

FACT SHEET

This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of Order No. R3-2011-0223.

I. PERMIT INFORMATION

Dischargers are subject to waste discharge requirements as set forth in the Order. Administrative information includes:

Table 1. Discharger Information

Discharger Types	Any person, partnership, firm, corporation, association, trust estate, or any other legal entity
Facility Address	Locations throughout the Central Coast Region
Facility Types	Municipal, industrial, or residential water supply operations, commercial wash water, cooling water, evaporative condensate, treated bilge water, construction operations, etc.
Waste Types	Chlorine and chlorination by-products; salts; oil and grease; nitrate; suspended, settleable, and total dissolved solids.
Discharge Flow Rates	These discharges may be treated and discharged on either continuous or batch bases. Discharge flow rates are limited to those rates specified in this Order and do not exceed 0.1 million gallons per day (MGD) for some types of continuous discharges or 0.25 MGD for a batch discharge for a limited duration.
The U.S. Environmental Protection Agency (USEPA) and the Central Coast Regional Water Quality Control Board (Central Coast Water Board) have classified this discharge as a minor discharge.	

Discharges to the discharge locations identified below are subject to waste discharge requirements as set forth in this Order.

Table 2. Discharge Locations

Discharge Point(s)	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Discharge Point Description
001	Municipal, industrial, or domestic supply water (source)	Varies per discharge	Varies per discharge	Varies per discharge

II. FACILITY INFORMATION

Because water supply wells, fire hydrants, cooling towers, swimming pools, and landscaping can be located at active or inactive, private, public, residential, or industrial properties in either rural communities or highly populated areas, the layout of each facility will differ based on the facility configuration and how the site is currently being used.

Low-threat discharges are discharges containing minimal amounts of pollutants and pose little or no threat to water quality and the environment. To be considered for enrollment under this Order, discharges must meet the following criteria:

- a. Pollutant concentrations in the discharge do not (a) cause, (b) have a reasonable potential to cause, or (c) contribute to an excursion above any applicable water quality objectives in the receiving water.
- b. The discharge does not include water added for the purpose of diluting pollutant concentrations.

- c. Pollutant concentrations in the discharge will not cause or contribute to degradation of water quality or impair beneficial uses of receiving waters.
- d. Pollutant concentrations in the discharge will not exceed the limits in Attachment D of this Order unless the Executive Officer determines that the applicable water quality control plan (i.e., Ocean Plan and/or State Implementation Policy) does not require effluent limits (Application Requirement A.9 of this Order).
- e. The discharge does not cause acute or chronic toxicity in receiving waters.

Types of Discharges Covered by this General Permit

The list below provides examples of discharges potentially meeting the above stated criteria. This is not a complete list of discharges eligible for consideration of coverage under the General Permit. Dischargers may submit NOIs for other proposed discharges to the Water Board for coverage consideration. In addition, local governmental agencies may require controls or management measures for discharges occurring within their jurisdictions in addition to or more stringent than the controls specified in this General Permit. Discharges in the following categories already covered under an individual NPDES permit may receive coverage under the General Permit if the discharger submits an NOI for coverage under the General Permit. Dischargers whose discharges fit in the following categories must submit an NOI to be covered by the General Permit or must submit a complete NPDES application to obtain an individual NPDES permit.

1. Discharges associated with water supply well installation, development, test pumping, and purging;
2. Discharges resulting from the maintenance of uncontaminated water supply wells, pipelines, tanks, etc.;
3. Discharges resulting from hydrostatic testing of water supply vessels, pipelines, tanks, etc.;
4. Discharges resulting from the disinfection of water supply pipelines, tanks, reservoirs, etc.;
5. Discharges from water supply systems resulting from system failures, pressure releases, etc.;
6. Discharges from fire hydrant testing or flushing;
7. Commercial cooling tower water;
8. Evaporative condensate;
9. Swimming and landscape pool drainage;
10. Brine from small desalination facilities¹;
11. Seafood processing wash water;
12. Treated bilge water from small watercraft;
13. Other low-threat discharges not covered by the Construction Activities Storm Water General Permit (i.e., sites with less than one acre of disturbance or where projects are not part of a larger common plan of development that in total disturbs one or more acres), the Industrial Activities Storm Water General Permit, a Caltrans Statewide General Permit, or Statewide General NPDES Permit for Discharges from Utility Vaults and Underground Structures; and,
14. Other similar types of wastes that pose a low threat to water quality yet technically must be regulated under waste discharge requirements.

