



Utility Perspective: New Statewide NPDES permit

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Golden State Water
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Quick Poll

How many people like the permit?

How many people hate the permit?

How many people are completely new to NPDES permits?



- ❑ 75 Communities
- ❑ 10 Counties
- ❑ 38 Water Systems
- ❑ 1 million customers
- ❑ 240 ground water wells
- ❑ 3 surface water treatment plants
- ❑ 2700 miles of pipe
- ❑ 61 – 50,000 connections
- ❑ 6500 Average connections
- ❑ We discharge water in seven of the nine regional boards across the state.

CWA vs. SDWA

- CWA and SDWA are fundamentally different.
- Under SDWA, you follow the rules and you are in the clear.
- Under CWA, the rules are more like minimums. Follow them and you can still be liable for damages to the environment.

Old vs. New

What I love about the new permit

- Permit Page F-3: From up to 7 effluent limits vs. 1 effluent limit
- LARWQCB Groundwater Well Development/Rehabilitation Permit restrictions on discharging over an MCL
- BMP based permit
- Annual Representative Monitoring

Areas of Concern

- Very small systems less than 1000 connections
- Not a right to discharge
- Fees
- Turbidity and Basin Plans
- Effluent Limit Vs. Monitoring
- Receiving Water Monitoring
- TMDLs
- Notification
- Record Keeping
- Annual Volumes

1000 or greater

- 1000 Connection or greater: NOI or NONA.
- SWRCB plans to cross reference against DDW permittee list.

Very Small Systems

- Under 1000: Non-enrollment does not exempt dischargers from Clean Water Act.
- Discharging water to WOTUS without a permit is in violation of federal law.
- Discharging water without a permit can result in large fines.
- One time \$100 application fee

Not A Right To Discharge

- Doesn't resolve flood control operator conflicts
- Flood control can still impose additional requirements via city or county ordinances
- Many jurisdictions require permits to discharge into flood control system that add additional requirements

Fees

Service Connections	Application Fee Only	Application & Annual Fee
15 - 999	\$100	
1,000 – 9,999		\$500
10,000+		\$2,062
Transmission Only		\$2,062

- Fees can change annually
- If you have multiple systems, you can enroll all of them for one application fee but must submit multiple NOIs
- Annual fee is based on number of systems

Turbidity Effluent Limits & Action Levels

- **Turbidity Effluent Limit** – 225 NTU. Applies to discharges within 300 feet of ocean waters.
- **Turbidity Action Level** – 100 NTU. Applies to all groundwater well development, rehabilitation, or operation discharges

Turbidity Effluent Limits & Action Levels

- Cannot cause or contribute to an exceedence of a water quality objective in a receiving water.
- Water Quality Objectives in Basin Plans
Example LA Basin Plan:
 - If natural is 0-50 NTU, can't increase more than 20% above natural turbidity
 - If natural is greater than 50 NTU, can't increase more than 10%

Effluent Limits vs. Monitoring

- The chlorine effluent limit applies within 300 feet of a receiving water body.
- Effluent violation only for event and representative monitoring within 300 feet.
- This is a BMP permit. To determine effectiveness of BMPs may requires monitoring for chlorine residual.

Receiving Water Monitoring

- Only do visual receiving water monitoring if there is an impact from a planned discharge
- ...if you aren't monitoring how to you know there is an impact.
- ...six and seven figure fines were for impacts caused by unplanned discharges
- NPDES permit is a minimum
- *May want to conduct monitoring as part of risk and liability management*

TMDLs

- Total Maximum Daily Load
- Currently TMDL analysis is required for CWS that discharge within certain reaches San Diego and Los Angeles.
- But new TMDLs are being developed all the time.
- Utilities need to engage in these stakeholder processes as the TMDL is being set.

Notification

Planned Discharges

Pre-notification 3 days prior to any planned discharge greater than 1 acre foot to Regional Board and MS4 Operator.

