



**Proposal to Amend  
the  
North Coast Basin Plan  
by  
Establishing Exception Criteria  
to the  
Point Source Waste Discharge  
Prohibitions  
(Low Threat Discharge Amendment)**

**Public Hearing  
July 23, 2009  
Holly Lundborg**



# **Public Hearing for the Low Threat Discharge Amendment**

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- Scope of proposed Basin Plan Amendment
- Overview of proposed Basin Plan Action Plans
- Overview of comments received
- Receive comments on proposed Amendment

July 23, 2009



# Scope of Proposed Basin Plan Amendment

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Proposed exception criteria applies if discharge meets all the following conditions:

- To surface water in the North Coast Region
- From a point source
- Covered under Water Board issued permit
- A “low threat” to water quality

July 23, 2009



# Definition of Low Threat Discharge

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Discharge may be eligible for consideration as low threat if:

- It meets all applicable water quality objectives;
- It does not cause adverse effects to beneficial uses of water, or cause a nuisance; and
- The volume, discharge rate, and pollutant load are minimized.



# Need for Basin Plan Amendment

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- Discharges subject to proposed Amendment are presently occurring.
  - Often no alternative exists
  - Integral to community activities
- To address conflicts between Basin Plan point source waste discharge prohibitions and existing statewide permits and policies
  - State Water Board Recycled Water Policy
  - Statewide general permits

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# Existing Point Source Prohibitions

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Point source waste discharge, except as stipulated in state plans or the Basin Plan, are prohibited:

- Year-round (Klamath River Basin, coastal streams)
- Seasonally (Mad, Eel and Russian Rivers)
  - Dry weather discharge prohibition
  - Discharge flow rate limitation (1% of stream flow)



# Proposed Amendment Framework

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## Basin Plan Amendment



### Revise Existing Storm Water Action Plan

- Intentional and incidental discharge from a permitted storm drain system
- Implemented through Water Board Permit

### Develop New Low Threat Action Plan

- Other intentional discharge to surface water
- Implemented through Water Board Permit

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# Proposed Storm Water Action Plan

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Applies to point source discharges from municipal and industrial storm water drainage systems that are:

- In compliance with water quality standards.
- Covered under, and in conformance with, a Water Board issued permit.



# Proposed Storm Water Action Plan

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## Examples of discharges addressed under Storm Water Action Plan:

- Storm water runoff
- Incidental runoff from irrigation (recycled/potable)
- Emergency releases from drinking water supply systems
- Drain discharges from foundations, footings, etc
- Dechlorinated/debrominated pool discharges
- Non-commercial car washing
- Fire hydrant testing/flushing

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# Proposed Storm Water Action Plan

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Discharge of storm water and certain categories of *intentional* low-threat non-storm water flows from permitted storm water conveyance systems will not be subject to the point source prohibitions if all the following conditions are met:

- Does not cause adverse effects to beneficial uses of water;
- Is managed in conformance with the applicable Water Board permit; and
- The approved general management program is implemented to eliminate/minimize non-storm water discharges to surface waters.

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# Proposed Storm Water Action Plan

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Discharge of *incidental* low threat non-storm water from permitted storm water conveyance systems are not subject to point source waste discharge prohibitions if:

- It is not the result of poor maintenance or design of infrastructure;
- No feasible alternative(s) exist; and
- The approved management plan identifying best management practices (BMPs) is implemented.

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# Proposed Low Threat Action Plan

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Applies to all other intentional discharges that are:

- To surface waters in the North Coast Region;
- From a point source;
- In compliance with water quality objectives; and
- Covered under, and in conformance with, a Water Board issued permit.

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# Proposed Low Threat Action Plan

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## Examples of activities addressed under proposed Low Threat Action Plan

- Construction dewatering
- Installation, maintenance of water supplies
- Hydrostatic testing, maintenance of potable water supply vessels, pipelines, tanks, reservoirs, etc.
- Hydrostatic testing of newly constructed pipelines, tanks, reservoirs, etc. used for purposes other than potable water supply
- Dredge spoils dewatering

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# Proposed Low Threat Action Plan

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Low-threat point source discharges may be exempted from point source prohibitions if:

1. It does not adversely affect beneficial uses or cause a nuisance.
2. It complies with water quality objectives.
3. Best practicable treatment is implemented.
4. No feasible alternative to the discharge exists.
5. It is limited to increment of wastewater remaining after implementation of all reasonable alternatives.
6. It is regulated by, and in conformance with, a Water Board issued permit.

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# Summary of Comments Received

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## Incidental Runoff

- **Concern stated over how staff will be able to know whether the requirements of the Storm Water Action Plan were met or if incidental runoff was intentional or caused by negligence.**
- **Inquiry regarding how the management plan for the MS4 fits with the management plan needed for the low threat exception.**

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# Summary of Comments Received

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## Water Quality Objectives

- Concern regarding meeting water quality objectives at the point of discharge as opposed to not causing an exceedance of objectives in surface water.

## Chemicals of Emerging Concern (CEC)

- Concerns raised regarding CECs ending up in surface water; especially during low flows.

## One Percent Prohibition

- Concern expressed about how the proposed Amendment will affect the 1% flow limitation.



# Summary of Comments Received

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## CEQA

- **Assertion that there is no way to judge if the CEQA analysis is adequate as there is no specific information regarding how beneficial uses will be protected.**
- **Assertion that the cumulative impacts analysis is inadequate because it doesn't consider the increased use of recycled water.**

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# Summary of Comments Received

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## General

- **The program should be re-evaluated after the second year of implementation, including a public review process, to allow for inclusion of new information (e.g. CECs).**
- **Concern on what conditions will be required to make sure that Antidegradation rules are enforced.**
- **Concerns expressed regarding how staff will implement the program.**

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# Summary of Comments Received

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## General

- **Concern about recycled water not being adequately treated to safely allow irrigation where children and people with compromised immune systems could be exposed to it.**
- **Request to staff to further define how impacts from potential discharges will present only a “low threat” and disclose the evidence on which this determination is based.**

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# Changes to Low Threat Action Plan

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## Minor editorial and clarifying changes including:

- **Terms: 'Receiving waters' changed to 'surface waters'**

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# Changes to Storm Water Action Plan

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## Minor editorial and clarifying changes including:

- Clarify required elements of a storm water management program.
- Provide clarification on potential incidental low threat non-storm water discharge categories.
- Clarifying requirements for MS4 and mangment plan compliance.
- Provide explanation on exempting emergency fire fighting discharges to MS4 systems from the point source prohibitions.

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# Staff Recommendation

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- **Open hearing to receive public comments**
- **Adopt Order No. R1-2009-0004 with attachments**

July 23, 2009