# APPENDIX A

# WASTEWATER DISCHARGE AUTHORIZATION

# California Regional Water Quality Control Board

**Santa Ana Region**

Terry Tamminen
Secretary for
Environmental
Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
(909) 782-4130 • Fax (909) 781-6288
http://www.swrcb.ca.gov/rwqcb8

Arnold Schwarzenegger
Governor


April 14, 2004

Jack Fancher, Bolsa Chica Project Manager
U. S. Fish & Wildlife Service
6010 Hidden Valley Road
Carlsbad, Ca 92009

**WASTE DISCHARGE REQUIREMENTS, ORDER NO. R8-2003-061, NPDES NO. CAG998001 (DE MINIMUS DISCHARGES) FOR U. S. FISH & WILDLIFE SERVICE, BOLSA CHICA LOWLANDS PROJECT, HUNTINGTON BEACH, ORANGE COUNTY**

Dear Mr. Fancher:

On December 9, 2003, your consultant GeoSyntec Consultants, submitted a Notice of Intent to discharge wastewater associated with dewatering operations from the above construction site under the terms and conditions of the Regional Board's adopted general permit, Order No. R8-2003-0061.

On December 18, 2003, a discharge authorization was issued to your consultant GeoSyntec for the above referenced project. However, on March 15, 2004, GeoSyntec Consultants submitted a letter requesting transfer of the permit to the U. S. Fish & Wildlife Service (USFWS). The letter also stated that the USFWS is the holder of the 401 Waste Quality Standards certification for the Bolsa Chica project and is the project coordinator for the California State Lands Commission, the owner of the property.

On April 8, 2004, USFWS submitted a complete Notice of Intent to discharge wastewater associated with dewatering operation from the above construction site under the terms and conditions of the Regional Board's general permit, Order No. R8-2003-0061. This letter formalizes the transfer of the general permit Order No. R8-2003-0061 to the U. S. Fish & Wildlife Service as the responsible party.

Effective immediately, you are authorized to discharge wastewater under the terms and conditions of Order No. R8-2003-061. Enclosed is Monitoring and Reporting Program No. R8-2003-0061-071, which specifies the frequency of sampling and the constituents to be monitored. Please note that modifications to the sampling frequency and constituents to be monitored can be considered on a case-by-case basis.

Please note that Orange County Public Facilities and Resources Department, Flood Control has requested that we have dischargers in Orange County call George Rakas at (714) 834-2366 regarding local agency requirements for this discharge.

Order No. R8-2003-0061 will expire on August 1, 2008. If you wish to terminate coverage under this general permit prior to that time, please notify us immediately upon project completion so that we can rescind your authorization and avoid billing you an annual fee.

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosures: Monitoring and Reporting Program No. R8-2003-061-071

cc w/o enc: US EPA Permits Issuance Section (WTR-5) - Doug Eberhardt
State Water Resources Control Board, Division of Water Quality – James Maughan
Orange County Public Facilities and Resources Department, Flood Control – George Rakas
GeoSytec Consultants - Paul Guptill

California Regional Water Quality Control Board
Santa Ana Region

# GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS THAT POSE AN INSIGNIFICANT (DE MINIMUS) THREAT TO WATER QUALITY

Monitoring and Reporting Program No. R8-2003-0061-071
NPDES No. CAG998001
For

**U. S. Fish & Wildlife Service**
**Bolsa Chica Lowlands Project**
**Huntington Beach, Orange County**

## A. MONITORING AND REPORTING REQUIREMENTS

Monitoring and reporting shall be in accordance with the following:

1. All monitoring reports, or information submitted to the Regional Board shall be signed and certified in accordance with 40 CFR 122.22.

2. All laboratory analyses shall be performed in accordance with test procedures under 40 CFR 136 (revised as of May 14, 1999) "Guidelines Establishing Test Procedures for the Analysis of Pollutants," promulgated by the United States Environmental Protection Agency (EPA), unless otherwise specified in this monitoring and reporting program (M&RP). In addition, the Regional Board and/or EPA, at their discretion, may specify test methods that are more sensitive than those specified in 40 CFR 136. Unless otherwise specified herein, organic pollutants shall be analyzed using EPA method 8260, as appropriate, and results shall be reported with ML or PQL and MDL.

3. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services or EPA or at laboratories approved by the Executive Officer of the Regional Board.

4. All analytical data shall be reported with method detection limits (MDLs) and with identification of either practical quantitation levels (PQLs) or limits of quantitation (LOQs).

5. Whenever the discharger monitors any pollutant more frequently than is required by this general permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharge monitoring report specified by the Executive Officer.

6. The discharger shall deliver a copy of each monitoring report in the appropriate format to:

California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

7. The discharger may request a reduction in the constituents to be monitored and/or a reduction in monitoring frequency for a specific constituent(s) subject to the approval of the Executive Officer when the conditions stipulated in Provisions E.7. of this general permit are met.

8. The discharger shall assure that records of all monitoring information are maintained and accessible for a period of at least five years from the date of the sample, report, or application. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge or by the request of the Board at any time. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or measurements;
   b. The individual(s) who performed the sampling, and/or measurements;
   c. The date(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used, including any modification to those methods;
   f. All sampling and analytical results, including
      1) Units of measurement used;
      2) Minimum reporting limit for the analysis (minimum level, practical quantitation level (PQL));
      3) Results less than the reporting limit but above the method detection limit (MDL);
      4) Data qualifiers and a description of the qualifiers;
      5) Quality control test results (and a written copy of the laboratory quality assurance plan);
      6) Dilution factors, if used; and
      7) Sample matrix type; and;
   g. All monitoring equipment calibration and maintenance records;
   h. All original strip charts from continuous monitoring devices;
   i. All data used to complete the application for this general permit; and,
   j. Copies of all reports required by this general permit.

9. Weekly samples shall be collected on a representative day of each week.

10. Annually samples shall be collected on the month the discharge authorization letter was issued.

## B. EFFLUENT MONITORING

1. A sampling station shall be established for the point of discharge where representative samples of the discharge can be obtained before the discharge mixes with the receiving waters.

2. The following shall constitute the effluent monitoring program:

| Constituent | Type of Sample | Units | Minimum Frequency of Sampling and Analysis |
|---|---|---|---|
| Flow | ---------- | gpd | Daily |
| Oil and Grease[1] | Grab | mg/l | During the first 30 minutes of each discharge and then weekly, thereafter |
| Total Residual Chlorine [2,3] | " | " | " |
| Total Suspended Solids [2,4] | " | " | " |
| Total Petroleum Hydrocarbons[5] | Grab | µg/l | " |
| Total Nitrogen | " | mg/l | annually |

## C. REPORTING

1. Five days prior to any discharge from locations already reported, the discharger shall notify the Regional Board staff by phone or by a fax letter indicating the date and time of the proposed discharge.

