



November 18, 2013

# Stakeholder Workshop

for

## Proposed NPDES Permit

## Drinking Water System Discharges

## To Surface Waters



November 18, 2013

# Stakeholder Workshop

Attending

## Regional Water Board Staff

Los Angeles Region

San Francisco Bay Area Region

Central Valley Region

## State Water Board Staff



## Today's Workshop

- Two-directional outreach ✓
- Staff presentation
- Your Public Input



## Today's Workshop - Morning

- **Staff Presentation – 10:00 to 11:00 a.m.**
  - Purpose and intention of a proposed permit
  - Introduce targeted areas for your input
- **Public Session – 11:00 a.m. to 12:30 p.m.**
  - Yellow card session
  - Express your concerns and questions
  - Allow staff to understand WHAT your concerns are



## Today's Workshop - Afternoon

- **Lunch Break – 12:30 to 1:30 p.m.**
- **Facilitated Discussion – 1:30 to 3:00 p.m.**
  - Expanded discussion on common concerns and questions
- **Post - Meeting Response to Questions and Concerns**



## Friendly Ground Rules

- Everyone's Interests are Valuable
- Disagreement is Healthy and Honored
- Meeting Facilitation to Assure Maximized Communication
- It's OK to Agree

# Staff Presentation

- I. What is an NPDES Permit?
- II. Coverage Under Existing Storm Water Permits
- III. Recent Years' Growing Concerns
  - What We've Heard From You
- IV. Water Boards' Joint Effort
- V. Intent and Purpose of Proposed Permit
- VI. Targeted Constituents/Parameters of Concern
- VII. Options (Bookends)

# Common Interests



## Safe Drinking Water

- Allow water districts and purveyors to conduct mandated responsibilities to deliver safe drinking water

# Common Interests



## Protection of Our Surface Waters

- Ensure that water draining to surface waters does not harm our beneficial uses

# What is an NPDES Permit?

## National Pollutant Discharge Elimination System Permit

- Allows discharges of pollutants that do not impact beneficial uses
- Federal permitting program delegated to California
- Regional and State Water Board responsible for implementing federal/state regulations and law through permits

### **Discharge of Pollutants into Waters of the U.S**



# Water District Mandated Duties and Planned Discharges



# Coverage Under Existing Municipal Storm Water Permits

- Not all Storm Water permits are the same
- Some conditionally exempt essential non-storm water discharges UNLESS covered by another permit:
  - essential public services discharge activities directly or indirectly required by law
- Requires Best Management Practices (BMPs) comparable to industry-standard BMP manuals;
  - i.e. Dechlorination and sediment/erosion control
- Requires reporting and record keeping

# Recent Growing Concerns

- Some storm water permittees not allowing drinking water discharges unless separately permitted
- Water quality impacts due to infrequent but excessive discharges of flow and/or constituents
- Need permit to allow discharges from mandated responsibilities for compliance with Water Code

# Recent Growing Concerns Los Angeles Region

- 2008 – Los Angeles Water Board issued draft NPDES Permit
  - Proceeded with full public comments process
  - Permit adoption paused due to Board quorum issue

# Recent Growing Concerns Bay Area Region

- 2011 –Discussions between Water Districts and Regional Board began
  - Several Fish Kills in Bay Area
  - Series of Penalty Enforcement Actions
- East Bay MUD and ABAG took lead
- 2012 - Development of Draft Permit began

# Recent Growing Concerns Central Valley Region

- 2011 – Seven Water District / Purveyors began discussions with Regional Board
  - Enforcement related issues related to requirements not applicable to drinking water discharges
- 2012 – Open collaborative meetings began
- 2013 - Development of draft permit began

# What We Heard From You

- Concerns Regarding:
  - Regulatory costs
  - Unnecessary monitoring and reporting burdens
  - Reduction of local resources
  - Expensive lab analysis for clean water
  - Regional Water Board enforcement
  - Third-party lawsuits
  - Regulatory consistency and fairness for water districts doing the right thing

