State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION
320 West 4th Street, Suite 200, Los Angeles

FACT SHEET
WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES OF LOW THREAT HYDROSTATIC TEST WATER TO SURFACE WATERS
IN
COASTAL WATERSHEDS OF LOS ANGELES AND VENTURA COUNTIES

T E N T A T I V E

NPDES NO. CAG674001
Public Notice No.: R4-2004-XXXX

I. PUBLIC PARTICIPATION

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a general National Pollutant Discharge Elimination System (NPDES) permit for the discharge of hydrostatic test water. As an initial step in the WDR process, Regional Board staff has developed tentative WDRs. The Regional Board encourages public participation in the WDR adoption process.

A. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments upon these tentative WDRs. Comments should be submitted either in person, or by mail to:

Executive Officer
California Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

To be fully responded to by staff and considered by the Board, written comments should be received at the above address by 5:00 p.m. on June 4, 2004.

B. Public Hearing

The Regional Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: July 1, 2004
Time: 9:00 a.m.
Location: The Metropolitan Water District of Southern California, Board Room
700 N. Alameda Street
Los Angeles, California

Interested persons are invited to attend. At the public hearing, the Regional Board will hear testimony, if any, pertinent to the discharge, WDR, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. The Regional Board web address is *www.swrcb.ca.gov/rwqcb4* where you can access the current agenda for changes in dates and locations.

C. Waste Discharge Requirement Appeals

Any person may petition the State Board to review the decision of the Regional Board regarding the final general Waste Discharge Requirements. A petition must be submitted within 30 days of the Regional Board's public hearing to the following address:

State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

D. Information and Copying

The tentative effluent limitations and special conditions, comments received, and other information are on file and may be inspected at 320 West 4th Street, Suite 200, Los Angeles, CA 90013, at any time between 8:00 AM and 5:00 PM, Monday through Friday. Copying of documents may be arranged through the Los Angeles Regional Board by calling (213) 576-6600.

E. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding these general WDRs and NPDES permit should contact the Regional Board, reference these general WDRs, and provide a name, address, and phone number.

II. PURPOSE OF ORDER

The purpose of this Order is to renew and update waste discharge requirements for the existing General Permit (Order No. 97-047) which expired on April 10, 2002.

III. BACKGROUND

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act) was amended to provided that the discharge of pollutants to waters of the United States from any point source is effectively prohibited unless the discharge is in compliance with an NPDES Permit.

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On September 22, 1989, the United States Environmental Protection Agency (USEPA) granted the State of California, through the State Water Resources Control Board and the Regional Boards, the authority to issue general NPDES permits pursuant to 40 Code of Federal Regulations (40 CFR) parts 122 and 123.

40 CFR section 122.28 provides for issuance of general permits to regulate a category of point sources if the sources involve the same or substantially similar types of operations; discharge the same type of waste; require the same type of effluent limitations or operating conditions; require similar monitoring; and are more appropriately regulated under a general permit rather than individual permits.

On May 12, 1997, this Regional Board adopted the *General National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements for Discharges of Hydrostatic Test Water to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties* (NPDES No. CAG674001, Order No. 97-047). The existing General Permit covered discharges of waste waters resulting from the hydrostatic testing or structural integrity testing of pipes, tanks, or any storage vessels using domestic water, ground water, or surface water, and similar wastes. Currently, there are approximately forty-one dischargers who are enrolled under this General Permit.

IV. DISCHARGE DESCRIPTION

Hydrostatic test water is discharged to surface waters at various locations and project sites throughout this Region. Generally, hydrostatic test water is made up of potable/domestic water supplied by municipalities or potable water purveyors. Discharges of hydrostatic test water can cause, or threaten to cause, minor impairment of existing beneficial uses of the receiving water.

Hydrostatic test water discharge covered under this permit includes, but are not limited to, (1) Structural integrity testing of pipes, tanks, or storage vessels, and (2) Repair and maintenance of pipes, tanks, or reservoirs.