Emergency or Non-Compliance Discharge (E-6)

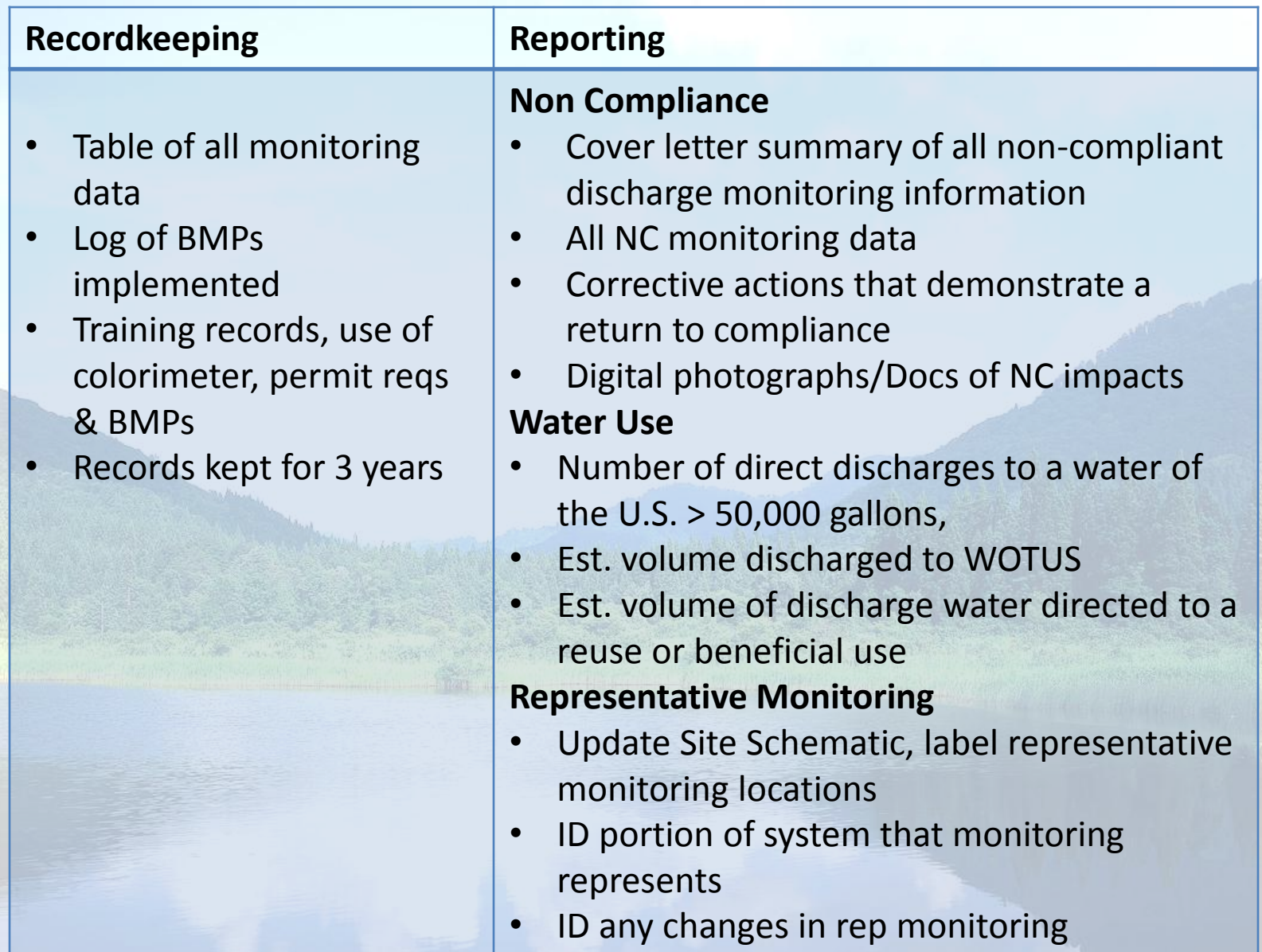
If your discharge impacts receiving water:

- Notify Regional Board & MS4 Operator within 24 hours
- Written follow up within 5 days if your discharge impacted
- Location, cause, volume, corrective actions