# What We Also Heard From You

- Need to have regulatory coverage for Unplanned Discharges



# Water Board Joint Effort

- Similar discharge statewide
  - Good quality groundwater
  - Water treated to Dept of Public Health standards
- Multiple Regional Boards addressing similar issues
- Unique multi-region permit that provides consistency
- Allows Water Boards to operate more efficiently

# Proposed Permit

- Fulfill request of Water Districts/Purveyors that do not have options through storm water permits
- Provide One-Stop-Shop permit planned and unplanned discharges
- Provide permit for Regional Boards to use at their discretion

# Focus of Proposed Permit

What chemical constituents in drinking water may threaten aquatic life or other beneficial uses?

- Drinking-water specific constituents
  - Chlorine effluent limits
    - Chlorine limit of 0.019 mg/l
    - Compliance determined with field monitoring equipment reporting levels and presence of dechlorination agent
  - pH effluent limits per Basin Plans



# Focus of Proposed Permit

What chemical constituents in drinking water may threaten aquatic life or other beneficial uses?

- California Toxic Rule Pollutants
  - Federal criteria for 126 priority pollutants
  - State policy allows Water Board to “except” discharges from mandatory activities per Health and Safety Code (for inland waters)
  - Must be “excepted” through a Board action



# Focus of Proposed Permit

What chemical constituents in drinking water may threaten aquatic life?

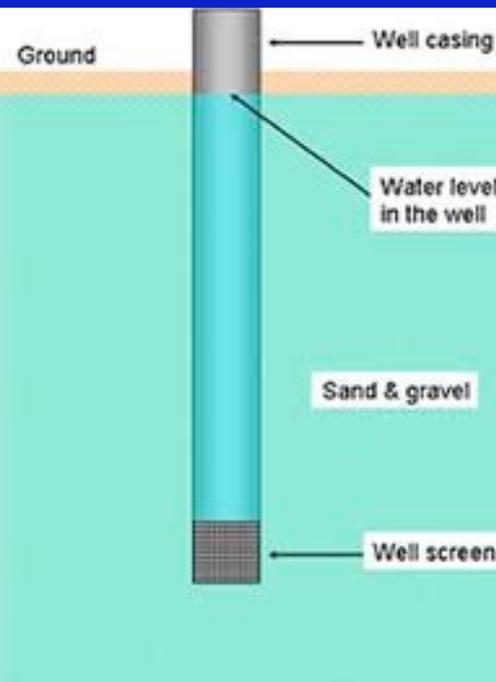
- California Ocean Plan
  - Discharges to the Ocean
  - Protection of Areas of Special Biological Significance (ASBS) adjacent to coast
  - Incorporate feasible options for coastal discharges



# Focus of Proposed Permit

What physical parameters caused by flowing drinking water may threaten beneficial uses?

- Turbidity, trash, sand, grit and sediment
- Sediment and other erosion-related or scour-related parameters



- Best Management Practices to minimize turbidity, trash and sediment
- Velocity control measures to prevent water body scour



# Your Input on Permitting Options

- Presenting some options to start the conversation
- Not all possible options are included
- What are other options should be considered?

# 1. How prescriptive should BMP requirements be?



## Option A:

- Detailed BMPs with example BMP plan
- Provides objective compliance determination