These wastewaters may be treated and discharged on either a continuous or batch basis.

Types of Discharges Not Covered by this General Permit

Discharges that are excluded from coverage under the General Permit include: (1) discharges from domestic wastewater treatment facilities; (2) discharges from secondary containment structures; (3) discharges from groundwater cleanup projects; and (4) discharges exhibiting acute or chronic toxicity, containing chemical or organic constituents in concentrations that may impact water quality, or having a temperature adversely impacting beneficial uses. These discharges are appropriately regulated under an individual or another general NPDES Permit.

¹ Desalination brine discharges into Monterey Bay National Marine Sanctuary are prohibited.

Discharges from soil and groundwater cleanups are most appropriately regulated under this Region’s General NPDES Permit for Discharges of Highly Treated Groundwater to Surface Waters.

The U.S. Environmental Protection Agency (USEPA) and State Water Resources Control Board (State Water Board) classify these discharges as minor discharges. These discharges may be treated and discharged on either a continuous or a batch basis. For discharges from construction sites smaller than one acre that are part of a larger common plan of development or that may cause significant water quality impacts, dischargers must seek coverage under the construction storm water permit or an individual NPDES permit.

Discharges with low threat to water quality generally have low flows. For continuous discharges, the following guidelines generally define low flows:

Table 3: Low Threat Continuous Discharge Guidelines

Type of Continuous Discharge	Maximum Daily Flow (MGD)
Cooling Water	0.1
Evaporative Condensate	0.1
Desalination Brine	0.05
Other Low Threat Discharges	0.05

For intermittent or one-time discharges, the following guidelines generally define low-threat discharges with low flow volumes:

Table 4: Low Threat Intermittent Discharge Guidelines

Type of Intermittent or One-Time Discharge	Max Daily Flow (MGD)	Duration
Supply well installation, development, test pumping and purging	0.25	1 Month
Maintenance, hydrostatic testing, disinfection, and pressure releases from water supply wells, pipelines, tanks, reservoirs, etc.	0.25	3 Months
Fire hydrant testing or flushing	0.25	2 Months
Landscape and Swimming Pool Water	0.025	1 Month
Hydrostatic Tank and Pipe Test Water	0.25	3 Months
Construction Dewatering for sites less than 1-acre and are not part of a larger common construction plan	0.1	1 Year
Other Low Threat Discharges	0.05	6 Months

Discharges that qualify for the State Implementation Policy’s Categorical Exceptions are considered low threat to water quality. These discharges include discharges associated with resource or pest management (i.e., vector or weed control, pest eradication, or fishery management) conducted by public entities or mutual water companies to fulfill statutory requirements, including, but not limited to, those in the California Fish and Game, Food and Agriculture, Health and Safety, and Harbors and Navigation codes; or associated with drinking water conducted to fulfill statutory requirements under the federal Safe Drinking Water Act or the California Health and Safety code.

III. BACKGROUND INFORMATION:

In 1972, the Federal Water Pollution Control Act (Clean Water Act [CWA]) was amended to prohibit the discharge of pollutants to waters of the United States from any point source unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The federal regulations allow authorized states to issue general NPDES permits or individual NPDES permits to regulate discharges of pollutants to waters of the United States.

The September 22, 1989, Memorandum of Agreement between the U.S. Environmental Protection Agency (USEPA) and the State Water Resources Control Board (State Water Board) authorized and established procedures for the State Water Board to issue general NPDES permits pursuant to CFR 122.28 and 122.44.

The purpose of general permits is to facilitate permitting of discharges that the Central Coast Water Board determines to be of low threat in a timely and cost-effective manner. General permits can be used in concert with the Central Coast Water Board's general waiver policy for regulating low threat discharges to land; this permit does not eliminate the general waiver, but provides an option for regulation of discharges to surface waters.