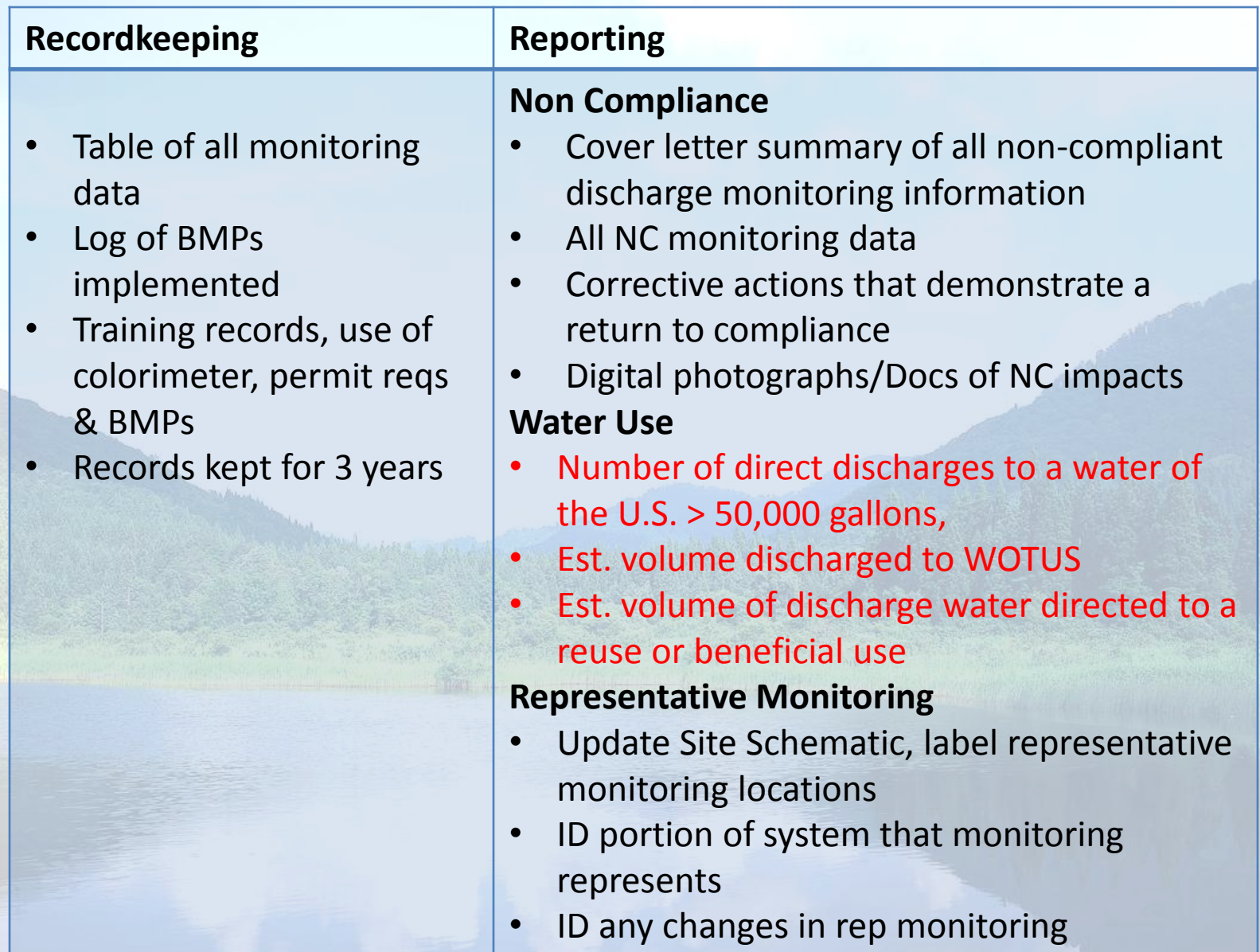
Recordkeeping vs. Reporting

There is one set of data that must be reported and another set that doesn't have to be reported but must be maintained and available for inspection.