2. Five days prior to any planned discharge[6] from locations not yet reported, the discharger shall notify the Regional Board staff by phone or by a fax letter indicating the following:

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1 *Applicable if wastewater dewatered from sites use submerged pumps or oil and grease.*
2 *Unless it is known that chlorine is not in the discharge.*
3 *Not applicable if all wastewater will percolate prior to reaching receiving waters.*
4 *Not applicable to discharges from established water supply systems where no suspended solids are expected (hydrant/water line flushing).*
5 *Only for groundwater dewatering projects in an area where gasoline leaks, spills, or contamination has occurred, or where active groundwater remediation projects are occurring (ex. gasoline service station leaking underground storage tank.)*
6 *For those unplanned discharges, as much prior notification as possible is required before any discharge is initiated.*

1) Specific type of the proposed wastewater discharge (see listing on Finding 1 of the Order);
2) The estimated average and maximum daily flow rates;
3) The frequency and duration of the discharge;
4) The affected receiving water(s);
5) A description of the proposed treatment system (if appropriate); and
6) A description of the path from the point of initial discharge to the ultimate location of discharge (fax a map if possible);

3. Monitoring reports shall be submitted by the 30th day of each month following the monitoring period. The monitoring reports shall cover the previous month's monitoring activities and shall include:

   a. The results of all laboratory analyses for constituents required to be monitored (see Section B. and C. above),
   b. Calculation of Removal rate for Total Nitrogen,
   c. The daily flow data,
   d. A summary of the discharge activities (when and where discharge occurred, description of type of discharge, etc.) including a report detailing the discharger's compliance or noncompliance with the requirements of the general permit and discharge authorization letter, and
   e. For every item where the requirements of the general permit and discharge authorization letter are not met:

      1) A statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time, and
      2) A timetable for implementing the proposed actions.

   c. If no discharge occurs during the previous monitoring period, a letter to that effect shall be submitted in lieu of a monitoring report.

4. All reports shall be signed by a responsible officer or duly authorized representative of the discharger and shall be submitted under penalty of perjury.

Ordered by_____
Gerard J. Thibeault
Executive Officer

April 14, 2004

California Regional Water Quality Control Board
Santa Ana Region

ORDER NO. R8-2003-0061
NPDES NO. CAG998001

# GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS THAT POSE AN INSIGNIFICANT (DE MINIMUS) THREAT TO WATER QUALITY

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), finds that:

1. On July 10, 1998, the Regional Board adopted Order No. 98-67, National Pollutant Discharge Elimination System (NPDES) Permit No. CAG998001. Order No. 98-67 contained the waste discharge requirements for discharges into surface waters of various types of wastes that pose an insignificant threat to water quality. The types of discharges regulated under Order No. 98-67 include:

   a. Construction dewatering wastes; (except storm water dewatering at construction sites)[1];
   b. Wastes associated with well installation, development, test pumping and purging;
   c. Aquifer testing wastes;
   d. Dewatering wastes from subterranean seepage, except for discharges from utility company vaults;
   e. Discharges resulting from hydrostatic testing of vessels, pipelines, tanks, etc.;
   f. Discharges resulting from the maintenance of potable water supply pipelines, tanks, reservoirs, etc.;
   g. Discharges resulting from the disinfection of potable water supply pipelines, tanks, reservoirs, etc.;
   h. Discharges from potable water supply systems resulting from system failures, pressure releases, etc.;
   i. Discharges from fire hydrant testing or flushing;
   j. Non-contact cooling water;
   k. Air conditioning condensate;
   l. Swimming pool drainage;
   m. Discharges resulting from diverted stream flows; and
   n. Other similar types of wastes, which pose a de minimus threat to water quality, yet technically must be regulated under waste discharge requirements.

2. Order No. 98-67 satisfied all the criteria cited in 40 CFR[2] 122.28 and as such, was classified as a General NPDES Permit. 40 CFR 122.28 pertains to the issuance of general permits to regulate discharges of waste that meet the following criteria:

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1 *Storm water discharges are covered under separate permit.*
2 *CFR is the Code of Federal Regulations.*

a. Involve the same or substantially similar types of operations;
b. Are of the same types;
c. Require the same effluent limitations or operating conditions;
d. Require the same or similar monitoring; and
e. Are more appropriately regulated under a general permit rather than individual permits.

3. Order No. 98-67 has expedited the processing of numerous applications for waste discharge requirements. The general NPDES permit has allowed the Regional Board to better utilize limited staff resources.

4. Order No. 98-67 expired on July 1, 2003. However, the Order remains in full force and effect until a new Order is adopted. To date, 184 dischargers have been authorized to discharge wastewater under the general permit and 105 discharges are still active. There are currently 20 authorized dischargers within the Newport Bay Watershed. Renewal of this general permit is necessary to continue this expedited permitting process.

5. A Water Quality Control Plan (Basin Plan) became effective on January 24, 1995. The Basin Plan contains beneficial uses and water quality objectives for waters in the Santa Ana Region.

6. The existing and potential beneficial uses of surface waters in the Santa Ana Region include:

a. Municipal and Domestic Supply,
b. Agricultural Supply,
c. Industrial Service Supply,
d. Industrial Process Supply,
e. Groundwater Recharge,
f. Hydropower Generation,
g. Water Contact Recreation,
h. Non-contact Water Recreation
i. Warm Freshwater Habitat,
j. Limited Warm Freshwater Habitat,
k. Cold Freshwater Habitat,
l. Preservation of Biological Habitats of Special Significance,
m. Wildlife Habitat,
n. Marine Habitat,
o. Shellfish Harvesting,
p. Estuarine Habitat,

q. Rare, Threatened or Endangered Species, and

r. Spawning, Reproduction, and Development.

7. Many surface waters within the region recharge underlying groundwater basins. The existing and potential beneficial uses of groundwater within the Santa Ana Region include:

a. Municipal and Domestic Supply,

b. Agricultural Supply,

c. Industrial Service Supply, and

d. Industrial Process Supply

8. The requirements contained in this Order are necessary to implement the Basin Plan.

9. This general permit regulates de minimus discharges (as listed in Finding No. 1, above) to surface waters. An entity(ies)/individual(s) proposing de minimus discharges is hereinafter referred to as "*discharger*" and upon authorization, is subject to the terms and conditions of this Order.

10. This Order permits the discharge into surface waters of wastewater that meets the requirements of this Order. It does not preempt or supersede the authority of municipalities, flood control agencies, or other local agencies to prohibit, restrict, or control discharges of waste to storm drain systems or other watercourses subject to their jurisdiction.

11. On June 14, 2002, the US Environmental Protection Agency Region IX promulgated Total Maximum Daily Loads (TMDL) for Toxic Pollutants for San Diego Creek and Newport Bay. In 1998, the Regional Board adopted Basin Plan amendments (Resolutions No. 98-9 and 98-69), incorporating nutrient and sediment TMDLs for the San Diego Creek/Newport Bay Watershed. These TMDLs were subsequently amended (Resolutions No. 98-100 and 98-101). These TMDLs specify certain load allocations for discharges of nutrients, sediments and toxic pollutants in the Newport Bay watershed. Monitoring data indicate that certain types of discharges regulated under Order No. 98-67 have the potential to affect surface waters within the watershed and would not likely comply with the TMDLs. Therefore, it is appropriate to regulate these discharges under a separate general permit or individual permits. Accordingly, this Order does not regulate discharges to the Newport Bay watershed from well installation, well development, well test pumping and purging, aquifer testing, construction dewatering, and subterranean seepage within the watershed. Order No. 98-67 remains in full force and effect for these discharges until appropriate waste discharge requirements are adopted. However, it is appropriate to review the nature of these discharges to determine whether they can be reasonably required to cease until such time as appropriate waste discharge requirements are adopted. The Executive Officer can withdraw authorization to discharge under Order No. 98-67 where it is found appropriate.

