# Appendix B

This appendix contains the strikethrough/underline version of the proposed changes to the Implementation Plans chapter (Chapter 4) of the Basin Plan.

***Notes to Readers:***

1) *The following provides existing and new language for Chapter 4 - Implementation Plans (Implementation Policies and Action Plans). Revisions are shown in strikethrough and underline format. Proposed deletions are shown in ~~strikethrough~~. Proposed additions are indicated by <u>underlining</u>. Formatting changes, such as deletion of extra spaces, reformatting of paragraphs and tables, additions of bullets, etc., are not necessarily reflected in strikethough/underline format.*
2) *Basin Plan language presented without strikethrough/underline formatting is existing text that is not proposed for revision. This language is present to allow the reader to place the proposed changes within the context of the Basin Plan.*

# 4. IMPLEMENTATION POLICIES AND ACTION PLANS

## 4.1 INTRODUCTION

This chapter presents the actions intended to meet water quality objectives and protect beneficial uses of the ~~Klamath River Basin and~~ North Coast Region~~al Basin~~. The following measures shall be taken with respect to actual and potential point and nonpoint sources of water quality degradation.

## 4.2 REGIONWIDE POLICIES

### 4.2.1 Policy for the Application of Narrative Water Quality Objectives

This *Policy for the Application of Narrative Water Quality Objectives* describes the process that the North Coast Regional Water Quality Control Board (Regional Water Board) uses when narrative water quality objectives are interpreted and applied as numeric limits in permits, orders, and other regulatory actions, as appropriate. Narrative water quality objectives present general descriptions of water quality levels that must be attained through pollutant control measures and watershed management. Narrative water quality objectives identified in the Basin Plan include, but are not limited to, parameters such as bacteria, biostimulatory substances, chemical constituents, color, taste and odor, radioactivity, sediment, temperature, and toxicity.

**Overview of Implementation**

To interpret narrative water quality objectives, the Regional Water Board will sometimes select numeric limits in permits, orders, and other regulatory actions. To identify the appropriate numeric limits for implementing the narrative water quality objectives, the Regional Water Board will consider all relevant site-specific information. Relevant site-specific information includes, but is not limited to, numeric criteria and guidelines developed and published by other governmental and non-governmental agencies and organizations,[1] direct evidence of impacts to waters of the state, all material and relevant information submitted by the discharger and interested parties, peer-reviewed scientific literature, for the protection of the identified beneficial uses. In conducting its analysis, the Regional Water Board shall determine which of the available criteria is appropriate for use as a limit in the permit, order, or other regulatory action.

One particularly useful source of numeric criteria and guidelines, developed by State Water Resources Control Board (State Water Board) staff to assist dischargers and

[1] Other governmental and non-governmental agencies and organizations include, but are not limited to: California State Water Resources Control Board, California Department of Health, California Office of Environmental Health Hazard Assessment, California Department of Toxic Substances Control, University of California Cooperative Extension, California Department of Fish and Game, U.S. EPA, U.S. Food and Drug Administration, National Academy of Sciences, U.S. Fish and Wildlife Service, the Food and Agricultural Organization of the United Nations and the World Health Organization.

other interested parties is *A Compilation of Water Quality Goals*, which can be found at the State Water Board website or by contacting the Regional Water Board office. In addition to this report, the State Water Board maintains an online searchable database of water quality numeric standards, *Water Quality Goals Online*, available to the public at the State Water Board website. This database is regularly updated by State Water Board staff to reflect changes in numeric criteria and guidelines and to incorporate standards for newly emerging contaminants of concern.

In some situations, natural background concentrations of a particular constituent may not attain an applicable water quality objective in a discharge. In those cases, the natural background level may be considered to be the most appropriate numeric objective. Consistent with the State Water Board's Antidegradation Policy,[2] the Regional Water Board may consider alternative water quality objectives less stringent than naturally occurring background concentrations. In those cases, the alternative established will provide the maximum benefit to the people of the state, will not unreasonably affect existing and potential beneficial uses, and will not result in water quality less than that prescribed in state and federal policies.

**General Procedures for Calculating Numeric Effluent Limits**

Step 1. Determine the beneficial uses of the waterbody affected or potentially affected by the discharges or potential discharges.

Step 2. For each beneficial use determined in Step 1, identify the applicable narrative water quality objectives for each constituent or parameter of concern.

Step 3. Consider all appropriate sources of applicable numeric limits from established sources of numeric water quality criteria and standards developed and published by governmental and non-governmental agencies and organizations and other information supplied by the Regional Water Board.

Step 4. Identify the relevant narrative water quality objectives for which a numeric limit will be determined for the protection and restoration of all the applicable beneficial uses.

Step 5. For each constituent or parameter of concern, select the most appropriate numeric limit that would protect all affected beneficial uses.

Step 6. Consider all applicable policies and regulations which require further modification to the selected limits or levels. These applicable policies and regulations include, but are not limited to, the following:

- Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California.

[2] State Water Board Resolution No. 68-16

- State and federal antidegradation policies.
- U.S. EPA Technical Support Document for Water Quality-based Toxics Control.

Where multiple toxic pollutants exist together in water, the potential for synergistic or cumulative toxic effects exists. On a case by case basis, the Regional Water Board will evaluate available receiving water and effluent data to determine whether there is a reasonable potential for interactive or cumulative toxicity. Pollutants which are carcinogens or which manifest their toxic effects on the same organ systems or through similar mechanisms will generally be considered to have potentially additive toxicity.