Hydrostatic testing occur frequently within this Region. The rate and volume of hydrostatic test water released at project sites varies from hundreds of gallons of water per day to millions of gallons of water per day, depending on the capacity of the vessel being tested. The discharge duration is usually short. Most hydrostatic tests use potable water and the discharge is usually temporary. Wastewater discharges from hydrostatic testing will be more efficiently regulated with general permits rather than individual permits. The accompanying Order establishes requirements to regulate discharges of wastewater generated from hydrostatic test to surface waters of the United States under the jurisdiction of this Regional Board. Hydrostatic test water discharge is considered as de minimis discharge with insignificant threat to water quality.

Dischargers enrolling under this general permit are required to prepare a pollution prevention plan, for implementation if necessary. The plan should include best management practices (BMPs) to minimize to the extent practicable adverse

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environmental impacts and to prevent significant detrimental effects on the receiving water. Although the quality of groundwater discharge permitted under this general permit will be similar to water from a fire hydrant, water distribution systems or even discharges from residential homes, the hydrostatic test discharges are being held under this permit to far more stringent discharge and monitoring requirements.

Hydrostatic testing may introduce pollutants into the discharge due to flushing of residual pollutants from the vessels. In this instance, it may be necessary to provide polishing treatment to comply with effluent limitations. Therefore, due to the nature of hydrostatic testing, the Board finds that the additional monitoring and reporting requirements and discharge limitations contained in this Order are necessary to assure compliance with water quality objectives and standards, and that coverage under this Order is therefore necessary for hydrostatic testing discharges.

The hydrostatic test water discharges under this permit are mostly intermittent, short duration discharge, that have been determined to pose no significant treat to water quality.

If potable water from fire hydrant or municipal supply will be used for hydrostatic testing, then dischargers could use the water quality data provided by municipality or purveyor for this water supply to conduct the screening analysis.

V. DISCHARGE COVERAGE

Discharges covered by this general permit include, but are not limited to, hydrostatic testing of pipes, tanks, and any storage vessels by using potable/domestic water.

To enroll under this General Permit, the discharger must certify that there is no reasonable potential for pollutants other than those regulated by this permit to be in the discharge. Existing and new dischargers enrolling under this permit are required to collect a representative source water sample(s) and analyze these samples for all the constituents listed on Attachment A. Existing dischargers shall submit a Notice of Intent Form in order to continue with the authorization of this Order; otherwise the existing authorization will be terminated. If the analytical test results of any constituent exceed the MCLs listed on Attachment A of this Order, the discharge will be considered ineligible for enrollment under the general permit.

The Board finds that hydrostatic test discharge prescribed by this Order does not have reasonable potential to cause or contribute to an in-stream excursion for priority toxic pollutant objectives. If information becomes available that shows that there is a reasonable potential for the discharge to exceed priority pollutants objective, the discharge shall be immediately terminated. The discharge shall not be resumed until authorized by the Executive Officer, individual waste discharge is issued, or the discharge may be prohibited.

Pursuant to section 2, Article X, California Constitution, and section 275, of the California Water Code on preventing waste and unreasonable use of waters of the state, the

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Regional Board encourages, wherever practicable, water conservation and/or re-use of wastewater. To obtain coverage under this Order, the discharger shall first investigate and report the feasibility of conservation, land disposal and/or reuse of the wastewater.

VI. BASIS FOR THE PROPOSED WASTE DISCHARGE REQUIREMENTS

A. General Rationale

The following documents are the bases for the proposed requirements:

1. On June 13, 1994, this Regional Board adopted a revised basin plan, *Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan). The Basin Plan contains water quality objectives for, and lists the beneficial uses of, specific water bodies (receiving waters) in the Los Angeles Region. Typical beneficial uses include the following:

    a. Inland surface waters above an estuary - municipal and domestic supply, industrial service and process supply, agricultural supply, ground water recharge, freshwater replenishment, aquaculture, warm and cold freshwater habitats, inland saline water and wildlife habitats, water contact and noncontact recreation, fish migration, and fish spawning.