12. It is inappropriate to cover the following specific types of discharges under this general permit:

    a. Wastewater discharges from hydro-testing of contaminated pipes or contaminated vessels or tanks.

    b. Wastewater discharges from draining of decorative ponds, golf course lakes and ponded water (irrigation tailwater that may commingle with storm water), unless full characterization of the wastewater for the presence of pesticides, priority pollutants, insecticide, biocide and/or other chemicals that may have been applied to the wastewater is provided. There must be a demonstration that there are no pollutants present at levels of concern.

13. For coverage under this general permit, a discharger is required to submit a completed Notice of Intent Form (see Attachment "A" of this Order) together with other information required in Section I. "APPLICATION REQUIREMENTS," and to receive approval from the Executive Officer. If the proposed discharge meets the requirements of this general permit, the Executive Officer will provide the discharger with a written authorization to initiate the discharge. If not, an individual NPDES permit will be developed for consideration by the Regional Board.

14. Any discharger proposing de minimus discharges at multiple locations within the Santa Ana Region may be covered under one discharge authorization letter on a case-by-case basis, subject to the approval of the Executive Officer.

15. It is appropriate to allow the Executive Officer to increase and/or reduce the number of constituents being monitored and the frequency of monitoring when the discharger meets the conditions specified in this Order.

16. The Executive Officer of the Regional Board or the Regional Administrator of the EPA may require any person authorized to discharge waste by this general permit to subsequently apply for and obtain an individual NPDES permit. Any interested person may petition the Executive Officer or the Regional Administrator to take action in accordance with this finding. Cases where an individual NPDES permit may be required include the following:

    a. The discharger is not in compliance with the conditions of this Order or the discharge authorization letter from the Executive Officer;

    b. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

    c. Effluent limitation guidelines are promulgated for point sources covered by the general NPDES permit;

    d. Changes to water quality control plan containing requirements applicable to such point sources are approved;

e. The requirements of 40 CFR 122.28 (a) are not met; or

f. The discharge may adversely affect the water quality objectives of the receiving water.

17. The Regional Board recognizes the need to consider any unique factors relating to a discharger. In order to address any unique factors applicable to a particular discharger or discharge, it may be necessary for the discharger to apply for an individual NPDES permit in accordance with Section 13376 of the California Water Code.

18. De minimus discharges complying with the provisions and requirements of this general permit are not expected to violate the applicable water quality standards.

19. The de minimus discharges described in Finding No. 1 above are not expected to cause toxicity, therefore no toxicity limits are specified in this general permit.

20. Effluent limitations and national standards of performance established pursuant to Section 301, 302, 303(d), 304, 306, and 307 of the Federal CWA and amendments thereto are applicable to this type of discharges.

21. On June 8, 1989, pursuant to 40 CFR 122.28, the State Water Resources Control Board (hereinafter State Board), applied to the Environmental Protection Agency (hereinafter EPA) for revisions of its NPDES program in accordance with 40 CFR 123.62 and 403.10. The application included a request to add general permit authority to its approved NPDES program. On September 22, 1989, Region IX EPA approved the State Board's request and granted authorization for the State's issuance of general NPDES permits.

22. The Regional Board has considered antidegradation pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16 and finds that de minimus discharges are consistent with those provisions.

23. In accordance with California Water Code Section 13389, the issuance of waste discharge requirements for de minimus discharges is exempt from those provisions of the California Environmental Quality Act contained in Chapter 3 (Commencing with Section 21100), Division 13 of the Public Resources Code.

24. The Regional Board has notified interested agencies and persons of its intent to re-issue general waste discharge requirements for de minimus discharges, and has provided them with an opportunity to submit their written views and recommendations.

25. The Regional Board, in a public meeting, heard and considered all comments pertaining to general waste discharge requirements for de minimus discharges.

**IT IS HEREBY ORDERED** that dischargers, their agents, successors, and assigns, who are discharging the types of wastes listed in Findings No. 1, above, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act as amended and regulations and guidelines adopted thereunder, shall comply with the following:

## A. DISCHARGE SPECIFICATIONS

1. The discharge of wastewater shall not contain constituent concentrations in excess of the following limits:

| EFFLUENT LIMITATIONS APPLICABLE TO ALL RECEIVING WATERS | |
|---|---|
| Constituent | Maximum Concentration |
| Oil and Grease | 15 mg/l |
| Sulfides | 0.4 mg/l |
| Total Residual Chlorine [3, 3] | 0.1 mg/l |
| Total Suspended Solids[4] | 75 mg/l |
| Total Petroleum Hydrocarbons | 100 µg/l (ppb) |

2. The pH of the discharge shall be within 6.5 and 8.5 pH units.

3. There shall be no visible oil and grease in the discharge.

## B. RECEIVING WATER LIMITATIONS

1. The discharge of wastes shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Board or the State Board, as required by the Federal CWA and regulations adopted thereunder.

2. The discharge shall not cause any of the following:

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3 *Compliance shall be determined at a point before wastewater mixes with any receiving water.*

4 *Not applicable if all wastewater will percolate prior to reaching any receiving water.*

a. The undesirable discoloration of the receiving waters.

b. The presence of objectionable odor in the receiving water.

c. The presence of visible oil, grease scum, floating or suspended material or foam in the receiving waters.

d. The deposition of objectionable deposits along the banks or the bottom of the stream channel.

e. The depletion of the dissolved oxygen concentration below 5.0 mg/l in the receiving water. If the ambient dissolved oxygen concentration is less than 5.0 mg/l, the discharge shall not cause a further depression.

f. An increase in the temperature of the receiving waters above 90°F (32°C) which normally occurs during the period of June through October, nor above 78°F (26°C) during the rest of the year.

g. Change the ambient pH levels more than 0.5 pH units.

h. The concentration of pollutants in the water column, sediments, or biota to adversely affect the beneficial uses of the receiving waters.

i. The bioaccumulation of chemicals in aquatic resources to levels which are harmful to human health.

## C. PROHIBITIONS

1. The discharge of oil, trash, industrial waste sludge, or other solids directly to the surface waters in this region or in any manner that will ultimately affect surface waters in this region is prohibited.

2. The discharge of any substances in concentrations toxic to animal or plant life is prohibited.

3. Odors, vectors, and other nuisances of waste origin are prohibited beyond the limits of each discharger's facility.

4. Unless approved by the Executive Officer, the addition of chemicals to the discharge is prohibited.

## D. EXCLUDED DISCHARGES

1. This general permit does not cover the following specific types of discharges:

   a. Wastewater discharges to the Newport Bay watershed from well installation, well development, well test pumping and purging, aquifer testing, construction dewatering and subterranean seepage in the Watershed.

   b. Wastewater discharges from hydro-testing of contaminated pipes or contaminated vessels or tanks.

   c. Wastewater discharges from draining of decorative ponds, golf course lakes and ponded water (irrigation tail water that may commingle with storm water), unless full characterization of the wastewater for the presence of pesticides, priority pollutants, insecticide, biocide and/or other chemicals that may have been applied to the wastewater is provided. There must be a demonstration that there are no pollutants present at levels of concern.

## E. PROVISIONS

1. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the CWA, or amendments thereto, that shall become effective 10 days after the date of adoption, provided the Regional Administrator of the EPA has no objection. If the Regional Administrator objects to its issuance, this Order shall not serve as an NPDES permit until such objection is withdrawn.

