFORMATION

A. Background

The State Water Resources Control Board (State Water Board) has been authorized by the USEPA, pursuant to Section 402 of the CWA, to administer the NPDES program in California since 1973. The procedures for the State Water Board and the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) to issue NPDES permits pursuant to NPDES regulations at 40 Code of Federal Regulations (CFR) Sections 122 and 123[1], were established through the NPDES Memorandum of Agreement between the USEPA and the State Water Board on September 22, 1989.

Section 122.28(a)(2)(ii) provides for issuance of General NPDES Permits to regulate a category of point sources, other than storm water point sources, if the sources within the category: (a) involve the same or substantially similar types of operations; (b) discharge the same types of waste; (c) require the same effluent limitations or operating conditions; (d) require the same or similar monitoring; and (e) in the opinion of the permitting authority, are more appropriately controlled under a General NPDES Permit rather than Individual NPDES Permits. General NPDES Permits enable the Regional Water Board to expedite the processing of requirements, simplify the application process for Dischargers, better utilize limited staff resources, and avoid the expense and time involved in repetitive public noticing, hearings, and permit adoptions.

On June 4, 2009, this Regional Water Board adopted the *General National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements for Discharges of Low Threat Hydrostatic Testing Water to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties* (NPDES No. CAG674001, Order No. R4-2009-0068). The General NPDES Permit covered discharges of wastewater resulting from the hydrostatic testing or structural integrity testing of pipelines, tanks, or any storage vessels using potable water. Currently, 22 Dischargers are enrolled under this General NPDES Permit. Order No. R4-2009-0068 expired on June 4, 2014 but was administratively extended. This Order renews the requirements of Order No. R4-2009-0068.

In accordance with Title 40 CFR, the Regional Water Board must meet general program requirements prior to the re-issuance and adoption of a General NPDES Permit. General program requirements include preparing a draft General NPDES Permit, public noticing, allowing a public comment period, and conducting a public hearing. To meet these requirements, the Regional Water Board prepared a draft General NPDES Permit. The draft General NPDES Permit was sent to interested parties on March 19, 2019 for comments. A public hearing to receive testimony from interested parties was scheduled for May 9, 2019. The Notice of Public Hearing was sent to the interested party list at the same time the draft General NPDES Permit was sent. A public hearing notice was also posted in major newspapers in the counties of Los Angeles and Ventura.

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[1] All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

II. DISCHARGE DESCRIPTION

A. Description of Wastewater

Hydrostatic testing typically consists of filling segments of new or existing hydrostatic testing vessels (hereafter, "Testing Vessels") such as pipelines and tanks with water, pressurizing the vessels, and checking for leaks to confirm the integrity of the vessels. Once the hydrostatic test is completed, the water is emptied from the Testing Vessels. Hydrostatic test water is discharged to surface waters at various locations throughout this Region. The rate and volume of hydrostatic test water released at project sites varies from hundreds of gallons of water per day to millions of gallons of water per day, depending on the capacity of the vessel being tested. The release of hydrostatic test water mostly results in one-time or intermittent discharges to surface water and/or land. Additionally, the discharge duration is usually short term. Even so, discharges of hydrostatic test water can cause, or threaten to cause, impairment of beneficial uses of the receiving water.

This General NPDES Permit covers discharges from hydrostatic testing projects using potable water. To ensure its high quality, potable water in California is regulated by the California Drinking Water Source Assessment and Protection (DWSAP) Program housed within the State Water Board Division of Drinking Water and is required to comply with Primary Maximum Contaminant Levels (MCLs) and Treatment Techniques (TTs) for human health, and Secondary MCLs for aesthetic considerations. DWSAP assures that only the best quality sources of water reasonably available to a water utility should be used for drinking. California Primary MCLs and TTs constitute drinking water standards.

Dischargers of hydrostatic test water enrolling in this General NPDES Permit are required to implement BMPs and treatment, if necessary, to minimize adverse environmental impacts and to prevent detrimental effects on the receiving water. BMPs such as cleaning the inside of the Testing Vessels need to be implemented first prior to filling with testing water, conducting hydrostatic testing, and water releasing/discharge phases. Hydrostatic test water may be beneficially used for dust suppression, compaction, or irrigation water supply. This General NPDES Permit does not cover discharge of the wastewater generated from the BMP process such as vessel cleaning.

Because of the high quality of source water, the need to clean the testing vessels before testing, and the short-term and the short-duration nature of the discharge, the Regional Water Board finds that hydrostatic testing discharges governed by this Order have a low threat to water quality when appropriately managed. If, however, information becomes available that shows reasonable potential for the discharge to exceed water quality objective, the discharge shall be terminated. The discharge shall not be resumed until authorized by the Executive Officer, individual waste discharge requirements (WDRs) are issued, or coverage is provided under another appropriate General NPDES Permit.

