

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TENTATIVE DRAFT ORDER R5-2023-XXXX

AMENDING
ORDER R5-2022-0006-01
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
CAG995002

WASTE DISCHARGE REQUIREMENTS
LIMITED THREAT DISCHARGES TO SURFACE WATER

FINDINGS

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board) finds that:

1. On 17 February 2022, the Central Valley Water Board adopted Waste Discharge Requirements Order R5-2022-0006 (NPDES CAG995002) for Limited Threat Discharges To Surface Water (Limited Threat General Order). The Limited Threat General Order was amended to R5-2022-0006-01 by Order R5-2023-0015 on 27 April 2023.
2. The Limited Threat General Order applies to individuals, public agencies, private businesses, and other legal entities discharging limited threat wastewater to waters of the United States within the Central Valley Region, including categories of wastewater considered clean or relatively pollutant-free and pose little or no threat to water quality.
3. This Order amends the Limited Threat General Order to include an enrollment discharge category and an associated fee specific to ambient streamflow augmentation projects. The amendment also proposes minor edits and corrections, consistent with applicable water quality control plans and regulations, including language related to the implementation of Secondary Maximum Contaminant Levels (MCLs) for protection of the Municipal and Domestic Supply (MUN) beneficial use, temperature criteria in the Sacramento-San Joaquin Delta, dissolved oxygen criteria in water bodies designated as cold freshwater habitat (COLD) and/or spawning, reproduction, and/or early development (SPWN), and the reporting limit for total residual chlorine. The Order also clarifies how toxicity units (TUc) can be expressed when evaluating compliance with the chronic toxicity trigger. Finally, the amendment clarifies Notice of Intent requirements for existing discharges.
4. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") pursuant to Water Code section 13389, since the adoption or modification of an NPDES permit for an existing source is statutorily exempt.
5. The Central Valley Water Board has notified the Dischargers and interested agencies and persons of its intent to amend Waste Discharge Requirements for these discharges and has provided them with an opportunity to submit their written views and recommendations.
6. Consistent with Water Code section 189.7, the Central Valley Water Board conducted outreach in disadvantaged and tribal communities that may be affected by the updates to

this General Order. No interested persons presented information or raised concerns about potential environmental justice, tribal impact, or racial equity considerations related to this amendment. The Board has also considered information readily available to Central Valley Water Board staff. The Board does not anticipate that this amendment will result in adverse water quality impacts or environmental justice concerns within the scope of the Board's authority.

BOARD ACTION

IT IS HEREBY ORDERED THAT:

Effective immediately, Waste Discharge Requirements Order R5-2022-0006-01 (NPDES CAG995002) is amended solely as shown in items 1 through 29, below.

1. The Order number is changed from R5-2022-0006-01 to R5-2022-0006-02 throughout the Limited Threat General Order.
2. **Cover Page.** Modify the last paragraph to the text shown below:

I, PATRICK PULUPA, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on **17 February 2022**, amended by Order R5-2023-0015 on **27 April 2023** and amended by order R5-2023-XXXX on **XX December 2023**.

3. Section I, Discharge Information. Modify the language in the first bullet as shown below:

- Clean or relatively pollutant-free wastewaters that pose little or no threat to water quality which include the following:
 - Well Development Water
 - Construction Dewatering
 - Pump/Well Testing
 - Pipeline/Tank Pressure Testing
 - Pipeline/Tank Flushing or Dewatering
 - Condensate
 - Water Supply System
 - Aggregate Mine

- Filter Backwash Water
- Ambient Streamflow Augmentation
 - The sole purpose is to augment ambient streamflow conditions to support aquatic organisms during times of low streamflows where conditions threaten survival of aquatic organisms.
- Other wastewater that does require treatment

4. Section II.A.1, Notification Requirements. Modify the II.A.1.d as follows:

- a. The fee for enrollment under this Order for discharges that require minimal or no treatment systems to meet limits and their only purpose is to augment ambient streamflow conditions to support aquatic organisms during times of low streamflows where conditions threaten survival of aquatic organisms shall be based on Category 4 in section 2200(b)(10) of title 23, California Code of Regulations. The fee for all other enrollments under this Order shall be based on Category 3 in section 2200(b)(10) of title 23, California Code of Regulations. Checks must be made payable to the State Water Resources Control Board. The current fee schedule is available on the [Water Quality Fees Webpage](https://www.waterboards.ca.gov/resources/fees/water_quality/) (https://www.waterboards.ca.gov/resources/fees/water_quality/) under NPDES Permits.

5. Section II.B.2, Notification Requirements. Modify the second paragraph in Existing Discharges as follows:

New analytical results for the pollutants specified in Table I-1 of Attachment I for the type of wastewater discharged must be submitted every 5 years or less from the effective date of the current NOA. Those dischargers that last submitted the suite of analytical results specified in Table I-1 of Attachment I more than 5 years ago must submit updated data with an acceptable NOI within 180 days of the effective date of this Order.