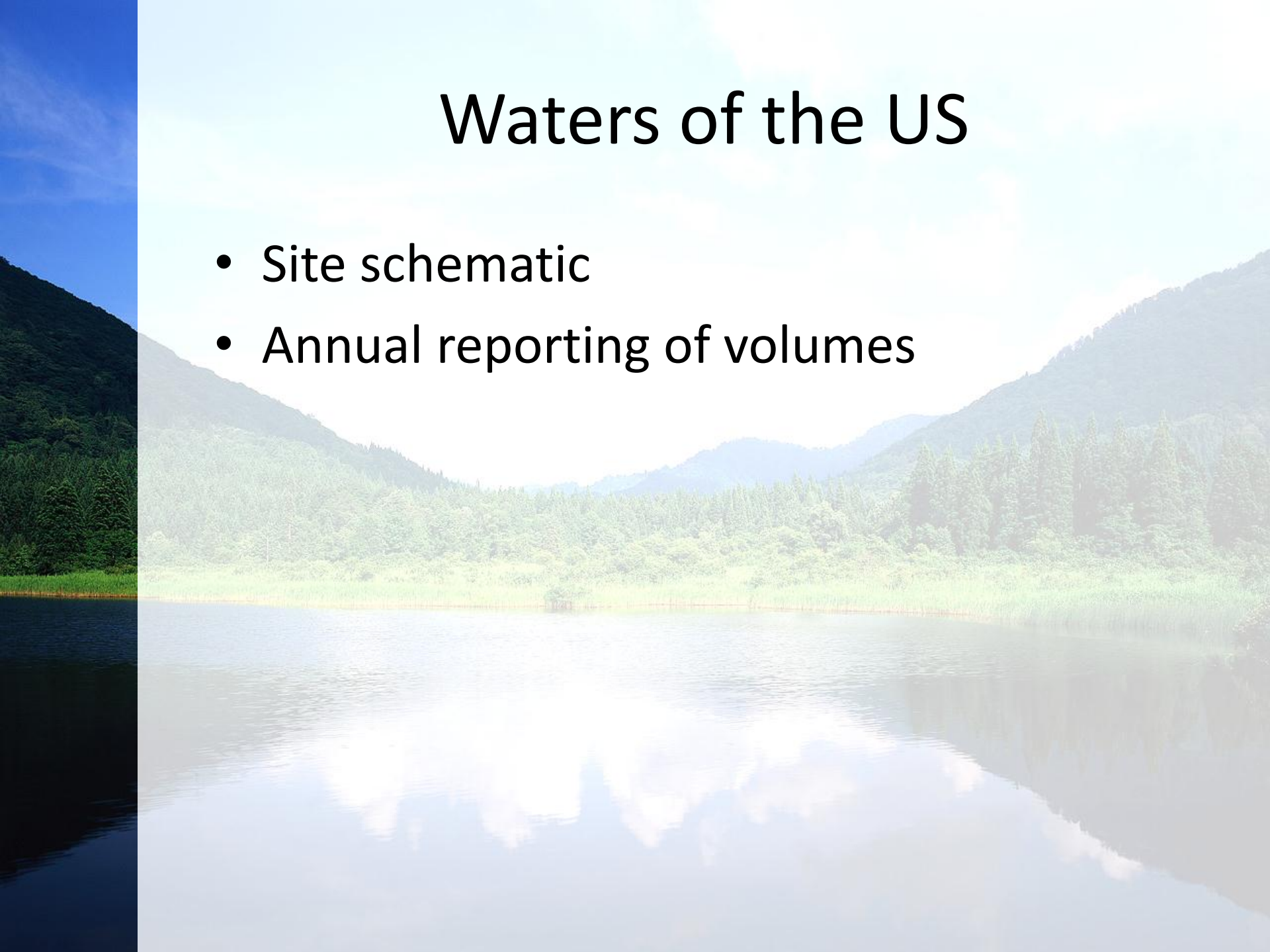
Recordkeeping	Reporting
<ul style="list-style-type: none">• Table of all monitoring data• Log of BMPs implemented• Training records, use of colorimeter, permit reqs & BMPs• Records kept for 3 years	<p data-bbox="917 157 1246 199">Non Compliance</p> <ul style="list-style-type: none">• Cover letter summary of all non-compliant discharge monitoring information• All NC monitoring data• Corrective actions that demonstrate a return to compliance• Digital photographs/Docs of NC impacts <p data-bbox="917 556 1130 599">Water Use</p> <ul style="list-style-type: none">• Number of direct discharges to a water of the U.S. > 50,000 gallons,• Est. volume discharged to WOTUS• Est. volume of discharge water directed to a reuse or beneficial use <p data-bbox="917 899 1458 942">Representative Monitoring</p> <ul style="list-style-type: none">• Update Site Schematic, label representative monitoring locations• ID portion of system that monitoring represents• ID any changes in rep monitoring



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Waters of the US

- Site schematic
- Annual reporting of volumes



Waters of the US

- Under definitions, receiving water body is a *Water of the United States*
- 1972 CWA: Fishable, Navigable, Swimmable
- 2015: Tributary to navigable and fishable with evidence of bed, bank, high water mark and significant nexus.
- This can be a dry creek bed