B. Description of Biosolids Treatment or Controls (Not Applicable)

C. Discharge Points and Receiving Waters

Under this General NPDES Permit, there may be multiple discharge points. Information regarding the discharge points and applicable receiving waters can be found in the completed NOI and will be included in the enrollment authorization letter, Fact Sheet and Monitoring and Reporting Program (MRP).

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1. Summary of Previous Requirements and Self-Monitoring Reporting (SMR) Data

a. Previous Effluent Limitations

1) Effluent limitations/Discharge Specifications contained in Order No. R4-2009-0068 were as follows:

Table F-1. Previous Effluent Limitations

Constituents	Units	Effluent Limitations	
		Daily Maximum	Monthly Average
Total Suspended Solids	mg/L	150	50
Turbidity	NTU	150	50
BOD_5 20°C	mg/L	30	20
pH	pH units	6.5 to 8.5	---
Oil and Grease	mg/L	15	10
Settleable Solids	ml/L	0.3	0.1
Total Residual Chlorine	mg/L	0.1	---

b. Previous Monitoring Requirements

Order No. R4-2009-0068 required effluent monitoring in accordance with the following schedule.

Table F-2. Previous Monitoring Requirements

Pollutant [1]	Unit	Sample Type	Minimum Frequency of Analysis
Flow	gal/day	totalizer	Continuously [2]
pH	pH units	grab	once per discharge event [3]
Temperature	°F	grab	once per discharge event [3]
Total Suspended Solids	mg/L	grab	once per discharge event [3]
Turbidity	NTU	grab	once per discharge event [3]
$BOD_5 20^oC$	mg/L	grab	once per discharge event [3]
Settleable Solids	ml/L	grab	once per discharge event [3]
Residual Chlorine	mg/L	grab	once per discharge event [3]
Acute Toxicity	% survival	grab	annually

Notes:

1. Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136; for priority pollutants the methods must meet the minimum levels (MLs) specified in Appendix A. Where no 40 CFR Part 136 analytical methods are specified for a given pollutant, then the pollutant shall be analyzed by methods approved by this Regional Water Board or the State Water Board.
2. The daily total discharge volume for each day of discharge shall be recorded and it shall be reported along with the calculated monthly total discharge volume in the quarterly and annual reports, as appropriate.
3. If the discharge event for a project is continuous or intermittent for more than 30 days, the minimum frequency of analysis shall be monthly.

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D. Compliance Summary (Not Applicable)

E. Planned Changes (Not Applicable)

III. APPLICABLE PLANS, POLICIES AND REGULATIONS

The requirements contained in the Order are based on the requirements and authorities described in this section.

A. Legal Authorities

This Order is issued pursuant to section 402 of the CWA and implementing regulations adopted by the USEPA and Chapter 5.5, Division 7 of the California Water Code (CWC) (commencing with section 13370). It shall serve as a NPDES permit for point source discharges of wastewaters generated from hydrostatic testing to surface waters under the jurisdiction of the Regional Water Board. This Order also serves as WDRs pursuant to Article 4, Chapter 4 of the CWC (commencing with section 13260).

States may request authority to issue General NPDES Permits pursuant to 40 CFR section 122.28. The State Water Board has been authorized by the USEPA to administer the NPDES program in California since 1973. The procedures for the State Water Board and the Regional Water Board to issue NPDES permits pursuant to 40 CFR Parts 122 and 123 were established through the NPDES Memorandum of Agreement between the USEPA and the State Water Board on September 22, 1989.

B. California Environmental Quality Act (CEQA)

The adoption of this permit by the Regional Water Board is exempt from CEQA for several reasons. First, Water Code section 13389 exempts the adoption of an NPDES permit from CEQA. See also *County of Los Angeles v. State Water Resources Control Board (SWRCB)* (2006) 143 Cal.App.4th 985, 1007; *City of Burbank v. SWRCB (2003) 4 Cal. Rptr. 3d 27 (unpublished)*.

Second, the issuance of this permit involves the renewal of authorized hydrostatic testing water discharges under existing General NPDES Permits. The hydrostatic testing water discharges under this permit are mostly intermittent, short duration discharges. Hydrostatic testing water discharges, as qualified under this permit, have been determined to pose a low threat to water quality. Therefore, this permit is exempt from CEQA in accordance with California Code of Regulations, Title 14, Section 15061(b)(3), because the permitted activities will not have a significant effect on the environment.

C. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plans.** The Regional Water Board's *Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. The Basin Plan states that the beneficial uses of any specifically identified water body generally apply to its tributary streams. In addition, the Basin Plan implements state policies, including State Water Resources Control Board (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.

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2. **Receiving Water Beneficial Uses.** The Basin Plan lists the designated beneficial uses of specific water bodies (receiving waters) in the Los Angeles Region. Typical beneficial uses of receiving waters to which Dischargers covered by this Order discharge include the following:

   a. Inland surface waters above an estuary - municipal and domestic supply, industrial service and process supply, agricultural supply, groundwater recharge, freshwater replenishment, aquaculture, warm and cold freshwater habitats, inland saline water and wildlife habitats, water contact and noncontact recreation, fish migration, and fish spawning.

   b. Inland surface waters within and below an estuary - industrial service supply, marine and wetland habitats, estuarine and wildlife habitats, water contact and noncontact recreation, commercial and sport fishing, aquaculture, migration of aquatic organisms, fish migration, fish spawning, preservation of rare and endangered species, preservation of biological habitats, and shellfish harvesting.

   c. Coastal Zones (both nearshore and offshore) - industrial service supply, navigation, water contact and noncontact recreation, commercial and sport fishing, marine habitat, wildlife habitat, fish migration and spawning, shellfish harvesting, and rare, threatened, or endangered species habitat.

3. **California Thermal Plan.** The State Water Board adopted the *Water Quality Control Plan for Control of Temperature in the Costal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on January 7, 1971, and amended this plan on September 18, 1975. This plan contains temperature objectives for estuaries, enclosed bays and coastal waters.

4. **Sediment Quality**. The State Water Board adopted the *Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1, Sediment Quality* on September 16, 2008, and it became effective on August 25, 2009. This plan supersedes other narrative sediment quality objectives and establishes new sediment quality objectives and related implementation provisions for specifically defined sediments in most bays and estuaries. Requirements of this Order implement sediment quality objectives of this Plan.

5. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA promulgated the NTR on December 22, 1992, and later revised it on May 4, 1995 and November 9, 1999. About forty water quality criteria in the NTR applied in California. On May 18, 2000, USEPA promulgated the CTR (40 CFR section 131.38). The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was revised on February 13, 2001. These rules contain water quality criteria for priority pollutants.

6. **State Implementation Policy**. On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control.

7. **Antidegradation Policy**. 40 CFR section 131.12 requires that the 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 quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. As discussed in more detail later in this Fact Sheet, the permitted discharge is consistent with the antidegradation provision of 40 CFR section 131.12 and State Water Board Resolution No. 68-16.

8. **Anti-Backsliding Requirements.** Sections 402(o) and 303(d)(4) of the CWA and section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. For example, Section 303(d)(4) of the CWA allows for backsliding if the less stringent limitations are based on a Total Maximum Daily Load (TMDL) with the cumulative effect being that the limitations assure attainment of water quality standards in the receiving water for those specific parameters. Also, under 40 CFR section 122.44(l)(2)(i)(B)(2) less stringent limitations are allowable when correcting technical mistakes or mistaken interpretations of law. As explained herein, all effluent limitations in the tentative Order are at least as stringent as the effluent limitations in Order No. R4-2009-0068.

9. **Water Quality-Based Effluent Limitations.** Section 301(b) of the CWA and 40 CFR 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards in the receiving water. Section 122.44(d)(1)(i) mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard in the receiving water, including numeric and narrative objectives or criteria within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric objective or criterion for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA 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 the state's narrative criterion, supplemented with other relevant information, as provided in section 122.44(d)(1)(vi). WQBELs must also be consistent with the assumptions and requirements of TMDL waste load allocations (WLAs) approved by USEPA.

10. **Watershed Management Approach and Total Maximum Daily Loads**. The Regional Water Board implements a Watershed Management Approach to address water quality issues in the region. Watershed management may include diverse issues as defined by stakeholders to identify comprehensive solutions to protect, maintain, enhance, and restore water quality and beneficial uses. To achieve this goal, the Regional Water Board integrates its many diverse programs, particularly NPDES permitting with TMDLs, to better assess and control cumulative impacts of pollutants from all point and nonpoint sources. A TMDL is a tool for implementing water quality standards and is based on the relationship between pollutant sources and in-stream water quality conditions. A TMDL establishes the allowable pollutant loadings or other quantifiable parameters for a waterbody and thereby provides the basis to establish water quality-based controls. The linkage analysis included in the TMDL provides the demonstration that these controls will provide the pollutant reduction necessary for a waterbody to meet water quality standards. This process facilitates the development of watershed-specific solutions that balance the environmental and economic impacts within the watershed. TMDLs assign WLAs and load allocations (LAs) for point and non-point sources

that when implemented through permits and other mechanisms, as appropriate, will result in achieving water quality standards for the waterbody.