    b. Inland surface waters within and below an estuary - industrial service supply, marine and wetland habitats, estuarine and wildlife habitats, water contact and noncontact recreation, commercial and sport fishing, aquaculture, migration of aquatic organisms, fish migration, fish spawning, preservation of rare and endangered species, preservation of biological habitats, and shellfish harvesting.

    c. Coastal Zones (both nearshore and offshore) - industrial service supply, navigation, water contact and noncontact recreation, commercial and sport fishing, marine habitat, wildlife habitat, fish migration and spawning, shellfish harvesting, and rare, threatened, or endangered species habitat.

2. *Water Quality Control Policy for the Enclosed Bays and Estuaries of California* (Policy), adopted by State Water Resources Control Board in May 1974. The Policy provides that discharges of industrial process wasters to enclosed bays and estuaries shall be phased out at the earliest practicable date.

3. Technical Support Document (TSD) for Water Quality-Based Toxics Control, USEPA/502/2-90-001, March 1991.

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4. The California Toxics Rule (CTR) promulgated by the USEPA on May 18, 2000 and the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) adopted by the State Board on March 2, 2000. The CTR establishes numerical criteria for priority pollutants for inland surface water as well as water in the enclosed bays and estuaries.

5. Effluent limitations, and toxic effluent standards established pursuant to Section 301, 302, 304, 306, and 307 of the Clean Water Act, and amendments thereto, are applicable to the dischargers herein.

6. The Clean Water Act section 402 and 40 CFR Parts 122, 123, and 124 regulations, and State Board Order No. 96-03-DWQ, for storm water discharges.

7. 40 CFR Part 131 regulations for implementation of USEPA's water quality-based limitations for toxic pollutants.

8. Division 7 of the California Water Code is applicable to discharges to all waters of the State.

9. California Drinking Water Standards (California Domestic Water Quality and Monitoring Regulations, Title 22, California Code of Regulations).

10. State Water Resources Control Board (SWRCB) Resolution No. 68-16, (adopted on October 28, 1968), and USEPA 40 CFR 131.2, which establish the state and federal "Antidegradation Policies".

B. Water Quality in Los Angeles and Ventura County Watershed

The 1998 SWRCB Water Quality Assessment (WQA) identified the water quality conditions of water bodies in the state. Certain receiving waters in the Los Angeles and Ventura County watersheds are classified as impaired on the 1998 303(d) List and Total Maximum Daily Loads (TMDL) Schedule. Impaired waters do not fully support beneficial uses. This general permit is not meant to regulate the discharge of 303(d)-listed parameters.

C. Water Quality-Based Effluent Limitations

The SWRCB adopted *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (also known as the *State Implementation Plan* or *SIP*) on March 2, 2000. The SIP was amended by Resolution No. 2000-30, on April 26, 2000, and the Office of Administrative Law approved the SIP on April 28, 2000. The SIP applies to discharges of toxic pollutants in the inland surface waters, enclosed bays and estuaries of California which are subject to regulation under the State's Porter-Cologne Water Quality

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Control Act (Division 7 of the Water Code) and the Federal Clean Water Act. This policy also establishes the following: implementation provisions for priority pollutant criteria promulgated by USEPA through the CTR and for priority pollutant objectives established by Regional Water Quality Control Boards in their water quality control plans (Basin Plans) and chronic toxicity control provisions.

On May 18, 2000, the U.S. EPA promulgated the numeric criteria for priority pollutants for the State of California, known as the California Toxics Rule (CTR) and as codified as 40 CFR section 131.38. Toxic pollutant limits are prescribed in the accompanying Order to implement the CTR. 40 CFR section 122.44(d)(1)(ii) requires each toxic pollutant be analyzed with respect to its reasonable potential when determining whether a discharge (1) causes; (2) has the reasonable potential to cause; or (3) contributes to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant. In performing the RPA, the permitting authority uses procedures that account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, and the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity).