2. Neither the treatment nor the discharge of waste shall create, or threaten to create, a nuisance or pollution as defined by Section 13050 of the California Water Code.

3. This Order expires on August 1, 2008. However, coverage under the permit shall continue in force and effect until a new Order is issued for those dischargers who submit a renewal application more than 180 days before the August 1, 2008 expiration date.

4. Upon adoption of this Order, dischargers that are currently covered under Order No. 98-67 (except dischargers proposing discharges into the Newport Bay Watershed resulting from well installation, well development, well test pumping and purging, aquifer testing, construction dewatering and subterranean seepage in the watershed) shall cease all discharges unless a notice of intent to discharge under the renewed Order is submitted within 15 days of the effective date of the new Order.

5. The Executive Officer shall determine whether the proposed discharge is eligible for coverage under this general permit, after which, the Executive Officer may;

a. Authorize the proposed discharge by transmitting a "Discharge Authorization Letter" to the discharge proponent (now an "authorized discharger") authorizing the discharge under the conditions of this Order and any other conditions consistent with this Order that are necessary to protect the beneficial uses of the receiving waters; or,

b. Require the discharge proponent to obtain an individual NPDES permit prior to any discharge to surface waters within the Santa Ana Region.

6. The Executive Officer is authorized to issue a single discharge authorization letter to a discharger proposing unknown future de minimus discharges at multiple locations within the Santa Region, provided that the general nature of the discharges and the general locations are reported and included in the application to discharge wastes under this general permit and that at least five days prior to each discharge, more detailed information regarding each discharge is reported.

7. The discharge authorization letter from the Executive Officer shall specify any conditions necessary to protect the beneficial uses of the receiving waters and shall specify the Self-Monitoring Program for the proposed discharge in accordance with this Order. The discharge authorization letter may be terminated or revised by the Executive Officer at any time.

8. The discharger shall comply with the monitoring and reporting program as issued by the Executive Officer in accordance with Template Monitoring and Reporting Program No. R8-2003-0061. This monitoring and reporting program may be modified by the Executive Officer at any time during the term of this Order, and may include a reduction or an increase in the number of parameters to be monitored, the frequency of the monitoring or the number and size of samples to be collected. Any increase in the number of parameters to be monitored, the frequency of the monitoring or the number and size of samples to be collected may be reduced back to the levels specified in the original monitoring and reporting program at the discretion of the Executive Officer. Reduction in the number of constituents being monitored and/or frequency of monitoring shall be considered by the Executive Officer only if the following conditions are satisfied:

a. Only dischargers without any criminal convictions under any environmental statute and NPDES civil judicial and administrative enforcement actions are eligible.

b. Only dischargers covered under Order No. 98-67 or under an existing individual permit for the last consecutive two years who have had no effluent violations of monitored constituents during the last two years are eligible.

c. The following performance conditions shall be met:

1) For a specific constituent, reduction of weekly monitoring to bi-weekly (every two weeks) monitoring can be considered with approval by the Executive Officer when the effluent monitoring data for the last 3 months show compliance with effluent limitations.

2) For a specific constituent, reduction of bi-weekly (every two weeks) monitoring to monthly monitoring can be considered with approval by the Executive Officer when the effluent monitoring data for the last 6 months show compliance with effluent limitations.

3) For specific constituent, reduction of monthly monitoring to quarterly monitoring can be considered with approval by the Executive Officer when the effluent monitoring data for the last 12 months show compliance with effluent limitations.

4) Constituents with effluent limitations shall be monitored at least once per year.

d. Should any of the weekly, bi-weekly, monthly, quarterly or annual monitoring for a specific constituent show effluent concentrations above the effluent limit, the frequency of monitoring for that constituent shall be increased as directed by the Executive Officer.

9. The discharger shall comply with all requirements of this Order and the terms, conditions and limitations of the discharge authorization letter.

10. The discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.

11. The discharger shall take all reasonable steps to minimize any adverse impact to receiving waters resulting from noncompliance with any effluent limitations specified in this Order, including such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying discharge.

12. The discharger shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement.

13. The discharger shall implement measures regulating the flow and velocity of the wastewater discharged to prevent the project from causing significant soil erosion of downstream streambeds and/or embankments.

14. This Order does not convey any property rights of any sort, or any exclusive privilege.

15. This Order is not transferable to any person except after notice to and approval by the Regional Board.

16. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from his liabilities under federal, state, or local laws, nor guarantee the discharger a capacity right in the receiving waters.

17. The provisions of this Order are severable, and if any provision of this Order, or the application of any provisions of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order shall not be affected thereby.

18. Any violation of this Order constitutes a violation of the CWA, its regulations, and the California Water Code, and is grounds for enforcement action and/or termination of the authorization to discharge.

19. The Regional Board, EPA, and other authorized representatives shall be allowed:

    a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;

    b. Access to copy any records that are kept under the conditions of the order;

    c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

    d. To photograph, sample and monitor for the purpose of assuring compliance with this Order, or as otherwise authorized by the CWA.

## F. 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 Federal CWA, or amendments thereto, the Board will revise and modify this Order in accordance with such standards.

2. This Order may be reopened to address any changes in State or federal plans, policies or regulations that would affect the quality requirements for the discharges.

3. Any permit noncompliance constitutes a violation of the CWA and the California Water Code and is grounds for enforcement action; for permit or authorization letter termination, revocation and reissuance, or modification; the issuance of an individual permit; or for denial of a renewal application.

4. This Order may be modified by the Regional Board prior to the expiration date to include effluent or receiving water limitations for toxic constituents determined to be present in significant amounts in the discharge through the comprehensive monitoring program included as part of this Order.

5. This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by a discharger for modification, revocation and reissuance, or termination of this Order or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

## G. PENALTIES

1. The CWA provides that any person who violates a provision implementing sections 301, 302, 306, 307, or 308 of the CWA is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates provisions implementing these sections of the CWA is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

2. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

3. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

4. The California Water Code provides that any person who violates a waste discharge requirement or a provision of the California Water Code is subject to civil penalties of up to $5,000 per day, $10,000 per day, or $25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to $10 per gallon per day, or $20 per gallon per day of violation; or some combination thereof, depending on the violation, or upon the combination of violations.

## H. REQUIRED REPORTS AND NOTICES

1. Reporting Provisions:

   a. All applications, reports, or information submitted to the Regional Board shall be signed and certified in accordance with 40 CFR 122.22.

   b. The discharger shall furnish, within a reasonable time, any information the Regional Board or EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.

c. Except for data determined to be confidential under Section 308 of the CWA, all reports prepared in accordance with the terms of this Order shall be available for public inspection at the offices of the Regional Water Quality Control Board and the Regional Administrator of EPA. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act and Section 13387 of the California Water Code.

2. The discharger shall give advance notice to the Regional Board of any planned changes in the permitted facility or activity that may result in noncompliance with these waste discharge requirements.

3. In the event of any change in control or ownership of land or waste discharge facilities currently owned or controlled by the discharger, the discharger shall notify the succeeding owner or operator of the existence of their authorization to discharge wastewater under this general permit by letter, a copy of which together with the signed agreement between previous owner and the new owner accepting responsibility and liability for complying with this general permit shall be forwarded to the Executive Officer.

4. Upon completion of the project, the discharger shall notify the Executive Officer of the Regional Board in writing about cessation of the discharge and shall request for termination of coverage under this general permit.