11. **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 sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, 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.

12. **Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes. (Section 131.21; 65 Fed. Reg. 24641 (April 27, 2000).) Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

13. **Clean, Affordable, and Accessible Water.** It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Cal. Wat. Code § 106.3). This Order promotes that policy by requiring discharges to meet maximum contaminant levels developed to protect human health and ensure that water is safe for domestic use.

14. **Monitoring and Reporting.** Section 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 MRP establishes monitoring and reporting requirements to implement federal and State requirements. An MRP is tailored to each Discharger's individual situation and is provided with the General NPDES Permit coverage enrollment authorization letter signed by the Executive Officer of the Regional Water Board.

15. **Consideration of Public Comment.** In a public meeting held on May 9, 2019, the Regional Water Board heard and considered all comments pertaining to the prospective discharges authorized by this Order. Details of the public hearing are provided in this Fact Sheet.

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

The State Water Board prepared the California 2014 and 2016 Integrated Report based on a compilation of the Regional Water Boards' Integrated Reports. These Integrated Reports contain both the Clean Water Act (CWA) section 305(b) water quality assessment and section 303(d) list of impaired waters. In developing the Integrated Reports, the Water Boards solicit data, information and comments from the public and other interested persons. On October 3, 2017, the State Water Board approved the CWA Section 303(d) List portion of the State's 2014 and 2016 Integrated Report (State Water Board Resolution No. 2017-0059). On April 6, 2018, the USEPA approved California's 2014 and 2016 list of water quality limited segments requiring a Total Maximum Daily Load (TMDL) under CWA section 303(d) for the Los Angeles Region as well as the rest of California. The CWA section 303(d) list can be found at the following link: https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml

The Regional Water Board has adopted a number of TMDLs for impaired waterbodies in the Los Angeles Region to reduce the discharges of pollutants that are identified on the CWA section

303(d) list.

E. Other Plans, Polices and Regulations (Not Applicable)

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 that are discharged into the 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 in the Code of Federal Regulations. Section 122.44(a) requires that permits include applicable technology-based limitations and standards; and 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 the receiving water.

A. Discharge Prohibitions

Discharges under this Order are required to be non-toxic and shall comply with the California Toxic Rule, Basin Plan and other statewide water quality control plan requirements. Toxicity is the adverse response of organisms to chemicals or physical agents. This prohibition is based on the Basin Plan, which requires that all waters be maintained free of toxic substances in concentrations that are lethal or produce other detrimental responses in aquatic organisms. Detrimental responses include, but are not limited to, decreased growth rate and decreased reproductive success of resident or indicator species. The Basin Plan also requires waters to be free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, or animal life. This objective applies regardless of whether the toxicity is caused by a single substance or the interactive effect of multiple substances.

B. Technology-Based Effluent Limitations

1. Scope and Authority

Section 301(b) of the CWA and implementing USEPA permit regulations at 40 CFR section 122.44 require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order must meet minimum federal technology-based requirements based on Secondary Treatment Standards at 40 CFR part 133, Effluent Limitations Guidelines and Standards for the applicable categories in 40 CFR, and/or Best Professional Judgment (BPJ) in accordance with 40 CFR section 125.3.

The CWA requires that technology-based effluent limitations be established based on several level of controls:

a. Best practicable treatment control technology (BPT) represents the average of the best existing performance by well-operated facilities within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.

b. Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.

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c. Best conventional pollutant control technology (BCT) represents the control from existing industrial point sources of conventional pollutants including biochemical oxygen demand (BOD), total suspended solids (TSS), fecal coliform, pH, and oil and grease. The BCT standard is established after considering a two-part reasonableness test in accordance with the methodology developed by USEPA, as published in a Federal Register notice on July 9, 1986 (51 FR 24974). The first test compares the relationship between the costs of attaining a reduction in effluent discharge and the resulting benefits. The second test examines the cost and level of reduction of pollutants from the discharge from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources. Effluent limitations must be reasonable under both tests.

d. New source performance standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

e. The CWA requires USEPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BAT, BCT, and NSPS. Section 402(a)(1) of the CWA and 40 CFR section 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the Regional Water Board must consider specific factors outlined in 40 CFR section 125.3 and CWA section 301(b)(2)(A).

2. Applicable Technology-Based Effluent Limitations

BOD, Oil and Grease, Turbidity, Settleable Solids, and TPH are identified as pollutants that have potential to exist in discharges regulated under this Order. The same pollutants are regulated in other General NPDES Permits issued by the Regional Water Board.