On December 7, 2001, the Central Coast Water Board adopted Order No. 01-119 (NPDES No. CAG993001) for discharges of low threat to water quality. The Central Coast Water Board adopted Order No. R3-2006-0067 reissued General NPDES Permit for Discharges for Low Threat to Water Quality permit (hereafter "General Permit") on December 1, 2006. Order No. R3-2006-0063 expires on December 1, 2011.

To date, the Central Coast Water Board has authorized approximately 85 discharges under the General Permit and approximately 46 discharges are still actively enrolled. Many of these authorized dischargers will wish to continue their coverage under the General Permit. Unless they submit notices of termination or staff notifies authorized dischargers that they no longer qualify for General Permit coverage, they will automatically be reenrolled in the reissued permit and must comply with any new (i.e., more stringent) provisions. We receive approximately four new applications for coverage under the General Permit each year. Streamlining the permitting process through renewal of this General Permit will result in the appropriate regulation of many low threat discharges to surface waters in the Central Coast Region.

Since the Central Coast Water Board adopted the 2006 General Permit, the State Water Board has prepared several statewide general permits in an effort to promote consistency among the nine regional boards and to streamline our agency's permitting process. An example of these statewide, general, NPDES Permits include those for aquatic pesticide applications: Vector Control, Weed Control, Aquatic Animal Invasive Species Control, and Spray Application NPDES permits.

As shown on the table below, all other eight Regional Boards have adopted general NPDES permits for similar types of low threat discharges in its respective region, as follows:

Table 5: General NPDES Permits by Region

Region	Description	Order No.	NPDES No.
North Coast (1)	Waste Discharge Requirements for Low Threat Discharges to Surface Waters in the North Coast Region	R1-2009-0045	CA0024902
San Francisco Bay (2)	Discharge or Reuse of Extracted Brackish Groundwater and Reverse Osmosis Concentrate Resulting from Treatment of Groundwater by Reverse Osmosis and Discharge or Reuse of Extracted and Treated Groundwater Resulting from Structural Dewatering	R2-2007-0033	CAG912004

Region	Description	Order No.	NPDES No.
San Francisco Bay (2)	General Waste Discharge Requirements for Dischargers from Surface Water Treatment Facilities for Potable Supply	R2-2009-0033	CAG382001
Los Angeles (4)	Discharges of Low Threat Hydrostatic Test Water to Surface Waters	R4-2009-0068	CAG674001
Los Angeles (4)	Discharges of Non-process Waste Water to Surface Waters	R4-2009-0047	CAG994003
Los Angeles (4)	Discharges of Groundwater from Construction Dewatering to Surface Waters	R4-2009-0032	CAG994004
Central Valley (5)	Waste Discharge Requirements for Dewatering and Other Low Threat Discharges to Surface Waters	R5-2008-0081	CAG995001
Central Valley (5)	Waste Discharge Requirements, general Order for Limited Threat Discharges of Treated/Untreated Groundwater from cleanup Sites, Wastewater from Superchlorination Projects, and other Limited Threat Wastewaters to surface Waters	R5-2008-0082	CAG995002
Lahontan (6)	Renewed Waste Discharge Requirements and NPDES, General Permit for Limited Threat Discharges to Surface Waters	R6T-2008-0023	CAG996001
Colorado River Basin (7)	General Waste Discharge Requirements and General NPDES Permit for Low Threat discharges to Surface Waters within the Colorado River Basin Region	R7-2009-0300	CAG997001
Santa Ana (8)	General Waste Discharge Requirements for Discharges to Surface Waters that Pose and Insignificant (De Minimus) threat to Water Quality	R8-2009-0003	CAG998001
San Diego (9)	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	R9-2010-0003	CAG679001

Central Coast Water Board staff expects that the State Water Board will be preparing a statewide general NPDES permit for low threat discharges within the next two to three years. As the statewide permit will take some time to prepare, Central Coast Water Board staff proposes to reissue our General Permit on December 1, 2011, as this will allow dischargers to continue to test supply wells or allow other commercial business to operate in our region.