## I. APPLICATION REQUIREMENTS

1. Dischargers already covered under Order No. 98-67 and those dischargers under individual permits who wish to be and believe they can and should be covered under this renewed general permit shall submit a completed Notice of Intent (see Attachment A of Order No. R8-2003-0061) within 15 days of the effective date of the new Order. In addition, those dischargers who want to request a modification to the Template Monitoring and Reporting Program shall specifically state the modification being requested and shall submit information/justification supporting their request. The Executive Officer may also require the discharger to submit additional information about any recent change in ownership of facility, changes in the character and treatment of the discharges and any other relevant information that will update facility information in the Regional Board's files.

2. **FOR A NEW DISCHARGER**[5]: At least 60 days before the intended start of a new discharge or individual permit expiration; the discharger shall submit an application for coverage under this Order. The authorization letter from the Executive Officer is required prior to commencement of the discharge for those types of wastes covered by this permit as described in Finding No. 1. The application shall consist of the following information:

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[5] *New discharger is an entity/individual who is not currently authorized to discharge waste under this general permit and who is proposing de minimus discharge to be covered under this general permit.*

a. Notice of Intent to be covered under this general permit.

b. For projects involving well development, well purging and groundwater extraction, a site characterization study report defining the proximity of the extraction well to known contaminated sites, the presence of contaminated groundwater onsite, contaminants and their properties, and a three dimensional assessment of the extent and concentration of contaminants in the subsurface. The study report shall include a description of the geologic and hydrologic factors that control the migration of the contaminants. It shall also include a list of known or suspected leaking underground tanks and other facilities or operations which have or may have impacted the quality of the underlying groundwater within 200 feet of the site.

c. A report which shall include the following:

1) Characterization of the proposed wastewater discharge (For projects involving well development, well purging and groundwater extraction, a representative groundwater sample shall be analyzed for all 126-priority pollutants[6] listed in Attachment B of this Order);
2) The name of the receiving water;
3) The estimated average and maximum daily flow rates;
4) The frequency and duration of the discharge;
5) A description of the proposed treatment system (if appropriate); and
6) A map showing the path from the point of initial discharge to the ultimate location of discharge;

d. Any other information deemed necessary by the Executive Officer.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on August 22, 2003.

for Gerard J. Thibeault
Executive Officer

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6 *Test methods shall be in accordance with 40 CFR 136. For testing organic volatile compounds use EPA Method 8260 and report entire suite of detected constituents. The method detection limit and detection level attained shall also be reported with the test results.*

California Regional Water Quality Control Board
Santa Ana Region

Template Monitoring and Reporting Program No. R8-2003-0061
NPDES No. CAG998001

GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS THAT POSE AN INSIGNIFICANT (DE MINIMUS) THREAT TO WATER QUALITY

## A. MONITORING AND REPORTING REQUIREMENTS

Monitoring and reporting shall be in accordance with the following:

1. All monitoring reports, or information submitted to the Regional Board shall be signed and certified in accordance with 40 CFR 122.22.

2. All laboratory analyses shall be performed in accordance with test procedures under 40 CFR 136 (revised as of May 14, 1999) "Guidelines Establishing Test Procedures for the Analysis of Pollutants," promulgated by the United States Environmental Protection Agency (EPA), unless otherwise specified in this monitoring and reporting program (M&RP). In addition, the Regional Board and/or EPA, at their discretion, may specify test methods that are more sensitive than those specified in 40 CFR 136. Unless otherwise specified herein, organic pollutants shall be analyzed using EPA method 8260, as appropriate, and results shall be reported with ML or PQL and MDL.

3. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services or EPA or at laboratories approved by the Executive Officer of the Regional Board.

4. All analytical data shall be reported with method detection limits (MDLs) and with identification of either practical quantitation levels (PQLs) or limits of quantitation (LOQs).

5. Whenever the discharger monitors any pollutant more frequently than is required by this general permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharge monitoring report specified by the Executive Officer.

6. The discharger shall deliver a copy of each monitoring report in the appropriate format to:

California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

7. The discharger may request a reduction in the constituents to be monitored and/or a reduction in monitoring frequency for a specific constituent(s) subject to the approval of the Executive Officer when the conditions stipulated in Provisions E.7. of this general permit are met.

8. The discharger shall assure that records of all monitoring information are maintained and accessible for a period of at least five years from the date of the sample, report, or application. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge or by the request of the Board at any time. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or measurements;
   b. The individual(s) who performed the sampling, and/or measurements;
   c. The date(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used, including any modification to those methods;
   f. All sampling and analytical results, including
      1) Units of measurement used;
      2) Minimum reporting limit for the analysis (minimum level, practical quantitation level (PQL));
      3) Results less than the reporting limit but above the method detection limit (MDL);
      4) Data qualifiers and a description of the qualifiers;
      5) Quality control test results (and a written copy of the laboratory quality assurance plan);
      6) Dilution factors, if used; and
      7) Sample matrix type; and;
   g. All monitoring equipment calibration and maintenance records;
   h. All original strip charts from continuous monitoring devices;
   i. All data used to complete the application for this general permit; and,
   j. Copies of all reports required by this general permit.

9. Weekly samples shall be collected on a representative day of each week.

10. Bi weekly samples shall be collected every two weeks on a representative day of each week.

11. Monthly samples shall be collected on a representative day of the month.

12. Quarterly samples shall be collected on a representative day of March, June, September, and December.

13. Semi-Annual samples shall be collected at the initiation of the project for the first sample and during January and July thereafter.

14. Annual samples shall be collected on the month the discharge authorization letter was issued.

## B. EFFLUENT MONITORING

1. A sampling station shall be established for the point of discharge where representative samples of the discharge can be obtained before the discharge mixes with the receiving waters.

2. The following shall constitute the effluent monitoring program:

| Constituent | Type of Sample | Units | Minimum Frequency of Sampling and Analysis |
|---|---|---|---|
| Flow | --------- | gpd | Daily |
| Oil and Grease | Grab | mg/l | During the first 30 minutes of each discharge and as directed by the Executive Officer, thereafter |
| Sulfides | " | " | " |
| Total Residual Chlorine [1,2] | " | " | " |
| Total Suspended Solids [2] | " | " | " |
| Total Dissolved Solids | " | " | " |
| Total Inorganic Nitrogen | " | " | " |
| Total Petroleum Hydrocarbons | Grab | µg/l | " |

VOC (8260B)

1 *Unless it is known that chlorine is not in the discharge.*

2 *Not applicable if all wastewater will percolate prior to reaching receiving waters*

## C. REPORTING

1. Five days prior to any discharge from locations already reported, the discharger shall notify the Regional Board staff by phone or by a fax letter indicating the date and time of the proposed discharge.

2. Five days prior to any planned discharge[3] from locations not yet reported, the discharger shall notify the Regional Board staff by phone or by a fax letter indicating the following:

    1) Specific type of the proposed wastewater discharge (see listing on Finding 1 of the Order);
    2) The estimated average and maximum daily flow rates;
    3) The frequency and duration of the discharge;
    4) The affected receiving water(s);
    5) A description of the proposed treatment system (if appropriate); and
    6) A description of the path from the point of initial discharge to the ultimate location of discharge (fax a map if possible);

3. Monitoring reports shall be submitted by the 30th day of each month following the monitoring period. The monitoring reports shall cover the previous month's monitoring activities and shall include:

    a. The results of all laboratory analyses for constituents required to be monitored (see Section B. above),
    b. The daily flow data,
    c. A summary of the discharge activities (when and where discharge occurred, description of type of discharge, etc.) including a report detailing the discharger's compliance or noncompliance with the requirements of the general permit and discharge authorization letter, and
    d. For every item where the requirements of the general permit and discharge authorization letter are not met:

        1) A statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time, and
        2) A timetable for implementing the proposed actions.

    e. If no discharge occurs during the previous monitoring period, a letter to that effect shall be submitted in lieu of a monitoring report.