As a minimum control, technology-based effluent limitations (TBELs) are established for these pollutants as required by Section 301(b) of the CWA. Federal ELGs have not been developed for discharges from hydrostatic testing processes. Therefore, TBELs in this General NPDES Permit are established on a case-by-case basis using BPJ using either one or both of BAT or BCT. Since a Federal ELG is not available for hydrostatic testing processes, NSPS is not applicable to the discharges and not included in BPJ process for TBELs in this Order. BPT, representing the average of the best performance by well-operated facilities within a particular industrial category or subcategory, is also not included in the BPJ analyses because the discharges under the Order are from various industry categories.

Discharges authorized under this General NPDES Permit are a typically of a short duration. Thus, it conforms to the category of “non-continuous discharge” as defined in section 122.2. Section 122.45(e) requires that non-continuous discharges shall be particularly described and limited, and the following factors should be considered, as appropriate, in drafting the permit: discharge frequency, total mass of pollutants, maximum rate of discharge of pollutants, and prohibition or limitation of specified pollutants by mass, concentration, or other appropriate measure. These non-continuous discharges are described in Section II.A above and are limited by the requirements of the Order, including the eligibility and ineligibility provisions in Sections II.A and II.B, the discharge prohibitions in Section IV, the effluent and receiving water limitations in Sections V and VI, and the requirement to conduct annual priority pollutant scans in Section VII.J.1, among other requirements.

The concentrations of the controlled pollutants by the Order are normally at very low levels in potable water, if present. BMPs need to be implemented to prevent introduction of pollutants into the test water during the hydrostatic testing processes. Therefore, the hydrostatic test

water discharges authorized by this Order are considered relatively pollutant-free. If necessary, the discharge shall pass through a treatment system designed and operated to remove the pollutants from the test water

The technology-based requirements in this Order for BOD_5, total suspended solids, turbidity and settleable solids are based on case-by-case numeric limitations developed using BPJ in accordance with 40 C.F.R. section 125.3 and are consistent with TBELs included in the previous Order and other orders within the State for similar types of discharges. As demonstrated by the compliance of enrollees to these effluent limitations, these TBELs are achievable and appropriate.

Oil and grease and TPH are also included as TBELs since petroleum hydrocarbons are expected to be found in crude or refined oil tanks and pipelines that were previously in service and are being hydrostatically tested. The effluent limitations for oil and grease and TPH have been consistently included in the General NPDES Permit No. CAG914001 for Discharges of Treated Groundwater from Investigation and/or Cleanup of Volatile Organic Compounds-Contaminated Sites to Surface Waters. The technology available for the removal of TPH compounds are practical, available, and economically achievable and includes gravity separation. The TBELs noted below in Table F-3 are included in this Order to ensure that discharges from the Facility meet the level of treatment attainable by other industrial facilities within the state using existing, cost-effective, technologies.

Table F-3. Summary of Technology-Based Effluent Limitations

Parameters*	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
BOD_5 20°C	mg/L	20	30
Total Suspended Solids	mg/L	50	75
Oil and Grease	mg/L	10	15
Turbidity	NTU	50	75
Settleable Solids	ml/L	0.1	0.3
Total Petroleum Hydrocarbons (TPH)*	µg/L	NA	100

*: Total Petroleum Hydrocarbons (TPH) equals the sum of TPH gasoline ($C_4 – C_{12}$), TPH diesel ($C_{13} – C_{22}$), and TPH oil (C_{23+}).

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

Section 301(b) of the CWA and section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

Sections 122.44(d)(1)(i) and (iii) require that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the 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 for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA criteria guidance under CWA

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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 the state's narrative criterion, supplemented with other relevant information, as provided in section 122.44(d)(1)(vi).

The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria contained in the CTR.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan.

The Basin Plan includes both narrative and numeric water quality objectives applicable to the receiving water. Hydrostatic test discharges are intermittent short-duration discharges. To ensure that beneficial uses under all discharge conditions are protected, Dischargers who discharge or propose to discharge hydrostatic testing water are required to demonstrate that the potable water used for hydrostatic testing complies with California Drinking Water Standards, that the vessels on which such testing is conducted are cleaned before testing commences, and if necessary that the discharge is treated to achieve the applicable effluent and receiving water limitations.