Because a statewide general permit will be comprehensive and all inclusive, Central Coast Water Board staff did not revise the new General Permit (Order No. R3-2011-0223). Central Coast Water Board staff did review Appendix D (Priority Pollutant List) and the waste effluent table in the General Permit to include any changes in regulatory standards since the Order No. R3-2006-0063 was adopted.

The Central Coast Water Board may determine that a waste discharge eligible for authorization by this General Permit is more appropriately regulated under an individual NPDES permit, another general NPDES permit, or waste discharge requirements (WDR). If an individual NPDES permit, another general NPDES permit, or WDRs are issued for a discharge, then the applicability of this General Permit for the discharge is immediately terminated on the effective date of the alternative permit.

IV. CRITERIA FOR ENROLLMENT UNDER THIS GENERAL PERMIT

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

1. Pollutant concentrations in the discharge do not (a) cause, or (b) contribute to an excursion above any applicable water quality objectives, including prohibitions of discharge, in the receiving water. Pollutant discharges that have a reasonable potential to cause or contribute to an excursion above any water quality objective must meet applicable effluent limitations.
2. The discharge does not include water added for the purpose of diluting pollutant concentrations.
3. Pollutant concentrations in the discharge will not cause or contribute to degradation of water quality or impair beneficial uses of receiving waters.

The discharger must submit a contingency plan if the proposed discharge exceeds 0.3 million gallons per day (MGD) and is longer than six months in duration or if the discharge qualifies for a State Implementation Policy Categorical Exception. If required, the contingency plan is subject to a 30-day public comment period before enrollment into the General Permit.

V. APPLICATION REQUIREMENTS

1. Dischargers satisfying the following criteria and criteria stated in Finding No. 2 of the Order are eligible for authorization to discharge by this General Permit, provided:
 - a. The Discharger submits a complete NOI (Attachment A) and appropriate first annual fee for each discharge.
 - b. The Discharger submits the following:
 1. A list of all chemicals (including Material Safety Data Sheets) added to the water and the concentration of such additives in the discharged effluent.
 2. Unless the discharge meets all requirements for a conditional exception (State Implementation Policy Section 5.3), or is solely an ocean surface water discharge as defined in the State Implementation Policy, the Discharger must provide certified analytical results of the effluent for inland surface waters, enclosed bays, and estuaries priority toxic pollutants listed in Attachment D as chemical constituents. These analyses are required to fulfill the requirements set forth in the California Toxics Rule to evaluate the potential for water quality degradation and to establish effluent limitations.
 3. If the discharge is solely an ocean surface water discharge as defined in the State Implementation Policy, the Discharger must provide certified analytical results of the effluent for ocean discharge priority toxic pollutants listed in Attachment D as chemical constituents. These analyses are required to fulfill the requirements set forth in the Ocean Plan to evaluate the potential for ocean water quality degradation.
 4. In addition to the requirements of (1) and (2) above, discharges to inland surface waters, enclosed bays, and estuaries must submit certified analytical results of a representative sample of the effluent for the following: **total chlorine, pH, nitrate, turbidity, and total dissolved solids.**
 5. In addition to the requirements of (1) and (3) above, discharges solely to ocean waters must submit certified analytical results of a representative sample of the effluent for the following: **oil and grease, suspended solids, settleable solids, turbidity, ph, and acute toxicity.**

