

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF DECEMBER 5-6, 2013**

Prepared on October 29, 2013

**ITEM NUMBER:** 7

**SUBJECT:** Resolution No. R3-2013-0052; Revised Standard Provisions and Reporting Requirements for Waste Discharge Requirements

**STAFF CONTACT:** Harvey Packard 805/542-4636,  
Harvey.Packard@waterboards.ca.gov

**KEY INFORMATION**

Location: Throughout the Central Coast Region  
Type of Waste: Any discharge regulated by waste discharge requirements

**This Action:** Adopt Resolution No. R3-2013-0052 revising Standard Provisions and Reporting Requirements for Waste Discharge Requirements

**SUMMARY**

In January 1984, the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) adopted "Standard Provisions and Reporting Requirements for Waste Discharge Requirements" (Standard Provisions). These Standard Provisions incorporate conditions from the *Water Quality Control Plan for the Central Coastal Basin* (Basin Plan), State Water Resources Control Board policy, and California Water Code requirements into consistent language incorporated into waste discharge requirements orders. Proposed Resolution No. R3-2013-0052 updates the 1984 Standard Provisions and adopts the updated version into existing waste discharge requirements orders. When adopted, the updated Standard Provisions will also be incorporated into future waste discharge requirements orders, where applicable.

**DISCUSSION**

Background – The Board has adopted a set of standard prohibitions, provisions, monitoring, reporting, and enforcement requirements that are included by reference in individual orders prescribing waste discharge requirements. These Standard Provisions, as they are called, include requirements common to all dischargers, such as a prohibition on allowing wastes incompatible with the treatment system, spill prevention and response provisions, inspection authorization, reporting requirements, records retention, and a variety of other requirements applicable to most, if not all, dischargers regulated by waste discharge requirements.

Having a single source for these requirements (the Standard Provisions) supports consistent application of requirements, increased awareness by dischargers and Water Board staff, and consistent enforcement. Staff sends the Standard Provisions with draft WDR orders for review and comment, but they are not typically revised on a case-by-case or order-by-order basis. The Central Coast Water Board uses separate Standard Provisions for NPDES permits to address requirements applicable to surface water discharges. The existing Standard Provisions for waste discharge requirements are available on the Central Coast Water Board website at the following link:

[http://www.waterboards.ca.gov/centralcoast/board\\_decisions/docs/standard\\_provisions\\_1984.pdf](http://www.waterboards.ca.gov/centralcoast/board_decisions/docs/standard_provisions_1984.pdf)

Proposed Resolution - This resolution is intended to update the Standard Provisions with clarifying detail, revised legal language, electronic reporting protocol, and minor edits. Many of the proposed revisions are specifically intended to address frequent questions asked by dischargers to clarify the existing requirements. Specific revisions are described below.

**Prohibition A.2.** Radiological or radioactive waste is added to the list of prohibited discharges, reflecting the Basin Plan prohibition of radionuclides deleterious to humans, plants, animals, aquatic life, or accumulation in the food chain.

**Provision A.12.** Clarifying language is added to the existing provision requiring proper operation and maintenance.

**Provision A.13.** Provision added for electrical and mechanical equipment maintenance in accordance with recognized standards.

**Provision A.14.** Provision added for SCADA or other remote operation systems to be safeguarded against unauthorized access.

**Provision A.20.** Inspection authorization is expanded with clarifying language.

**Provision A.23.** Sludge spill or use violation prevention planning required.

**Monitoring B.2.** Clarifying language added to indicate how long increased monitoring shall be implemented.

**Monitoring B.4.** Paragraph deleted; certified laboratories are available and this provision is no longer needed. Subsequent paragraphs renumbered accordingly.

**Monitoring B.5.** Renumbered and detail added to clarify locations for representative sampling.

**Reporting C.2 & C.10.** Updated to reflect electronic submittal of monitoring reports, which has been implemented for the past few years.

**Reporting C.15.** Updated with new certification language for reports.

**Reporting C.16.** Annual report contents expanded to capture detail typically listed in individual WDR orders. Capacity evaluation, summary of salts/nutrient reduction efforts, collection system maintenance, and mercury handling (where applicable) are added as

components of complete annual reports. These additions will facilitate a single annual report covering a multitude of issues and requirements.