The TSS effluent limitations in the Order are in compliance with the narrative water quality objective included in the Basin Plan for Solid, Suspended, or Settleable Materials. That objective states that "[w]aters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses." This narrative objective was translated into a numeric effluent limitation in this permit. Since the Basin Plan does not contain a numeric objective for TSS, Regional Board staff looked to USEPA's National Recommended Water Quality Criteria (2009), which included data recorded in USEPA's 1976 Red Book (Quality Criteria for Water, EPA 440-9-76-023) as guidance to derive the numeric TSS MDEL. This USEPA guidance contains criteria for solids (suspended and settleable) and turbidity. According to USEPA's assessment of solids (suspended, settleable) and turbidity in the Red Book, elevated levels of suspended solids increase the turbidity of the water. Turbid water interferes with recreational use and with aesthetic enjoyment of the water body. According to the Red Book, the effects of elevated suspended solids included a study where downstream from the discharge of a rock quarry, where inert suspended solids were increased to 80 mg/L, the density of microinvertebrates decreased by 60 percent. The same study also indicated that, in areas of sediment accumulation, benthic invertebrate populations also decreased by 60 percent, regardless of the suspended solid concentration. Increases in stream suspended solids caused smothering of bottom invertebrates. Suspended sediments limit the passage of sunlight into waters which in turn inhibits the growth of aquatic life. Excessive deposition of sediments can destroy spawning habitat blanket benthic (bottom dwelling) organisms and abrade the gills of larval. This study indicates that suspended solids concentrations of 80 mg/L in the receiving water results in adverse effects to aquatic life. Since the Red Book indicates that TSS at 80 mg/L causes impairments to aquatic life, Regional Board staff determined that the 150 mg/L MDEL limit included in the previous Order was not protective of the aquatic life beneficial use and replaced it with 75 mg/L.

The Regional Water Board is required to ensure that the effluent limitations in this General

NPDES Permit are "consistent with the assumptions and requirements of any available waste load allocation for the discharge." (section 122.44(d)(1)(vii)(B)). Although TMDLs apply to discharges authorized under this General NPDES Permit, none of the TMDLs or supporting staff reports indicates that discharges from hydrostatic testing authorized under this General NPDES Permit are significant sources of the relevant pollutants.

Based on the data that are currently available and the short-term nature of discharges from hydrostatic testing authorized under this General NPDES Permit, the need to use potable water to conduct hydrostatic test covered under this Order, the Regional Water Board determined that discharges regulated under this General NPDES Permit meet section 122.44(d)(1)(vii)(B) requirements because (1) applicable TMDLs do not identify specific waste load allocations for discharges from hydrostatic testing activities and these discharges do not significantly impact water quality, and (2) more stringent requirements than those included in this General NPDES Permit are not needed to address impairment of surface waters with TMDLs.

If the Executive Officer determines that any existing TMDLs or any newly adopted TMDLs establish waste load allocations (WLAs) that must be implemented through TMDL-specific permit requirements for discharges from hydrostatic testing that are authorized under this General NPDES Permit, the Discharger will be required to maintain enrollment under this General NPDES Permit until the Regional Water Board issues an individual or General NPDES Permit for those discharges to which the WLAs apply. Alternatively, if future TMDLs are adopted that address pollutants that are likely to be in discharges from hydrostatic testing and allocate waste loads specifically to Dischargers regulated under this General NPDES Permit, the Regional Water Board may consider adding TMDL-specific permit requirements to this General NPDES Permit in a subsequent permit amendment per the reopener provisions or during permit reissuance.

3. Determining the Need for WQBELs

Discharges from hydrostatic testing operations are short-duration, intermittent, and pose a low threat to water quality. Thus, discharges authorized under this General NPDES Permit are not expected to cause or contribute to an instream excursion above a water quality criterion or objective. Hydrostatic testing under this Order shall only be conducted using potable water. The Discharger shall implement best management practices and/or best practicable treatment or control prior to discharge to ensure compliance with the effluent limitations in this General NPDES Permit.

4. Determination of Water Quality Based Effluent Limitations

This General NPDES Permit establishes water quality-based effluent limitations for all pollutants. Factors that are considered in establishing water quality based effluent limitations include beneficial uses of receiving waters, aquatic life and human health water quality objectives, including MCLs, waterbody specific effluent limitations required by the Basin Plan, etc., discharge frequency, discharge duration, and effluent water quality variation.

The effluent limitations for discharges from hydrostatic testing regulated under this General NPDES Permit are calculated assuming no dilution. Most discharges covered by this permit do not flow into receiving waters that have significant flow volume. During the summer months, many of these creeks and streams are dry. Therefore, for several months of the year, these discharges may represent all or nearly all the flow in the receiving water. For this reason, the effluent limitations for discharges covered under this permit are calculated assuming no dilution. An exception to the abovementioned approach may be applied based on an approved mixing zone study and a demonstration of compliance with water quality standards applicable

to the receiving water as prescribed in the Water Quality Control Plan for the Los Angeles Region (Basin Plan). However, if a Discharger requests that a dilution credit be included in the computation of the effluent limitations, or that a mixing zone be established, an Individual Permit will be required.

