

**REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

EXECUTIVE OFFICER SUMMARY REPORT

May 8, 2019

ITEM 09

SUBJECT

NPDES Permit Rescission: An Order Rescinding Order No. R9-2010-0003, NPDES No. CAG679001, *General Waste Discharge Requirements for Discharges of Hydrostatic Test Water and Potable Water to Surface Waters and Storm Drains or Other Conveyance Systems Within the San Diego Region* (Tentative Order No. R9-2019-0016). (Ben Neill)

STAFF RECOMMENDATION

Adoption of the Tentative Order No. R9-2019-0016 (Tentative Order, **Supporting Document No. 1**) is recommended.

KEY ISSUE

The Tentative Order will rescind Order No. R9-2010-0003 which is now superseded by the statewide Order WQ 2014-0194-DWQ and is no longer necessary to provide regulatory coverage for drinking water system discharges in the San Diego Region.

PRACTICAL VISION

The Practical Vision sets forth plans to achieve healthy waters through prioritization of issues and actions, and prudent use of authorities in service to the people of California. Rescinding the NPDES Permit will not interfere with the goal of the Practical Vision to maintain healthy waters in the San Diego Region. Waste discharges previously covered by the rescinded Order will continue to be appropriately regulated under a separate statewide NPDES permit, Order WQ 2014-0194-DWQ, for the achievement of water quality objectives and the protection of beneficial uses.

DISCUSSION

Order No. R9-2010-0003 prescribes waste discharge requirements (WDRs) to water distributors (also called purveyors), water districts, municipalities, private entities, and other persons that have been issued a water supply permit by the California Department of Public Health¹, or federal military installations, that discharge hydrostatic test water and/or potable water to surface waters within the San Diego Region and storm drains or other conveyance systems tributary thereto.

On November 18, 2014, the State Water Resources Control Board (State Water Board) adopted Order WQ 2014-0194-DWQ, *Statewide National Pollutant Discharge Elimination System (NPDES) Permit for Drinking Water System Discharges to Waters of the United States*. Order WQ 2014-0194-DWQ prescribes WDRs for discharges from drinking water systems.

Finding III.C of Order WQ 2014-0194-DWQ states:

“Termination of Existing Coverage Under Similar Regional Water Board Orders. The State Water Board’s intention in the issuance of this statewide NPDES Permit is to provide consistent and efficient regulation of discharges from drinking water systems statewide. To provide such consistency, the State Water Board intends that existing regulatory coverage under an existing non-MS4 Regional Water Board NPDES permit for discharges regulated under this Order [i.e. Order WQ 2014-0194-DWQ] will be terminated by the applicable regional water board upon issuance of the Notice of Applicability to a water purveyor per the

¹ On July 1, 2014, the administration of the Drinking Water Program transferred from the California Department of Public Health to the State Water Resources Control Board. More information regarding this transfer is available at the following website:

https://www.waterboards.ca.gov/drinking_water/programs/DW_PreJuly2014.html

terms of this Order [Order WQ 2014-0194-DWQ].”

As of June 30, 2018, all water purveyors enrolled under San Diego Water Board Order No. R9-2010-0003 have been issued a Notice of Applicability providing regulatory coverage under Order WQ 2014-0194-DWQ and their enrollment has been terminated under Order No. R9-2010-0003. As such, Order No. R9-2010-0003 is no longer necessary and can be rescinded. Tentative Order No. R9-2019-0016 was noticed and released for public review and comment for a 30-day period on March 13, 2019. The comment period closed on April 12, 2019 with no comments submitted.

SIGNIFICANT CHANGES

None

PUBLIC NOTICE

The Tentative Order was noticed and released for public review and comment on March 13, 2019, with comments due by April 12, 2019. A public notice was sent to all known interested parties and posted on the San Diego Water Board’s website on March 13, 2019, which announced the May 8, 2019 public hearing and availability of the Tentative Order, and provided instructions on submittal of comments on the Tentative Order. Notice of the May 8, 2019 public hearing on the Tentative Order was also provided in the Meeting Notice and Agenda for the May 8, 2019 San Diego Water Board meeting, which was posted on the San Diego Water Board website. Notice of the availability of the Meeting Notice and Agenda for the May 8, 2019 San Diego Water Board meeting was sent to the San Diego Water Board Meeting email subscription list on April 18, 2019 and posted on the San Diego Water Board website. A copy of the public notice is provided in **Supporting Document No. 2**.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2019-0016
2. Notice of Public Hearing