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3 *For those unplanned discharges, as much prior notification as possible is required before any discharge is initiated.*

4. All reports shall be signed by a responsible officer or duly authorized representative of the discharger and shall be submitted under penalty of perjury.

Ordered by K. V. Bittel
for Gerard J. Thibeault
Executive Officer

August 22, 2003

California Regional Water Quality Control Board
Santa Ana Region

**NOTICE OF INTENT**

TO COMPLY WITH THE TERMS AND CONDITIONS OF THE GENERAL PERMIT TO DISCHARGE WASTEWATER THAT POSE INSIGNIFICANT (DE MINIMUS) THREAT TO WATER QUALITY
(Order No. R8-2003-0061, NPDES No. CAG998001)

I. PERMITTEE *(Person/Agency Responsible for the Discharge)*

AGENCY/COMPANY
Name: _____

Address: _____
*Street* *City* *State* *ZIP*

CONTACT
Person: _____ Phone: (_____) _____

II. FACILITY

Name: _____

Location: _____
*Street* *City* *State* *ZIP*

CONTACT
Person: _____ Phone: (_____) _____

III. BILLING INFORMATION (*Where annual fee invoices should be sent)*

AGENCY/COMPANY
Name: _____

Address: _____
*Street* *City* *State* *ZIP*

CONTACT
Person: _____ Phone: (_____) _____

IV. INDICATE EXISTING PERMIT NUMBER: *(if applicable)*

a. Individual Permit Order No. _____ NPDES No. _____

b. General Permit Order No. 98-67_____

V. CERTIFICATION:

I certify under penalty of law that I am an authorized representative of the permittee and that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the permittee will comply with the terms and conditions stipulated in Order No. R8-2003-0061 including the monitoring and reporting program issued by the Executive Officer of the Regional Board.

Name and Official Title: _____
*(type or print)*

Signature: _____ Date: _____

*Remarks:* *If changes to facility ownership and/or treatment processes were made after the issuance of the existing permit, please provide a description of such changes on another sheet and submit it with this Notice of Intent.*

*Attachment "B"*
*Order No. R8-2003-0061, NPDES No. CAG998001*
*De Minimus Discharges*



## EPA PRIORITY POLLUTANT LIST

| Metals | | Acid Extractibles (8270) | | Base/Neutral Extractibles (continuation) | |
|---|---|---|---|---|---|
| 1. | Antimony | 45. | 2-Chlorophenol | 91. | Hexachloroethane |
| 2. | Arsenic | 46. | 2,4-Dichlorophenol | 92. | Indeno (1,2,3-cd) Pyrene |
| 3. | Beryllium | 47. | 2,4-Dimethylphenol | 93. | Isophorone |
| 4. | Cadmium | 48. | 2-Methyl-4,6-Dinitrophenol | 94. | Naphthalene |
| 5a. | Chromium (III) | 49. | 2,4-Dinitrophenol | 95. | Nitrobenzene |
| 5b. | Chromium (VI) | 50. | 2-Nitrophenol | 96. | N-Nitrosodimethylamine |
| 6. | Copper | 51. | 4-Nitrophenol | 97. | N-Nitrosodi-N-Propylamine |
| 7. | Lead | 52. | 3-Methyl-4-Chlorophenol | 98. | N-Nitrosodiphenylamine |
| 8. | Mercury | 53. | Pentachlorophenol | 99. | Phenanthrene |
| 9. | Nickel | 54. | Phenol | 100. | Pyrene |
| 10. | Selenium | 55. | 2, 4, 6 – Trichlorophenol | 101. | 1,2,4-Trichlorobenzene |
| 11. | Silver | **Base/Neutral Extractibles (8270)** | | **Pesticides (8081)** | |
| 12. | Thallium | 56. | Acenaphthene | 102. | Aldrin |
| 13. | Zinc | 57. | Acenaphthylene | 103. | Alpha BHC |
| **Miscellaneous** | | 58. | Anthracene | 104. | Beta BHC |
| 14. | Cyanide | 59. | Benzidine | 105. | Delta BHC |
| 15. | Asbestos (not required unless requested) | 60. | Benzo (a) Anthracene | 106. | Gamma BHC |
| 16. | 2,3,7,8-Tetrachlorodibenzo-P-Dioxin (TCDD) | 61. | Benzo (a) Pyrene | 107. | Chlordane |
| **Volatile Organics** | | 62. | Benzo (b) Fluoranthene | 108. | 4, 4' - DDT |
| 17. | Acrolein | 63. | Benzo (g,h,i) Perylene | 109. | 4, 4' - DDE |
| 18. | Acrylonitrile | 64. | Benzo (k) Fluoranthene | 110. | 4, 4' - DDD |
| 19. | Benzene | 65. | Bis (2-Chloroethoxy) Methane | 111. | Dieldrin |
| 20. | Bromoform | 66. | Bis (2-Chloroethyl) Ether | 112. | Alpha Endosulfan |
| 21. | Carbon Tetrachloride | 67. | Bis (2-Chloroisopropyl) Ether | 113. | Beta Endosulfan |
| 22. | Chlorobenzene | 68. | Bis (2-Ethylhexyl) Phthalate | 114. | Endosulfan Sulfate |
| 23. | Chlorodibromomethane | 69. | 4-Bromophenyl Phenyl Ether | 115. | Endrin |
| 24. | Chloroethane | 70. | Butylbenzyl Phthalate | 116. | Endrin Aldehyde |
| 25. | 2-Chloroethyl Vinyl Ether | 71. | 2-Chloronaphthalene | 117. | Heptachlor |
| 26. | Chloroform | 72. | 4-Chlorophenyl Phenyl Ether | 118. | Heptachlor Epoxide |
| 27. | Dichlorobromomethane | 73. | Chrysene | 119. | PCB 1016 |
| 28. | 1,1-Dichloroethane | 74. | Dibenzo (a,h) Anthracene | 120. | PCB 1221 |
| 29. | 1,2-Dichloroethane | 75. | 1,2-Dichlorobenzene | 121. | PCB 1232 |
| 30. | 1,1-Dichloroethylene | 76. | 1,3-Dichlorobenzene | 122. | PCB 1242 |
| 31. | 1,2-Dichloropropane | 77. | 1,4-Dichlorobenzene | 123. | PCB 1248 (8082) |
| 32. | 1,3-Dichloropropylene | 78. | 3,3'-Dichlorobenzidine | 124. | PCB 1254 |
| 33. | Ethylbenzene | 79. | Diethyl Phthalate | 125. | PCB 1260 |
| 34. | Methyl Bromide | 80. | Dimethyl Phthalate | 126. | Toxaphene |
| 35. | Methyl Chloride | 81. | Di-n-Butyl Phthalate | | |
| 36. | Methylene Chloride | 82. | 2,4-Dinitrotoluene | | |
| 37. | 1,1,2,2-Tetrachloroethane | 83. | 2-6-Dinitrotoluene | | |
| 38. | Tetrachloroethylene | 84. | Di-n-Octyl Phthalate | | |
| 39. | Toluene | 85. | 1,2-Dipenylhydrazine | | |
| 40. | 1,2-Trans-Dichloroethylene | 86. | Fluoranthene | | |
| 41. | 1,1,1-Trichloroethane | 87. | Fluorene | | |
| 42. | 1,1,2-Trichloroethane | 88. | Hexachlorobenzene | | |
| 43. | Trichloroethylene | 89. | Hexachlorobutadiene | | |
| 44. | Vinyl Chloride | 90. | Hexachlorocyclopentadiene | | |

Revised: 7/7/2000

✓ Total Inorganic Nitrogen
✓ PH / TDS.
✓ Cyanide
✓ Chrom VI
✓ 8270 (acid/base ext.)
✓ 8081 / 8082 (PCB)
(Pest)
✓ 8280 (TCDD)
✓ Asbestos
✓ TCDD
send out.