6. In addition to the requirements of (1), (2), (3), and (5) above, flow-through seawater systems with potential to contain fecal pollution must submit certified analytical results of a representative sample of the effluent for **total coliform**.
 7. Certified analytical results of a representative sample of the receiving surface water at a point 50-feet upstream and 50-feet downstream from the point of discharge into the receiving water, or if access is limited, at the first point upstream and downstream which is accessible for the following constituents: **pH, temperature, color, turbidity, and dissolved oxygen**.
 8. For proposed low threat discharges from a yet to be constructed facility, analytical results for similar existing systems, or anticipated results based on specific facility design, will be adequate for submittal with the NOI. As part of facility startup, the Discharger shall submit all analytical results required in Section A - Application Requirements of this Order.
 9. If the effluent concentration of any constituent sampled under (2) or (3) above exceeds the applicable criterion listed in Attachment D, the Discharger may submit the reasonable potential analysis in Section 1.3 of the State Implementation Policy or Appendix VI of the Ocean Plan, as applicable. If the Discharger elects not to submit the reasonable potential analysis, or if the Executive Officer determines that one or more constituents would require effluent limits, then the discharge is not eligible for coverage under this General Permit and the Discharger is required to obtain coverage under an individual permit or coverage by a different general NPDES permit. This provision only applies to effluent limitations for priority toxic pollutants (State Implementation Policy) or Table B Water Quality Objectives (Ocean Plan). For Dischargers already enrolled in this permit, General Permit coverage shall continue until the Discharger receives an individual permit or enrolls under another applicable general permit. Authorization for coverage under this General Permit may be revoked in the event of violations of receiving water limits, which includes causing or contributing to water quality objective/criteria excursions.
2. If the Discharger is seeking an exception under Section 5.3 of the State Implementation Policy, the Discharger shall submit the following information and receive subsequent Executive Officer approval:
 - a. A detailed description of the proposed action (i.e., draining water supply pipes, cleaning or maintenance of storm water conveyance systems, water supply well purging, etc.), including the proposed method of completing the action;
 - b. A time schedule;
 - c. A discharge and receiving water quality monitoring plan (before project initiation, during the project, and after project completion, with the appropriate quality assurance and quality control procedures);
 - a. Completed CEQA documentation;
 - b. Contingency plans;
 - f. Identification of alternate water supply (if needed);
 - g. Residual waste disposal plans;
 - h. Evidence that the Discharger has notified potentially affected public and governmental agencies of the project.
 - i. Upon completion of the project, the discharger shall provide certification by a qualified biologist that the receiving water beneficial uses have been restored.
 3. The Discharger, upon request, submits any additional information the Central Coast Water Board determines is necessary to ascertain whether the discharge meets criteria for authorization under this permit.

4. If the Discharger discharges wastewater to or from property not owned by the Discharger and/or is leased or rented by the Discharger, then a letter, signed by the property owner, authorizing the discharge of wastewater to or from his/her property shall be kept with the General Permit (See Standard Provision G.2), where it will be available to operating personnel. If the discharge is to a storm water conveyance system, then notification must be sent to the owner of the storm water conveyance system.
5. If the discharge exceeds 0.3 MGD and is longer than six months in duration or if the discharge qualifies for a State Implementation Policy Categorical Exception then, the Discharger shall submit a Contingency Plan to immediately address violations or threatened violations of water quality standards (as described in Standard Provision G.4 below).
6. After submittal of an NOI and first annual fee, the Discharger will receive one of the following:
 - a. written authorization and effective date of permit coverage;
 - a. request to submit an application and consideration for coverage under another general or individual permit; or
 - b. written notification of exclusion (NOE) of enrollment under this General Permit.
7. In no case may the discharge occur until the applicant receives written confirmation of enrollment.
8. Authorization to discharge under this General Permit shall terminate upon receipt of a Notice of Termination (NOT) adoption of an individual permit, or coverage by a different general NPDES permit.
9. As of the effective date of this Order, Dischargers covered under Order No. R3-2006-0067 shall be enrolled under Order No. R3-2011-0223. Such Dischargers must comply with all requirements of Order No. R3-2011-0223 beginning with the effective date. Dischargers who are reenrolled shall comply with all provisions of the reissued General Permit. The analytical results required by Section A - Application Requirements of this Order shall be submitted with the Discharger's next Annual Report or on the date(s) specified in the Monitoring and Reporting Plan.

VI. APPLICABLE PLANS, POLICIES, AND REGULATIONS

A. Legal Authorities. This Order is issued pursuant to the federal Clean Water Act (CWA) §402 and implementing regulations adopted by the USEPA and California Water Code (CWC) Chapter 5.5, division 7, commencing with §13370. It shall serve as an NPDES permit for point source discharges from this facility to surface waters. This Order also serves as WDR pursuant to article 4, chapter 4, division 7 of the CWC, commencing with §13260.

B. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plans.** The Central Coast Water Board has adopted the *Water Quality Control Plan for the Central Coast Region* (the Basin Plan), which designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for receiving waters addressed through the Plan. In addition, the Basin Plan implements State Water Board Resolution No. 88-63, which establishes State policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply.

In accordance with Chapter 2 of the Basin Plan, all surface water bodies have (a) municipal and domestic water supply (MUN), and (b) protection of both recreation and aquatic life beneficial uses.

In accordance with Chapter 2 of the Basin Plan, specific surface water bodies may have beneficial uses identified by the Basin Plan. Assigned beneficial uses may or may not include the following uses:

Table 6. Basin Plan Beneficial Uses

<ul style="list-style-type: none"> • Municipal and domestic water supply (MUN) • Agricultural supply (AGR) • Industrial supply (IND and PRC) • Ground water recharge (GWR) • Freshwater replenishment • Navigation (NAV) • Hydropower generation • Contact water recreation (REC-1) • Non-contact (REC-2) water recreation • Aquaculture • Wildlife habitat (WILD) • Cold freshwater habitat (COLD) • Warm freshwater habitat (WARM) 	<ul style="list-style-type: none"> • Inland saline water habitat • Estuarine habitat • Marine habitat • Preservation of biological habitats of special significance • Migration of aquatic organisms (MIGR) • Spawning, reproduction, and/or early development (SPWN) • Rare, threatened or endangered species (RARE) • Commercial and sport fishing (COMM) • Shellfish harvesting • Areas of special biological significance
---	---

Requirements of this Order implement the Basin Plan.

Many surface waters within the Central Coast Region recharge underlying groundwater basins. Groundwater throughout the Central Coastal Region, except for that found in the Soda Lake Sub-basin, is suitable for:

Table 7. Groundwater Basin Plan Beneficial Uses

<ul style="list-style-type: none"> • Municipal and domestic water supply (MUN) • Agricultural supply (AGR) • Industrial supply (IND and PRC)

Requirements of this Order implement the Basin Plan.

2. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** These rules contain water quality criteria for priority pollutants that are applicable to the receiving water for discharges from the City's wastewater treatment facility.
3. **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 Central Coast 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 that are applicable to discharges to the surface water. Requirements of this Order implement the SIP.

General Permit Applicants

Central Coast Water Board staff will evaluate information submitted as part of the NOI and will determine if waste discharges have no significant impact on water quality and/or meet the conditions for categorical exceptions from the State Implementation Policy provisions. Following this determination, the discharge can be enrolled under the General Permit. Although the General Permit does not contain numeric effluent limitations for toxic pollutants, granting the exceptions will not compromise the protection of surface water beneficial uses. No discharger can obtain coverage under the permit if pollutants in the discharge have the reasonable potential to cause or contribute to a water quality standards violation.

4. Ocean Plan. Dischargers proposing to discharge to the ocean must test the influent (i.e., groundwater) for the constituents listed in Table B of the Ocean Plan. The discharge shall not exceed the concentrations set forth in water quality objectives listed in the Ocean Plan Table B. To date, no ocean discharges have been enrolled under the existing Permit.

5. Compliance Schedules and Interim Requirements. Section 2.1 of the SIP provides that, based on a discharger's request and demonstration that it is infeasible for an existing discharger to achieve immediate compliance with an effluent limitation derived from a CTR criterion, compliance schedules may be allowed in an NPDES permit. Unless an exception has been granted under section 5.3 of the SIP, a compliance schedule may not exceed five years from the date that the permit is issued or reissued, nor may it extend beyond 10 years from the effective date of the SIP (or May 18, 2010) to establish and comply with CTR criterion-based effluent limitations. Where a compliance schedule for a final effluent limitation exceeds one year, the Order must include interim numeric limitations for that constituent or parameter. Where allowed by the Basin Plan, compliance schedules and interim effluent limitations or discharge specifications may also be granted to allow time to implement a new or revised water quality objective. This Order does not include compliance schedules or interim effluent limitations.

6. Alaska Rule. On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards become effective for CWA purposes. [65 Fed. Reg. 24641 (April 27, 2000), codified at 40 CFR 131.21] 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.