5. Whole Effluent Toxicity (WET)

Whole effluent toxicity (WET) protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. WET tests measure the degree of response of exposed aquatic test organisms to an effluent. The WET approach allows for protection of the narrative "no toxics in toxic amounts" criterion while implementing numeric criteria for toxicity. There are two types of WET tests: acute and chronic. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a longer period of time and may measure mortality, reproduction, and growth.

The Basin Plan specifies a narrative objective for toxicity, which requires in part that all waters be maintained free of toxic substances in concentrations that are toxic to, or produce other detrimental responses, in aquatic organisms. Detrimental response includes but is not limited to decreased growth rate, decreased reproductive success of resident or indicator species, and/or significant alterations in population, community ecology, or receiving water biota. The acute toxicity objective for discharges dictates that the average survival in undiluted effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90 percent, with no single test having less than 70 percent survival.

For the intermittent nature of the discharge, it is not expected to contribute to long-term toxic effects within the receiving water; therefore, the Discharger will not be required to conduct chronic toxicity testing. Intermittent discharges are likely to have short-term effects; therefore, for this category of discharge, the Discharger will be required to comply with acute toxicity effluent limitations in accordance with the Basin Plan and the Order.

D. Final Effluent Limitations

1. Anti-Backsliding Requirements

Sections 402(o) and 303(d)(4) of the CWA and federal regulations at section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent as and, in some cases are more stringent than, the effluent limitations in the previous Order. Therefore, there is no backsliding.

2. Anti-Degradation Policies

The State Water Board established California's Anti-Degradation Policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal Anti-Degradation Policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing high quality of waters is maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal policies. Compliance with these requirements will result in the best practicable treatment or control of the discharge. This Order holds the Dischargers to stringent water quality standards that are equal to or more stringent than existing limitations in previous permit for pollutants that are likely to be in the effluent, because the water used

for the hydrostatic testing is potable and because the discharges are neither continuous nor lengthy in nature. Compliance with those standards will not cause or contribute to water quality impairment or degradation. Therefore, the permitted discharge under this General NPDES Permit is consistent with the federal Anti-Degradation provision of 40 CFR Section 131.12 and State Water Board Resolution No. 68-16.

3. Stringency of Requirements for Individual Pollutants

This Order contains both technology-based and water quality-based effluent limitations for individual pollutants. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements. These limitations are not more stringent than required by the CWA.

Water quality-based effluent limitations have been derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant water quality-based effluent limitations were derived from the CTR, the CTR is the applicable standard pursuant to section 131.38. The procedures for calculating the individual water quality-based effluent limitations for priority pollutants are based on the CTR implemented by the SIP, which was approved by USEPA on May 18, 2000. Most beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to section 131.21(c)(1). The remaining water quality objectives and beneficial uses implemented by this Order were approved by USEPA and are applicable water quality standards pursuant to section 131.21(c)(2). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

E. Interim Effluent Limitations (Not Applicable)

F. Land Discharge Specifications (Not Applicable)

G. Recycling Specifications (Not Applicable)

H. Summaries of Limitations and Rationale

Summaries of the final effluent limitations, including technology-based discharge limitations and water quality-based discharge limitations, and the rationale for these limitations are shown in the following tables.

Table F-4. Effluent Limitations for All Discharges

Constituent	Units	Effluent Limitations		Basis for Limit
		Average Monthly	Maximum Daily	
BOD_5 20°C	mg/L	20	30	BPJ (R4-2009-0068)
TSS	mg/L	50	75	Basin Plan
pH	pH units	6.5 to 8.5		Basin Plan
Oil and Grease	mg/L	10	15	BPJ (R4-2009-0068)
Turbidity	NTU	50	75	BPJ (R4-2018-0087)
Settleable Solids	ml/L	0.1	0.3	BPJ (R4-2009-0068)
Total Residual Chlorine	mg/L	NA	0.1	Basin Plan
TPH*	µg/L	100	NA	BPJ (R4-2018-0087)

*: Total Petroleum Hydrocarbons (TPH) equals the sum of TPH gasoline (C_4 – C_{12}),

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Surface Water

The Basin Plan contains numeric and narrative water quality objectives applicable to all surface waters within the Los Angeles Region. Water quality objectives include an objective to maintain the high quality of waters pursuant to federal regulations (section 131.12) and State Water Board Resolution No. 68-16. Receiving water limitations in the Order are included to ensure protection of beneficial uses of the receiving water and are based on the water quality objectives contained in the Basin Plan and other statewide water quality control plans, as applicable.