Santa Ana California Regional Water Quality Control Board
Santa Ana Region

August 22, 2003

**STAFF REPORT**

**ITEM:** 6

**SUBJECT:** General Waste Discharge Requirements for Discharges to Surface Waters That Pose an Insignificant (De Minimus) Threat to Water Quality

**DISCUSSION:**

See Attached Fact Sheet

**RECOMMENDATION:**

Adopt Order No. R8-2003-0061, NPDES No. CAG998001 as presented.

Comments were solicited from the following agencies:

U.S. Environmental Protection Agency, Permits Issuance Section (WTR-5) – Doug Eberhardt
U.S. Army District, Los Angeles, Corps of Engineers - Regulatory Branch
U.S. Fish and Wildlife Service, Carlsbad
State Water Resources Control Board, Office of the Chief Counsel - Jorge Leon
State Water Resources Control Board, Division of Water Quality - James Maughan
State Department of Water Resources, Glendale
State Department of Fish and Game, Long Beach
State Department of Health Services, San Bernardino
State Department of Health Services, Santa Ana
State Department of Health Services, San Diego - Steve Williams
Orange County Health Care Agency - Seth Daugherty
Orange County Public Facilities and Resources Department - Chris Crompton
Orange County Planning & Development Services Department – Tim Neely
Orange County Water District - Nira Yamachika
Riverside County Environmental Health Department - Sandy Bunchek
Riverside County Flood Control and Water Conservation
San Bernardino County Department of Public Works, Env. Management Div. - Naresh Varma
San Bernardino County Environmental Health Department – Daniel Avera
South Coast Air Quality Management District - James Lents
Orange County Coastkeeper - Garry Brown
Lawyers for Clean Water C/c San Francisco Baykeeper
Current De Minimus enrollees

California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

FACT SHEET

August 22, 2003

GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS THAT POSE AN INSIGNIFICANT (DE MINIMUS) THREAT TO WATER QUALITY WITHIN THE SANTA ANA REGION, ORDER NO. R8-2003-0061, NPDES NO. CAG998001

## I. NEED FOR RENEWAL OF THE GENERAL WASTE DISCHARGE REQUIREMENTS

Order No. 98-67, NPDES No. CAG998001 is a general NPDES permit adopted by the Regional Board on July 10, 1998 to prescribe waste discharge requirements for the following specific types of waste discharges (hereinafter de minimus discharges):

a. Construction dewatering wastes;
b. Wastes associated with well installation, development, test pumping and purging;
c. Aquifer testing wastes;
d. Dewatering wastes from subterranean seepage, except for discharges from utility company vaults;
e. Discharges resulting from hydrostatic testing of vessels, pipelines, tanks, etc.;
f. Discharges resulting from the maintenance of potable water supply pipelines, tanks, reservoirs, etc.;
g. Discharges resulting from the disinfection of potable water supply pipelines, tanks, reservoirs, etc.;
h. Discharges from potable water supply systems resulting from system failures, pressure releases, etc.;
i. Discharges from fire hydrant testing or flushing;
j. Non-contact cooling water;
k. Air conditioning condensate;
l. Swimming pool drainage;
m. Discharges resulting from diverted stream flows; and
n. Other similar types of wastes, which pose a de minimus threat to water quality, yet technically must be regulated under waste discharge requirements.

Order No. 98-67 expired on July 1, 2003 but remains in full force and effect until a new Order is adopted. To date, 184 dischargers have been authorized under the general permit; of these, 105 are still active and 79 have terminated coverage after completion of projects. There are currently 20 authorized dischargers within the Newport Bay Watershed. The Order has facilitated the processing of these permit applications. It is anticipated that most of the currently enrolled dischargers will be submitting renewal applications for authorization of continued de minimus discharges. The demand for permit issuance will exceed the available staff resources to develop and bring individual tentative waste discharge requirements to the Board for adoption. These circumstances necessitate the renewal of this general NPDES permit to expedite the processing of current and anticipated permit applications related to de minimus discharges.

This Order renews and updates general waste discharge requirements Order No. 98-67.

## II. GENERAL NPDES PERMIT

The issuance of general permits is authorized at 40 CFR[1] 122.28. This section of the regulations provides for the issuance of general permits to regulate discharges of wastes that result from similar operations, are the same types of wastes, require the same effluent limitations, require similar monitoring, and are more appropriately regulated under a general permit than under individual permits. De minimus discharges, as listed above, typically meet the requirements of 40 CFR 122.28. Where warranted, individual permits for specific discharges will be issued.

The United States Environmental Protection Agency, Region IX, granted authority to the State of California to issue general permits pursuant to 40 CFR 122.28 on September 22, 1989.

## III. REGULATORY BASIS FOR WASTE DISCHARGE REQUIREMENTS

This Order includes requirements that implement the Water Quality Control Plan (Basin Plan), which was adopted by the Regional Board on March 11, 1994. The Basin Plan was approved by the Office of Administrative Law and became effective on January 24, 1995. This Plan specifies water quality objectives and beneficial uses for the waters of the Santa Ana Region.

The proposed Order specifies numeric and narrative limits for the constituents expected to be present in the discharges. The specified limits are consistent with the Basin Plan objectives and other state and federal requirements.

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[1] *Code of Federal Regulations.*

Generally, there is no significant amount of receiving water at the point of discharge. Therefore, no mixing zone allowance is included in the calculation of effluent limits. Consequently, compliance with the effluent limits is required to be determined at the end of the discharge pipe or at a location prior to where the discharge enters the receiving water. If the discharger requests that a mixing zone allowance be included in the determination of appropriate effluent limits, consideration of an individual permit will be required.

Monitoring is the primary means of ensuring that waste discharge requirements are met. It is also the basis for enforcement actions against dischargers who are in violation of the waste discharge requirements issued by the Regional Board. All dischargers enrolled under this general permit will be required to conduct monitoring in accordance with a monitoring program issued by the Executive Officer. Each monitoring and reporting program will be customized for each enrollee based on the characteristics of the wastewater discharged. The typical required constituents and frequency of analyses are tabulated in the self-monitoring program attached to this general permit as "Template Monitoring and Reporting Program (MR&P) No. R8-2003-0061."