7. Antidegradation Policy. NPDES regulations at 40 CFR 131.12 require that 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, which incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that the existing quality of waters be maintained unless degradation is justified based on specific findings. The Central Coast Water Board's Basin Plan implements and incorporates by reference both the State and federal antidegradation policies. The permitted discharge must be consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution No. 68-16.

8. Anti-Backsliding Requirements. CWA §402(o)(2) and CWA §303(d)(4) and NPDES regulations at 40 CFR 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.

9. Impaired Water Bodies on CWA §303(d) List. CWA §303(d) requires states to identify specific water bodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources. For all §303(d) listed water bodies and pollutants, the Central Coast Water Board must develop and implement Total Maximum Daily Loads

(TMDLs) that will specify Waste Load Allocations (WLAs) for point sources and Load Allocations for non-point sources. The USEPA approved the State's 2010 §303(d) list of impaired water bodies on November 12, 2010.

10. Total Maximum Daily Loads (TMDL). The Central Coast Water Board is currently developing and implementing TMDLs for many impaired water bodies in the Central Coast Region. Enrollees under this General Permit that discharge to these impaired water bodies may be required to collect discharge-monitoring data applicable to developing appropriate future waste load allocations for the discharge.

11. California Environmental Quality Act. The action to adopt this General Permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21100, et seq.), in accordance with Section 13389 of the California Water Code.

12. The Clean Water Enforcement and Pollution Prevention Act of 1999. The Porter-Cologne Water Quality Control Act imposes mandatory minimum penalties for certain violations of this NPDES permit. CWC §13385 and §13385.1 require the Water Boards to impose mandatory minimum penalties of \$3,000 for each "serious violation" and for certain violations occurring four or more times in any period of six consecutive months. An effluent limit may be expressed in numeric or narrative form, and may be expressed as a prohibition against a discharge of a certain quantity, rate, or concentration of effluent from the discharge location. Violations of effluent limits, certain toxicity limitations, and reporting violations, are subject to mandatory minimum penalties.

13. 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 State and federal law regarding threatened and endangered species.

14. Monitoring and Reporting. NPDES regulations at 40 CFR 122.48 require that all NPDES permits specify requirements for recording and reporting monitoring results. CWC §13267 and CWC §13383 authorize the Central Coast Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (Attachment B) establishes monitoring and reporting requirements to implement federal and State requirements.

Monitoring and Reporting Program (MRP) No. R3-2011-0223 is part of this General Permit. The MRP requires routine effluent and receiving water monitoring to verify compliance with this General Permit and protection of water quality.

15. Standard and Special Provisions. Standard Provisions, which apply to all NPDES permits in accordance with NPDES regulations at 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D. The Central Coast Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in this Fact Sheet.

16. Provisions and Requirements Implementing State Law. Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D. General Permit Enrollees must comply with all standard provisions and with those additional conditions that are applicable pursuant to 40 CFR 122.42. These provisions/requirements are not required or authorized under the federal CWA; consequently, violations of these

provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations.

VII. DISCHARGE PROHIBITIONS

Discharge prohibitions are included in this General Permit and implement State Water Board Resolution No. 68-16 (Anti-Degradation Policy), the Basin Plan, and the Ocean Plan by prohibiting the creation of conditions of pollution or nuisance as well as sediment or aquatic toxicity. In addition, discharges shall not cause scouring or erosion at the point where it discharges into the receiving waters. Brine discharges into the Monterey Bay National Marine Sanctuary are prohibited.

VIII. EFFLUENT LIMITATIONS

The primary mechanism for controlling discharges of pollutants to receiving waters is to develop effluent limits that are protective of the receiving water's beneficial uses. Receiving waters can be either groundwater or surface water in the Central Coast Region. The General Permit contains effluent limits for detectable residual chlorine, measurable total dissolved solids, and California Department of Health Services Maximum Contaminant Levels for organic and inorganic compounds. The General Permit also implements the Basin Plan objectives, and discharges must not be toxic or degrade aquatic life.

IX. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Surface Water

The General Permit includes narrative and numeric water quality objectives for all surface waters, including wetlands, in the Central Coast Region. (Receiving water quality is a result of many factors, some unrelated to the discharge. This permit considers these factors, and is designed to minimize the influence of the discharge in the receiving water.)