B. Groundwater (Not Applicable)

VI. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The Discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42.

Section 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. Section 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with section 123.25, this Order omits federal conditions that address enforcement authority specified in sections 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

These provisions are based on 40 CFR Part 122 and the previous Order (Order No. R4-2009-0068). The Regional Water Board may reopen the permit to modify permit conditions and requirements.

Pursuant to sections 122.62 and 122.63, this Order may be modified, revoked and reissued, or terminated for cause. Reasons for modification may include new information on the impact of discharges regulated under this Order become available, promulgation of new effluent standards and/or regulations, adoption of new policies and/or water quality objectives, and/or new judicial decisions affecting requirements of this Order. In addition, if receiving water quality is threatened due to discharges covered under this General NPDES Permit, this General NPDES Permit will be reopened to incorporate more stringent effluent limitations for the constituents creating the threat. If future TMDLs are adopted that address pollutants that are likely to be in discharges from hydrostatic testing and allocate waste loads specifically to Dischargers regulated under this General NPDES Permit, the Regional Water Board may consider adding TMDL-specific permit requirements to this General NPDES Permit in a subsequent permit amendment or reissuance.

2. Special Studies and Additional Monitoring Requirements (Not Applicable)

3. Best Management Practices and Pollution Prevention

All Dischargers are required to implement Best Management Practices and Pollution Prevention Plans to minimize pollutant concentrations in the discharge as necessary.

4. Construction, Operation, and Maintenance Specifications (Not Applicable)

5. Special Provisions for Municipal Facilities (POTWs Only) (Not Applicable)

6. Other Special Provisions (Not Applicable))

7. Compliance Schedules (Not Applicable)

VII. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

Section 122.48 of 40 CFR requires all NPDES permits to specify recording and reporting of monitoring results. Sections 13267 and 13383 of the CWC authorize the water boards to require technical and monitoring reports. The MRP (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 MRP for this Order.

A. Influent Monitoring (Not Applicable)

B. Effluent Monitoring

Monitoring for pollutants expected to be present in the discharge will be required as established in the sample MRP (Attachment G). To demonstrate compliance with effluent limitations established in this Order, the Order carries over the existing monitoring requirements for all parameters. Monitoring will be required as appropriate to ensure compliance with final effluent

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limitations. Acute toxicity monitoring is also carried over and is required annually, at a minimum.

C. Whole Effluent Toxicity Testing Requirements

WET protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a longer period of time and may measure mortality, reproduction and growth.

The Order includes limitations for acute toxicity, and therefore, monitoring requirements are included in the MRP (Attachment E) to determine compliance with the effluent limitations established in Limitations and Discharge Requirements, Effluent Limitations, of this Order.

The Regional Water Board has determined that discharges will not contribute to long-term toxic effects within the receiving water. Therefore, the Discharger will not be required to conduct chronic toxicity testing.

D. Receiving Water Monitoring (Not Applicable)

E. Other Monitoring Requirements (Not Applicable)

VIII. PUBLIC PARTICIPATION

The Regional Water Board has considered the issuance of WDRs that will serve as a General NPDES Permit for Discharges of Low Threat Hydrostatic Testing Water to Surface Waters in the Coastal Watersheds of Los Angeles and Ventura Counties. As a step in the WDR adoption process, the Regional Water Board has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Regional Water Board has notified the Dischargers and interested agencies and persons of its intent to prescribe WDRs for the category of discharges and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided in the Los Angeles Times and Ventura County Star.

B. Written Comments

Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person, by mail or by email to the Regional Water Board at the address above on the cover page of this Order. Comments should be addressed to the attention of Mr. Augustine Anijielo, Unit Chief, General Permitting.

To be fully responded to and considered by the Regional Water Board, written comments should be received at the Regional Water Board offices by 5:00 p.m. on April 19, 2019.

C. Public Hearing

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

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Date: May 9, 2019
Time: 9:00 AM
Location: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and NPDES permit.

Please be aware that dates and venues may change. Our Web address is http://www.waterboards.ca.gov/losangeles/ where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, Title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., within 30 calendar days of the date of adoption of this Order at the following address, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day:

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

Or by email at waterqualitypetitions@waterboards.ca.gov

For instructions on how to file a petition for review, see: <http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml>

E. Information and Copying

The Tentative Permit and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (213) 576-6651.

F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the General NPDES Permit was invited to contact the Regional Water Board, reference this General NPDES Permit, and provide a name, address, and phone number.

G. Additional Information

Requests for additional information or questions regarding this order should be directed to Gensen Kai at 213-576-6651.

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