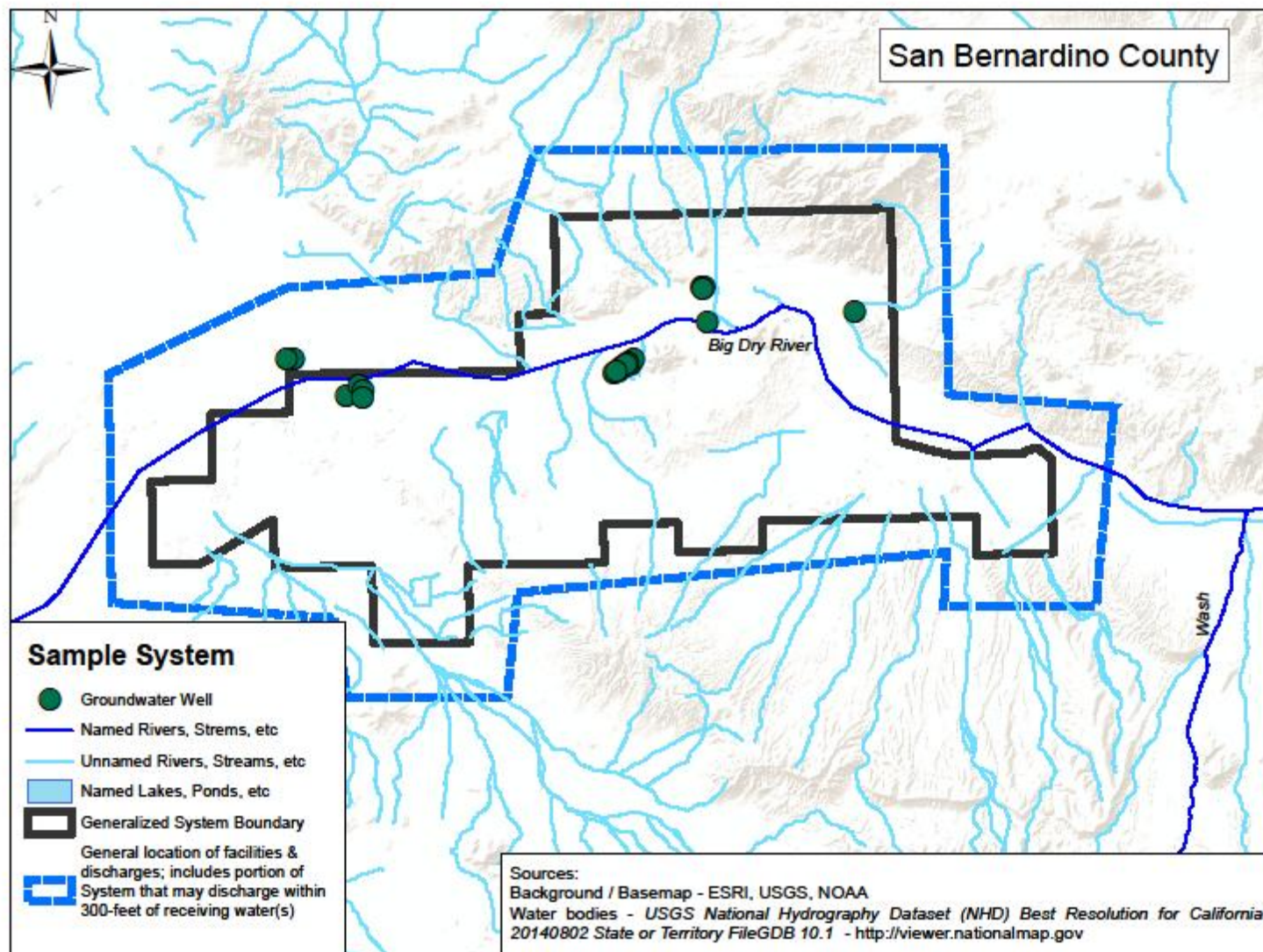
Waters of the US

- The future: Water of the US definition is under revision. Proposal would include anything that ever has water in it at any time.
- Includes ephemeral streams, rain fed streams, ditches and gullies but not erosional features.
- Checked with seven of the RBs and all Districts of Army Corp, no guidance on WOTUS, get consultant.













CA-NV AWWA Needs Leaders

- Environmental Health and Safety Committee,
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- Visual turbidity monitoring
- Guidance for TMDL monitoring
- Procedures for determining false positives
- Guidelines for representative monitoring
- BMPs to address turbidity action levels
- On-site Treatment Examples
 - Well Development
 - Treatment Plants



Environmental Health and Safety Committee:

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or gbuncab@ebmud.org