## 4.3 POINT SOURCE MEASURES
### 4.3.1 Waste Discharge Prohibitions
#### 4.3.1.1 Klamath River Basin
#### 4.3.1.2 North Coast Basin

### 4.3.2 Schedules of Compliance

The Regional Water Board may establish a schedule of compliance[3] in a National Pollution Discharge Elimination System (NPDES) permit under ~~the following~~ specific circumstances.~~[4]~~ The issuance of a permit containing a compliance schedule will be in accordance with the State Water Board *Policy for Compliance Schedules in NPDES Permits*[5] and will result in discharge compliance with applicable requirements of the Clean Water Act (CWA).

~~1) Where an existing discharger[6] has demonstrated, to the Regional Water Board's satisfaction, that it is infeasible to achieve immediate compliance with effluent and/or receiving water limitations specified to implement new, revised, or newly interpreted water quality objectives, criteria, or prohibitions.[7]~~

[3] Schedules of compliance for Non-NPDES Waste Discharge Requirements (WDRs) are independently authorized by state law, and will continue to be adopted on a case-by-case basis.

~~[4] Schedules of compliance for CTR criteria are independently authorized and governed by 40 CFR 122.47 and 131.38, and the State "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California" (CTR-SIP). This amendment is intended to supplement, not supercede, these provisions required by the CTR-SIP. All CTR limits must be consistent with the CTR-SIP and applicable federal rules.~~

[5] State Water Board Resolution No. 2008-0025.

~~[6] Existing discharger is defined in the State "Policy for Implementation of Toxic Substance Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California," (CTR-SIP) as any discharger (non-NPDES or NPDES) that is not a new discharger. An existing discharger includes an increasing discharger (i.e., an existing facility with treatment systems in place for its current discharge that is or will be expanding, upgrading, or modifying its existing permitted discharge after November 29, 2006). A new discharger includes any building, structure, facility, or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after November 29, 2006.~~

~~[7] New, revised, or newly interpreted water quality objectives, criteria, or prohibitions means: 1) objectives as defined in Section 13050(h) of Porter-Cologne; 2) criteria as promulgated by the United States Environmental Protection Agency (USEPA); or 3) prohibitions as defined in the *Water Quality Control*~~

2) Where a discharger is required to comply with Total Maximum Daily Loads (TMDLs) adopted as a single permitting action,[8] and demonstrates that it is infeasible to achieve immediate compliance with effluent and/or receiving water limits that are specified to implement new, revised or newly interpreted objectives, criteria, or prohibitions.

The schedule of compliance shall include a time schedule for completing specific actions (including interim effluent limits) that demonstrate reasonable progress toward attaining the effluent and/or receiving water limitations, water quality objectives, criteria, or prohibitions. The schedule of compliance shall contain interim limits and a final compliance date based on the shortest feasible time required to achieve compliance (determined by the Regional Water Board at a public hearing after considering the factors identified below).

Schedules of compliance in NPDES permits for existing NPDES permittees shall be as short as feasible, but in no case exceed the following:

- Up to five years from the date of permit issuance, re-issuance, or modification that establishes effluent and/or receiving water limitations specified to implement new, revised, or newly interpreted objectives, criteria, or prohibitions. A permittee can apply for up to a five-year extension, but only where the conditions of the schedule of compliance have been fully met, and sufficient progress toward achieving the objectives, criteria, or prohibitions has been documented.

- In no case shall a schedule of compliance for these dischargers exceed ten years from the effective date of the initial permit that established effluent and/or receiving water limitations specified to implement new, revised, or newly interpreted objectives, criteria, or prohibitions.

TMDL-derived effluent and/or receiving water limitations that are specified to implement new, revised, or newly interpreted water quality objectives, criteria, or prohibitions that are adopted as a single permitting action:

- In this scenario, schedules of compliance shall require compliance in the shortest feasible period of time, but may extend beyond ten years from the date of the permit issuance.

To document the need for and justify the duration of any such schedule of compliance, a discharger must submit the following information, at a minimum. The Regional Water

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*Plan for the North Coast Region* that are adopted, revised, or newly interpreted after November 29, 2006. Objectives and criteria may be narrative or numeric.

[8] "Single permitting actions" means those where the Regional Board incorporates the requirements to implement a TMDL through one NPDES permit. These actions would not require a Basin Plan amendment, but would require a technical staff report to support the permit requirements and any permit specified compliance schedule. Furthermore, the USEPA would still be required to approve the TMDL under the federal CWA Section 303(d).

~~Board will review the information submitted to determine if a schedule of compliance is appropriate.~~

~~For all applicants:~~

- ~~A written request, and demonstration, with supporting data and analysis, that it is technically and/or economically infeasible[9] to achieve immediate compliance with newly adopted, revised or newly interpreted water quality objectives, criteria or prohibitions.~~
- ~~Results of diligent efforts to quantify pollutant levels in the discharge and the sources of the pollutant in the waste stream.~~
- ~~Documentation of source control efforts currently underway or completed, including compliance with any pollution prevention programs that have been established.~~
- ~~A proposed schedule for additional source control measures or waste treatment.~~
- ~~The highest discharge quality that is technically and economically feasible to achieve until final compliance is attained.~~
- ~~A demonstration that the proposed schedule of compliance is as short as technically and economically feasible.~~
- ~~Data demonstrating current treatment facility performance to compare against existing permit effluent limits, as necessary to determine which is the more stringent interim limit to apply if a schedule of compliance is granted.~~
- ~~Additional information and analyses, to be determined by the Regional Water Board on a case-by-case basis.~~

[9] ~~Technical and economic feasibility shall be determined consistent with State Board Order 92-49.~~