**Enforcement E.3.** Delete the phrase “intentionally or negligently” clarifying discharge violations are subject to enforcement regardless of intent or negligence.

**Enforcement E.4.** Language added expanding upon a Basin Plan provision that discharge is a privilege conditioned upon compliance; such a finding is typically included in each WDR order.

**Definition F.1.** Definition expanded to address situations where infrequent samples are used to determine compliance. Typically, infrequent compliance monitoring is required for constituents that do not vary rapidly (quarterly salts monitoring for example). In such cases, each sample must be compared to the long-term average or mean limit, unless additional samples are available to document compliance. The added language is to clarify that a single (quarterly or annual) sample that is below the daily maximum limit and above the monthly average, is a violation unless it is averaged with additional samples to demonstrate compliance.

The draft revised Standard Provisions are attached as Attachment A of Resolution No. R3-2013-0052. Minor editorial or formatting changes are not highlighted. As indicated above, the revised Standard Provisions will replace the 1984 version included with existing waste discharge requirements orders. A list of the affected orders, which will be updated in this action, is included as Attachment B to the proposed Resolution.

## **ENVIRONMENTAL SUMMARY**

Proposed Resolution No. R3-2013-0052 will revise Standard Provisions associated with existing waste discharge requirements orders and does not create or authorize any discharge or project that may impact the environment. As such the proposed action is exempt from provisions of the California Environmental Quality Act, as an action by a regulatory agency consisting of permitting of existing facilities, within the meaning of §15301 of the *Guidelines for Implementation of the California Environmental Quality Act* in Title 14 of the California Administrative Code (CEQA Guidelines).

## **PUBLIC NOTICE**

On September 4, 2013, the Central Coast Water Board circulated a notice of public hearing, draft staff report, resolution, and text of proposed revisions to the Standard Provisions to known interested parties throughout the Central Coast Region, including the potentially affected dischargers authorized by existing waste discharge requirements, and posted them on the Central Coast Water Board's website. Public comments regarding the proposed revisions to the Standard Provisions, and associated Water Board staff responses, are addressed below.

## **COMMENTS AND RESPONSE TO COMMENTS**

### **Dan Migliazzo, San Miguel Mutual Water Company**

Regarding provision no. 19, Mr. Migliazzo suggested that a provision to ease the requirements for experience in small wastewater treatment plants would be helpful.

Staff Response: Staff responded by email to Mr. Migliazzo stating that provisions related to operator certification reflect current law and regulations set by the State Water Board's Office of Operator Certification. No changes proposed.

### **Sandi Pierce, Cate School**

Staff response: Several of Ms. Pierce's comments deal with Cate School's wastewater water system specifically and not the proposed revisions to the Standard Provisions. Below, staff summarizes and responds to the comments that are relevant to the proposed revisions to the Standard Provisions. Staff will respond to other comments directly to Cate School.

1. General Monitoring Requirements B.4 requires dischargers to take samples that are representative of peak pollutant loads. Is this based on conventional or non-conventional pollutants? Which parameter guides the most representative sample?

Staff response: dischargers should collect samples at a time and location that will best represent peak loading conditions generally. It would not be practical to determine those conditions for each monitored pollutant; the discharger must decide on the conditions that will fulfill this requirement for the discharge generally. No changes proposed.

2. General Reporting Requirement C.8 requires Executive Officer approval of an engineering report before use of reclaimed water. Is this written approval of the engineering report or approval to use reclaimed water?

Staff Response: The approval refers to the reclaimed water use, but the Executive Officer must have and will use the engineering report in evaluating recycled water proposals. No changes proposed.

### **RECOMMENDATION**

Adopt Resolution No. R3-2013-0052 as proposed.

### **ATTACHMENTS**

1. Proposed Resolution No. R3-2013-0052 with Attachments
  - A. Revised Standard Provisions and Reporting Requirements for Waste Discharge Requirements
  - B. Existing WDR Orders to be revised by this Resolution
2. Notice of Public Hearing