## Option B:

- Develop own BMP plan
- Subjective Compliance Determination

## 2. How much effluent monitoring represents actual threat of discharge?



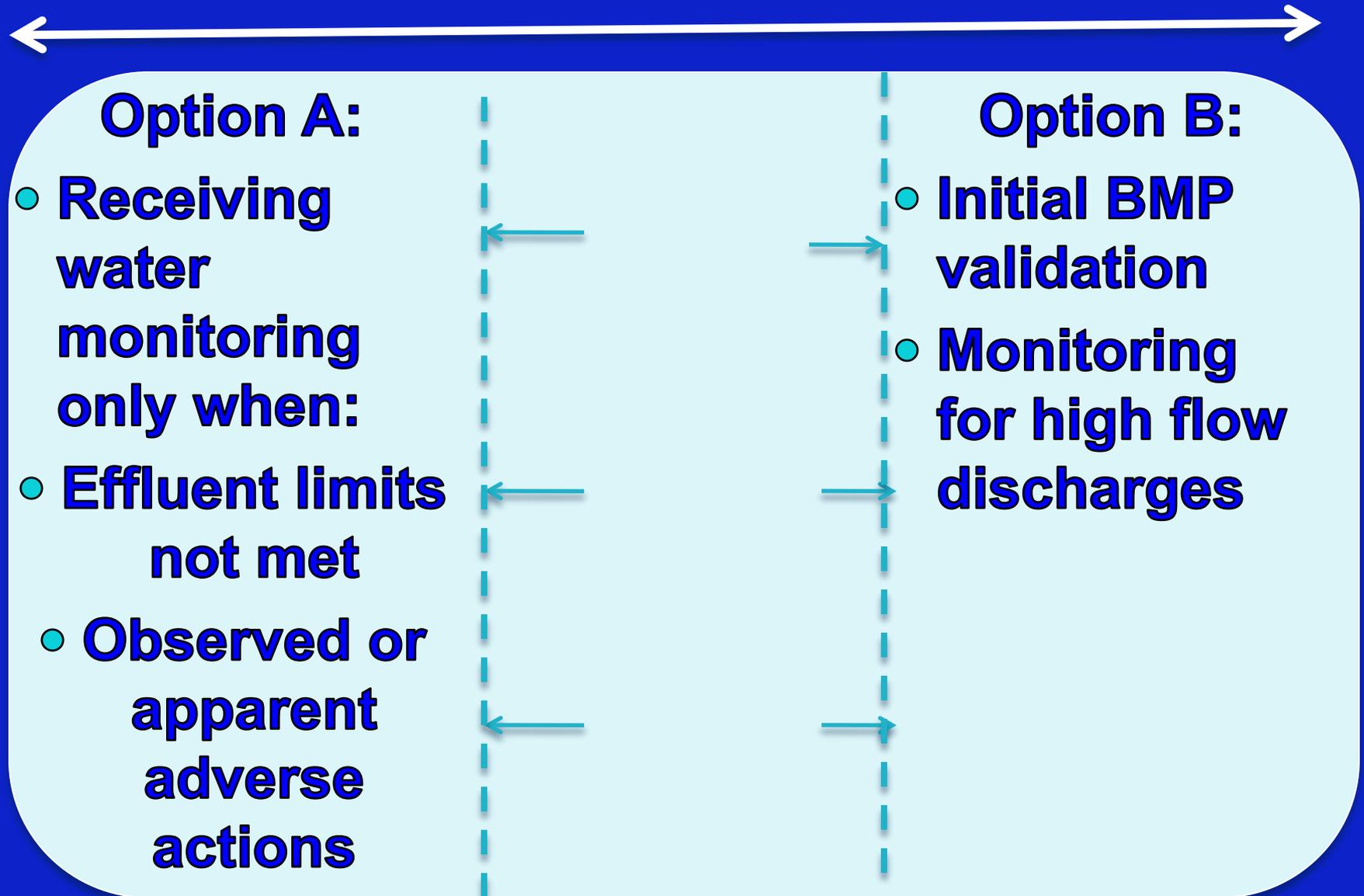
### Option A:

- Monitor All discharges >5 minutes duration that reach surface water
- Monitor All discharges > 4.0 mg/l Cl
- All discharges > 100,000 gpd

