

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION R6T-2003-0033

**CERTIFYING A NEGATIVE DECLARATION FOR GRANTING A CATEGORICAL
EXCEPTION TO CTR/SIP REQUIREMENTS FOR PRIORITY POLLUTANTS IN
CERTAIN CATEGORIES OF LIMITED THREAT DISCHARGES TO SURFACE
WATERS, LAHONTAN REGION**

WHEREAS, the California Water Quality Control Board, Lahontan Region finds:

1. It is the responsibility of the Regional Board to regulate the activities and factors which affect or may affect the quality of waters of the region in order to achieve the highest water quality consistent with the maximum benefit to the people of the State.
2. In 1972, the federal Water Pollution Control Act, also referred to as the federal Clean Water Act (CWA), was amended to provide that the discharge of pollutants to waters of the United States from any point source is prohibited, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The federal regulations allow authorized states to issue either general permits or individual permits to regulate discharges of pollutants to water of the United States.
3. The USEPA promulgated the California Toxics Rule (CTR) in May 2000. The CTR, which is codified in 40 CFR Section 131.38, establishes numeric criteria for priority toxic pollutants for California. The CTR and National Toxics Rule (NTR) criteria and water quality objectives for priority pollutants in state-adopted water quality control plans, together with designated beneficial uses in those plans, serve as priority pollutant standards for the state. Concurrently with the CTR adoption, the SWRCB adopted a *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of the California* (State Implementation Plan, or SIP).
4. The SIP establishes procedures for selecting priority pollutants requiring water quality-based effluent limitations (SIP Section 1.3) and for calculating the limits (SIP Section 1.4). Water quality monitoring and high quality laboratory data with the reporting limits required in the SIP, is required for all priority pollutants. Existing data for a particular pollutant in a specific water source maybe be utilized if the data is representative and of the quality required in the SIP.
5. The SIP authorizes the Regional Board to grant categorical exceptions from SIP provisions if the discharge is short-term or seasonal and carried out to comply with the federal Safe Drinking Water Act or the California Health and Safety Code.
6. The Regional Board intends to adopt Revised Waste Discharge Requirements and NPDES General Permit for Limited Threat Discharges to Surface Waters (General Permit) for the Lahontan Region.

7. The General Permit proposes a categorical exception from the SIP provisions for the selection of priority pollutants requiring limits (SIP Section 1.3) and the calculation of numeric limitations (SIP Section 1.4) for certain categories of discharge (e.g., hydrostatic testing of potable water conveyances, water treatment plant maintenance and fire hydrant testing and flushing). Discharge categories g, h, and i in Finding No. 10 of the General Permit may meet the conditions for a categorical exception for priority pollutants criteria / objectives. Other discharges regulated under the General Permit must comply fully with the SIP.
8. The action to adopt a general NPDES permit is exempt from provisions of Chapter 3 of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq.), in accordance with Section 13389 of the California Water Code. However, Regional Board action to grant a categorical exception to SIP requirements is subject to CEQA (SIP Section 5.3).
9. For the purpose of granting a categorical exception to the SIP, the Regional Board is the lead agency and must provide all necessary documentation. A Mitigated Negative Declaration for the action to adopt a categorical exception to SIP requirements for certain categories of discharge was prepared in compliance with CEQA.
10. The draft Mitigated Negative Declaration was circulated for public review through the State Clearinghouse under SCH #2003052104 and in accordance with requirements pursuant to Section 15072 of the CEQA Guidelines.
11. The Mitigated Negative Declaration identifies potential impacts and mitigation measures to avoid or lessen effects of the project to insignificant levels.
12. The Regional Board, at a public meeting, has considered all comments received, and determined that the project to grant a categorical exception to the SIP will not result in significant adverse environmental impacts.

THEREFORE BE IT RESOLVED THAT:

1. The Mitigated Negative Declaration, and the responses to public comments constitute a complete and technically adequate environmental document in compliance with the California Environmental Quality Act, and
2. The Negative Declaration is hereby certified, and
3. Upon certification of the Mitigated Negative Declaration by the Regional Board, Regional Board staff shall file a Notice of Determination with the Office of Planning and Research in accordance with Section 15094 of the CEQA Guidelines.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on July 9, 2003.

HAROLD J. SINGER
EXECUTIVE OFFICER