## IV. TREATMENT TECHNOLOGY

The most common treatment required for de minimus discharges is settling and/or dechlorination. Settling is used for those discharges with high settleable solids concentration. Discharges with residual chlorine, such as wastewater from hydro-testing of pipes and storage tanks, swimming pool drainage, and development and purging of wells, must be dechlorinated, unless the concentration is depleted by natural processes prior to mixing with the receiving water. If dechlorination is not accomplished naturally, the most common method of dechlorination is with the use of chemicals. Those discharges with high concentrations of total dissolved solids, total inorganic nitrogen, selenium, and/or phosphorous may require advanced forms of treatment and may need to be covered under individual permits.

## V. APPLICATION FOR COVERAGE UNDER THE GENERAL PERMIT

This Order requires those dischargers already covered under the General Permit Order No. 98-67 and those dischargers currently regulated under individual permits who wish to be and believe they can and should be covered under this renewed general permit to submit only a completed Notice of Intent Form (see Attachment A of Order No. R8-2003-0061). The Executive Officer may also require the discharger to submit additional information about any recent change in ownership of the facility, changes in the character and treatment of the discharges and any other relevant information that will update the facility information that is in the Regional Board's files.

This Order requires each new discharger[2] to submit an application for the proposed discharge to the Executive Officer. The application for the proposed discharge will require, at a minimum, the following information:

1. Notice of Intent Form (see Attachment A of Order No. R8-2003-0061) for coverage under this general permit.

2. A report that shall include the following:

   a. Characterization of the proposed wastewater discharge;
   b. The estimated average and maximum daily flow rates;
   c. The frequency and duration of the discharge, and the date(s) when discharge will start;
   d. A description of the proposed treatment system (if appropriate);
   e. The affected receiving water; and
   f. A map showing the path from the point of initial discharge to the receiving water.

3. Any other information deemed necessary by the Executive Officer.

## VI. DISCHARGE AUTHORIZATION

A. Dischargers currently regulated under General Permit Order No. 98-67 or Individual Waste Discharge Requirements

For dischargers currently regulated under the General Permit or Individual Waste Discharge Requirements, submittal of a completed Notice of Intent form will assure coverage under this General Permit, except where the review of additional information/individual permits and/or the discharger's history of compliance under the General Permit/individual permit indicates that coverage under this Permit is not appropriate. In such cases, the discharge proponent will be required to obtain/maintain an individual NPDES permit prior to any discharge to surface waters.

B. For New Dischargers

Upon receipt of a complete application for a proposed discharge, the Executive Officer will review the application to determine whether the proposed discharger has demonstrated the ability to comply with the following criteria and is eligible to discharge wastes under this Order:

---

2 *A new discharger is an entity/individual who is not currently authorized to discharge waste under this general permit or an individual permit and who is proposing de minimus discharges to be covered under this general permit.*

1. The proposed discharge results from those de minimus discharges identified in Section I.;

2. The proposed discharge is to surface waters within the Santa Ana Region;

3. The proposed treatment system and associated operation, maintenance, and monitoring plans are capable of ensuring that the discharge will meet the waste discharge requirements of this Order;

4. The proposed discharge will not have any adverse impact on waters of the State.

Upon determination by the Executive Officer that the proposed discharge satisfies the requirements of this general permit, the Executive Officer may either:

1. Authorize the proposed discharge by transmitting a discharge authorization letter to the discharge proponent (thereupon an "authorized discharger" or "enrollee"), authorizing the initiation of the discharge subject to the conditions of this general permit and any other conditions necessary to protect the beneficial uses of waters within the Santa Ana Region. The discharge authorization letter will also transmit a self-monitoring program. The discharge authorization letter may be terminated or revised by the Executive Officer at any time. The Executive Officer will submit a copy of the discharge authorization letter to the State Water Resources Control Board and the EPA. A list of the discharge authorization letters that have been issued will be reported in the Board's meeting agenda; or

2. Require the discharge proponent to obtain an individual NPDES permit prior to any discharge to surface waters in the Santa Ana Region.

If an individual NPDES permit has not been issued and the Executive Officer does not provide written authorization for the initiation of the discharge under the terms and conditions of this general permit, no discharge of waste to surface waters within the Santa Ana Region is permitted.

## VII. EXCLUDED DISCHARGES

On June 14, 2002, the US Environmental Protection Agency, Region IX, promulgated Total Maximum Daily Loads (TMDL) for Toxic Pollutants for San Diego Creek and Newport Bay. In 1998, the Regional Board adopted Basin Plan amendments (Resolutions No. 98-9 and 98-69), incorporating nutrient and sediment TMDLs for the San Diego Creek/Newport Bay Watershed. These TMDLs were subsequently amended (Resolutions No. 98-100 and 98-101). These TMDLs specify certain load allocations for discharges of nutrients, sediments and toxic pollutants in the Newport Bay watershed. Monitoring data indicate that certain types of discharges regulated under Order No. 98-67 have the potential to affect surface waters within the watershed and would not likely comply with the TMDLs. Therefore, it is appropriate to regulate these discharges under a separate general permit or individual permits. Accordingly, this Order

does not regulate discharges to Newport Bay watershed from well installation, well development, well test pumping and purging, aquifer testing, construction dewatering and subterranean seepage within the watershed. Order No. 98-67 remains in full force and effect for these discharges until appropriate waste discharge requirements are adopted. The Executive Officer will review these discharges to determine whether they can be reasonably required to cease until such time as new discharge requirements are in place. The Executive Officer will withdraw authorization under Order No. 98-67 where found appropriate.

This general permit does not cover the following other specific types of discharges:

1. Wastewater discharges from hydro testing of contaminated pipes or contaminated vessels or tanks.

2. Wastewater discharges from draining of decorative ponds, golf course lakes and ponded water (irrigation tailwater, which may be commingled with storm water) unless full characterization of the wastewater for the presence of pesticides, priority pollutants, insecticide, biocide and/or other chemicals that may have been applied to the wastewater is provided and that absence of pollutants at levels of concern is documented.

## VIII. EXPIRATION DATE

The proposed Order expires on August 1, 2008.

## IX. ANTIDEGRADATION ANALYSIS

The Regional Board has considered antidegradation pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16. The water quality of the receiving waters is not expected to degrade as a result of discharges in compliance with those waste discharge requirements. Neither the volume of the discharge nor the mass loading of pollutants associated with the discharges will adversely impact the receiving waters. Therefore, these waste discharge requirements are consistent with federal and state antidegradation policies.

## X. WRITTEN COMMENTS

Interested persons are invited to submit written comments on the proposed discharge limits and the Fact Sheet. Comments should be submitted by August 4, 2003, either in person or by mail to:

Jun Martirez
California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

## XI. INFORMATION AND COPYING

Persons wishing further information may write to the above address or call Jun Martirez of the Regional Board at (909) 782-3258. Copies of the application, proposed waste discharge requirements, Fact Sheet, and other documents (other than those which the Executive Officer maintains as confidential) are available at the Regional Board office for inspection and copying between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday (excluding holidays).

## XII. REGISTER OF INTERESTED PERSONS

Any person interested in a particular application or group of applications may leave his/her name, address, and phone number as part of the file for an application.

## XIII. PUBLIC HEARING

The Regional Board will hold a public hearing regarding the proposed waste discharge requirements as follows:

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|---|---|
| DATE: | August 22, 2003 |
| TIME: | 9:00 a.m. |
| PLACE: | Orange County Water District<br>Joint Facilities Board Room<br>10500 Ellis Avenue<br>Fountain Valley, California |