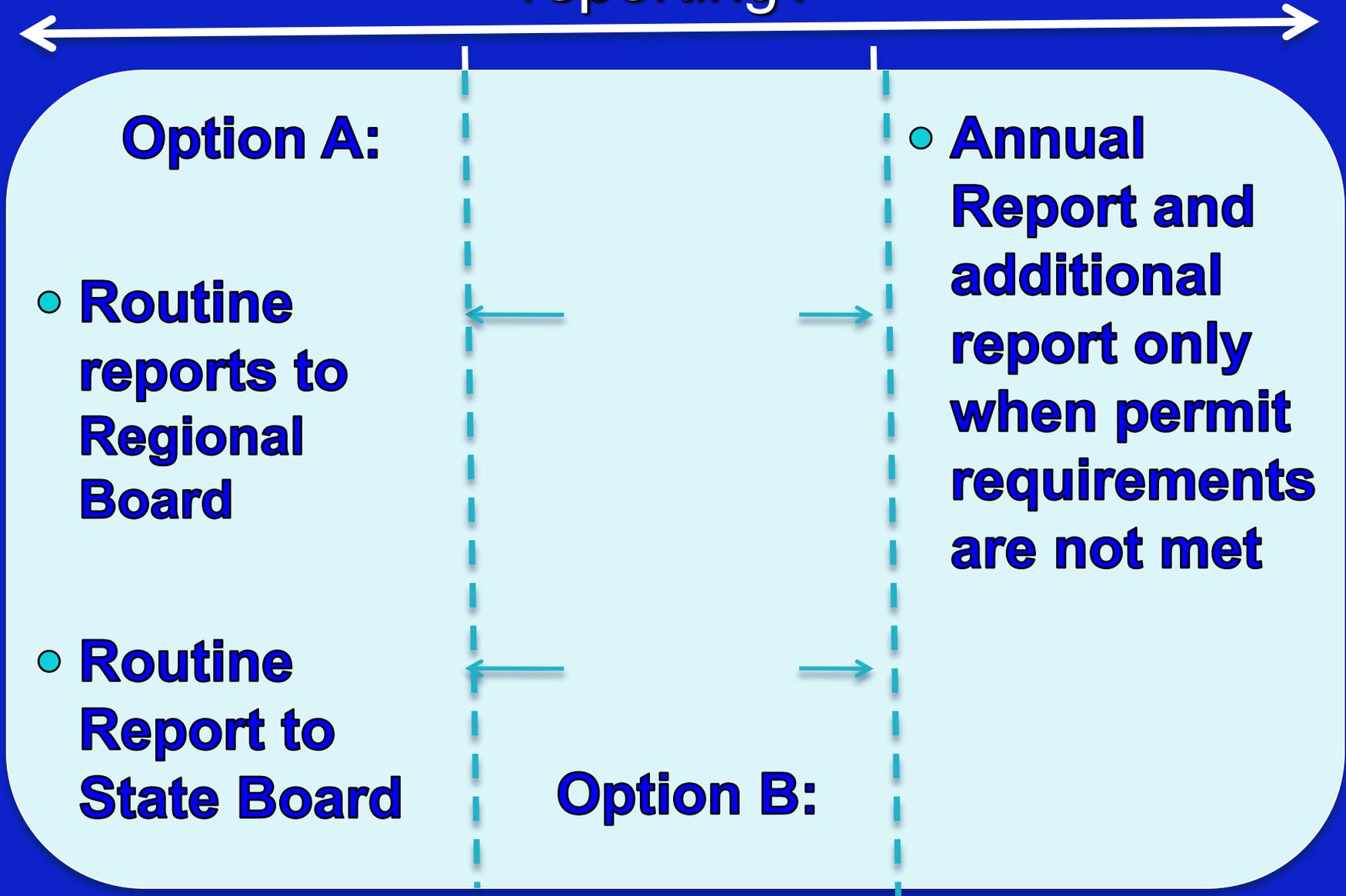
### Option B:

- Representative Monitoring for each discharge type (same source, BMPs, Receiving Water)

### 3. How much receiving water monitoring is necessary?



# 4. What is the appropriate amount / type of reporting?



**What Options Do You Prefer?  
What Options Are Most Cost Effective?  
What Concerns Do You Have?**

Please Identify your Concerns and Questions  
Afternoon Session will expand on common  
concerns

- 1. *Best Management Practice Requirements***
- 2. *Discharge Monitoring***
- 3. *Receiving Water Monitoring***
- 4. *Reporting Requirements***