The General Permit includes limitations for pH, temperature, color, turbidity, dissolved oxygen, biostimulatory substances, taste and odor, oil and grease, settleable and floating materials, toxicity, and radionuclides.

B. Groundwater

The General Permit includes narrative and numeric water quality objectives for all groundwater in the Central Coast Region.

X. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

Monitoring and Reporting requirements are used to characterize waste streams and receiving waters, evaluate wastewater treatment efficiency, and determine compliance with permit conditions. NPDES regulations at 40 CFR 122.48 require that all NPDES permits specify requirements for recording and reporting monitoring results. CWC §13267 and CWC §13383 also authorize the Central Coast Water Board to require technical and monitoring reports. Rationale for the monitoring and reporting requirements contained in the Monitoring and Reporting Program (MRP), which is presented as an attachment to this Order.

Monitoring and Reporting Program (MRP) No. R3-2011-0223 is part of the General Permit. This general MRP No. R3-2011-0223 requires the Discharger to conduct routine effluent and receiving water monitoring to verify compliance with the General Permit and protection of water quality. The Executive Officer can modify MRP No. R3-2011-0223 to include a change in monitoring frequency or a change in constituents requiring monitoring.

XI. RATIONALE FOR PROVISIONS

Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment E to the Order. Standard Provisions delineate the legal, administrative, and procedural requirements of the permit.

NPDES regulations at 40 CFR 122.41 (a) (1) and (b - 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. 40 CFR 123.25 (a) (12) allows the State to omit or modify conditions to impose more stringent requirements. In accordance with 40 CFR 123.25, this Order omits federal conditions that address enforcement authority specified in 40 CFR 122.41(j)(5) and (k)(2), because the enforcement authority under the CWC is more stringent. In lieu of these conditions, this Order incorporates by reference CWC §13387(e).

The Order may be modified in accordance with the requirements set forth at 40 CFR 122 and 124, to include appropriate conditions or limits based on newly available information, or to implement any, new State water quality objectives that are approved by the USEPA. As effluent is further characterized through additional monitoring, and if a need for additional effluent limitations becomes apparent after additional effluent characterization, the Order will be reopened to incorporate such limitations.

XII. PUBLIC PARTICIPATION

The Central Coast Water Board is considering the issuance of WDRs that will serve as an NPDES permit for discharges of highly treated groundwater to surface water. As a step in the WDR adoption process, Central Coast Water Board staff has developed tentative WDRs. The Central Coast Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Central Coast Water Board has notified all Dischargers currently enrolled under Order No. R3-2006-0063 and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.

B. Written Comments

Central Coast Water Board staff determinations are tentative. Interested persons were invited to submit written comments concerning these tentative WDRs. To be fully responded to by staff and considered by the Central Coast Water Board, written comments were to have been received at the Central Coast Water Board offices by 5:00 p.m. on **October 13, 2011**. Central Coast Water Board staff received one written comment from Monterey Bay National Marine Sanctuary staff requesting that desalination brine discharges be prohibited into the Sanctuary. Central Coast Water Board staff agrees with this comment and included this finding and prohibition in the subject Order.

C. Public Hearing

The Central Coast Water Board held a public hearing on the tentative WDRs during its regular scheduled meeting on the following date and time and at the following location:

Date: **December 1, 2011**
Time: **8:30 AM**
Location: **Central Coast Water Board**
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Interested persons were invited to attend and provide public comment/testimony. The Central Coast Water Board will approve the WDRs as part of the public meeting agenda consent calendar if no interested persons request to provide testimony.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Central Coast Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Central Coast Water Board's action to the following address:

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

E. Information and Copying

The draft permit, related documents, effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:00 a.m. and 5:00 p.m., Monday through Friday. Copying of documents may be arranged through the Central Coast Water Board by calling (805) 549-3147.

F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Central Coast Water Board, reference the name of the permit, and provide a name, address, phone number, and email address.

G. Additional Information

Requests for additional information or questions regarding this Order should be directed to Sheila Soderberg at (805) 549-3592 or ssoderberg@waterboards.ca.gov.