6. Section V.A.1, Effluent Limitations. Modify the Table 3A and 3B Note as follows:

1. **Aluminum.** Effluent limitations in Table 3A for aluminum are derived from the Secondary MCL for protection of the MUN beneficial use. Results can be evaluated from samples that have been passed through a 1.5-micron filter to evaluate compliance with the Secondary MCL criteria. Effluent Limitations in Tables 4A through 4I for aluminum are the 2018 U.S. EPA National Ambient Water Quality Criteria (NAWQC) for protection of freshwater aquatic life and are based on dissolved organic carbon, hardness, and pH results submitted with the Notice of Intent. For discharges to MUN designated water bodies, final effluent limitations for aluminum will be set based on the more stringent aluminum effluent limitation listed in either Table 3A or Tables 4A through 4I. For discharges to water bodies without a MUN designation, aluminum effluent limitations will be based on Tables 4A through 4I.

2. Iron and Manganese. Effluent limitations are based on the Secondary Maximum Contaminant Levels for taste and odor. The effluent limitations are only applicable for discharges lasting more than one year from project start date (both continuous and intermittent).

7. Section V.A.5.d, Effluent Limitations. Modify Temperature as follows:

d. **Temperature.** For discharges within the legal boundaries of the Sacramento-San Joaquin Delta, if specified in the NOA, the maximum temperature of the discharge shall not exceed the natural receiving water temperature by more than 20°Fahrenheit (°F).

8. Section VIII.A.6.a.iv, Receiving Water Limitations. Modify Dissolved Oxygen requirements as follows:

iv. The dissolved oxygen concentration to be reduced below 7.0 mg/L at any time for water bodies designated as cold freshwater habitat (COLD) and/or spawning, reproduction, and/or early development (SPWN).

9. Section IX.C.2.b.ii, Provisions. Modify the second paragraph under Chronic Toxicity Monitoring Trigger Exceeded as follows:

If the 6-week median is greater than 1.3 TUc (as 100/EC₂₅ or 100/IC₂₅) and the percent effect is greater than 25 percent at 100 percent effluent, proceed with subsection (c). Otherwise, the Discharger shall check for any operation or sample collection issues and return to routine chronic toxicity monitoring. The following protocol shall be used for accelerated monitoring:

10. Section X.K, Compliance Determination. Modify the second paragraph under Chronic Whole Effluent Toxicity Effluent Trigger as follows:

Where the median chronic toxicity units exceed 1 TUc (as 100/NOEC) for any end point, the Discharger will be deemed as exceeding the chronic toxicity effluent trigger if the median chronic toxicity units for any endpoint also exceed a reporting level of 1.3 TUc (as 100/EC₂₅ or 100/IC₂₅) AND the percent effect at 100% effluent exceeds 25 percent. If the NOA specifies a chronic toxicity trigger that exceeds 1 TUc, where the median chronic toxicity units exceed the trigger, the Discharger will be deemed out of compliance with the chronic toxicity effluent trigger if the median percent effect at the respective effluent concentration for the same endpoint also exceeds 25 percent. The percent effect used to evaluate compliance with the chronic toxicity effluent trigger shall be based on the chronic toxicity bioassay result(s) from the sample(s) used to establish the median TUc result. If the median TUc is based on two equal chronic toxicity bioassay results, the percent effect of the sample with the greatest percent effect shall be used to evaluate compliance with the chronic toxicity effluent trigger.

11. Attachment C.IV.A.2.f, Effluent Monitoring Requirements. Modify Total Residual Chlorine requirements as follows:

- f. **Total Residual Chlorine** must be monitored using an analytical method that is sufficiently sensitive to measure at the permitted level of 0.1 mg/L.

12. Attachment D Table of Contents and section numbering. Correct the section order numbers starting at V. Rationale for Receiving Water Limitations to:

- VII. Rationale for Receiving Water Limitations
- VIII. Rationale for Provisions
- IX. Rationale for Monitoring and Reporting Requirements
- X. Public Participation

13. Attachment D.II.A, Fact Sheet. Modify Facility Description as follows:

- A. Clean or relatively pollutant-free wastewaters that pose little or no threat to water quality.

- 1. Well development water
- 2. Construction dewatering
- 3. Pump/well testing
- 4. Pipeline pressure testing
- 5. Pipeline flushing or dewatering
- 6. Condensate
- 7. Water supply systems
- 8. Aggregate mines
- 9. Filter backwash
- 10. Ambient streamflow augmentation

- a. The sole purpose is to augment ambient streamflow conditions to support aquatic organisms during times of low streamflows where conditions threaten survival of aquatic organisms.