D. Technology-Based Effluent Limitations

Best professional judgment (BPJ) was used in developing technology-based effluent limits in this tentative order. BPJ is defined as the highest quality technical opinion developed by the permit writer after consideration of all reasonably available and pertinent data or information that forms the basis for the terms and conditions of a NPDES permit. The authority for BPJ is contained in Section 402(a)(1) of the Clean Water Act.

E. Anti-degradation Policy

The Basin Plan also implements the State Board's adopted Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality Water in California". This policy which is also referred to as the "Anti-degradation Policy", protects surface and ground waters from degradation. In particular, this policy protects waterbodies where existing quality is higher than that necessary for the protection of beneficial uses.

This permit complies with State and Federal "Anti-degradation" policies. The conditions and effluent limitations established in this Order for discharges of hydrostatic testing water in this Region ensure that the existing beneficial uses and quality of surface waters in this Region will be maintained and protected. Discharges regulated by this Order should not adversely impact water quality if the terms and conditions of this Order are met.

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F. Impact to Water Quality

Discharges of wastewater from hydrostatic testing could degrade water quality without violating water quality objectives, or cause a minor impairment of the designated beneficial.

G. Specific Rationales for Each of the Numerical Effluent Limitations

The following table presents the effluent limitations and the specific rationales for pollutants that are expected to be present in discharges covered by the general permit. The specific rationales include: the existing permits, the Basin Plan, and Title 22 California Code of Regulations (California Domestic Water Quality and Monitoring Regulations). It is intended that all the General Permits issued by this Regional Board for similar activities have the similar effluent limits for the constituents of concern.

Constituent	Unit	Existing Discharge Limit		New Discharge Limit		Basis for Limit
		Daily Maximum	Monthly Average	Daily Maximum	Monthly Average	
General Constituents						
Total Suspended solids	mg/L	150	50	150	50	Existing Order consistent with other general NPDES permit Orders
Turbidity	NTU	150	50	150	50	Existing Order consistent with other general NPDES permit Orders
BOD_5 20°C	mg/L	30	20	30	20	Existing Order consistent with other general NPDES permit Orders
Oil and Grease	mg/L	15	10	15	10	Existing Order consistent with other general NPDES permit Orders
Settleable Solids	ml/L	0.3	0.1	0.3	0.1	Existing Order consistent with other general NPDES permit Orders

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Constituent	Unit	Existing Discharge Limit		New Discharge Limit		Basis for Limit
		Daily Maximum	Monthly Average	Daily Maximum	Monthly Average	
Residual Chlorine	mg/L	0.1	no limit	0.1	no limit	Existing Order/Basin Plan
Acute Toxicity	%survival	([1])	no limit	([1])	no limit	Existing Order consistent with other general NPDES permit Orders

The effluent limitations from hydrostatic test water regulated under this permit are calculated assuming no dilution. For most practical purposes, discharges from hydrostatic test do not flow directly into receiving water with significant volume to consider dilution credit or to allocate a mixing zone. Most discharges regulated under this general permit are to storm drain systems that discharge to creeks and streams. Many of these creeks and streams are dry during the summer months. Therefore, for many months of the year, these discharges may represent all or nearly all of the flow in some portions of the receiving creeks or streams. These discharges, therefore, have the potential to recharge ground waters protected as drinking waters.

An exception to this policy may be applied based on approved mixing zone study and based on demonstration of compliance with water quality objectives in the receiving water as prescribed in the Basin Plan. This exception process is more appropriate for an individual permit, and would not be appropriate for a general permit, that should be protective of most stringent water quality objectives and beneficial uses. If discharger requests that a dilution credit be included in the computation of effluent limit or that a mixing zone be allowed, an individual permit will be required. However, if no mixing zone is proposed, this general permit provides coverage for all discharges to receiving water bodies in Coastal Watersheds of Los Angeles and Ventura Counties.

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[1] The acute toxicity of the effluent shall be such that the average survival in the undiluted effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test less than 70% survival.