- 11. Miscellaneous wastewaters without a treatment system

14. Attachment D.III. A.4, Fact Sheet. Modify the annual fee information in the second paragraph as follows:

The fee for enrollment under this Order for discharges that require minimal or no treatment systems to meet limits and their only purpose is to augment ambient streamflow conditions to support aquatic organisms during times of low streamflows where conditions threaten survival of aquatic organisms shall be based on Category 4

in section 2200(b)(10) of title 23, California Code of Regulations. The fee for all other enrollments under this Order shall be based on Category 3 in section 2200(b)(10) of title 23, California Code of Regulations. Checks must be made payable to the State Water Resources Control Board. The current fee schedule is available on the [Water Quality Fees Webpage](https://www.waterboards.ca.gov/resources/fees/water_quality/) (https://www.waterboards.ca.gov/resources/fees/water_quality/) under NPDES Permits

15. Attachment D.III.A.5, Fact Sheet. Modify the last two discharge type listings to:

- q. Ambient streamflow augmentation
- r. Other

16. Attachment D.III.A.7.b, Fact Sheet. Modify the second paragraph in Existing Discharges to:

New analytical results for the pollutants specified in Table I-1 of Attachment I for the type of wastewater discharged must be submitted every 5 years or less from the effective date of the current NOA. Those dischargers that last submitted the suite of analytical results specified in Table I-1 of Attachment I more than 5 years ago must submit this updated data with an acceptable NOI within 180 days of the effective date of this Order.

17. Attachment D.IV.B, Fact Sheet. Modify the second paragraph in Existing Discharges to:

New analytical results for the pollutants specified in Table I-1 of Attachment I for the type of wastewater discharged must be submitted every 5 years or less from the effective date of the current NOA. Those dischargers that last submitted the suite of analytical results specified in Table I-1 of Attachment I more than 5 years ago must submit this updated data with an acceptable NOI within 180 days of the effective date of this Order.

18. Attachment D.VI.C.3, Fact Sheet. Modify the Priority Pollutants section to start with “b” instead of “i”.

19. Attachment D.VI.C.3.d, Fact Sheet. Modify the first paragraph for Aluminum to:

- d. **Aluminum.** The State Water Board Division of Drinking Water (DDW) has established Secondary MCLs to assist public drinking water systems in managing their drinking water for public welfare considerations, such as taste, color, and odor. The Secondary MCL for aluminum is 200 µg/L for protection of the MUN beneficial use. Title 22 requires compliance with Secondary MCLs on an annual average basis. Results can be evaluated from samples that have been passed through a 1.5-micron filter to evaluate compliance with the Secondary MCL criteria for aluminum.

20. Attachment D.VI.C.3.f., Fact Sheet. Modify for Iron as follows:

- f. **Iron.** The Secondary MCL – Consumer Acceptance Limit for iron is 300 µg/L, which is used to implement the Basin Plan’s chemical constituent objective for the protection of the municipal and domestic supply beneficial use. Results can be

evaluated from samples that have been passed through a 1.5-micron filter to evaluate compliance with the Secondary MCL criteria for iron.

This General Order contains the Secondary MCL of 300 µg/L as the screening level for iron when the MUN beneficial use is applicable and no screening level when the MUN beneficial use is not applicable. This Order also contains effluent limitations for iron based on the criteria discussed above. Based on the monitoring requirements, if the proposed discharge contains concentrations of iron above the screening level and the discharge is planned for more than one year from the project start date (either intermittent or continuous), the NOA may include iron effluent limitations and a requirement for treatment of iron. If sufficient data is available, the RPA for iron will be evaluated based on an annual average.

21. Attachment D.VI.C.3.g, Fact Sheet. Modify for Manganese as follows:

- g. **Manganese.** The Secondary MCL – Consumer Acceptance Limit for manganese is 50 µg/L, which is used to implement the Basin Plan’s chemical constituent objective for the protection of municipal and domestic supply. Results can be evaluated from samples that have been passed through a 1.5-micron filter to evaluate compliance with the Secondary MCL criteria for manganese.

This General Order contains the Secondary MCL of 50 µg/L as the screening level for manganese when the MUN beneficial use is applicable and no screening level when the MUN beneficial use is not applicable. This Order also contains effluent limitations for manganese based on the criteria discussed above. Based on the monitoring requirements, if the proposed discharge contains concentrations of manganese above the screening level and the discharge is planned for more than one year from the project start date (either intermittent or continuous), the NOA may include manganese effluent limitations and a requirement for treatment of manganese. If sufficient data is available, the RPA for manganese will be evaluated based on an annual average.

22. Attachment D.IX.B.2.e (previously Attachment D.VII.B.2.e), Rationale for Monitoring and Reporting Requirements. Modify Effluent Monitoring as follows:

- e. Monitoring for total residual chlorine using grab samples is established for all low threat discharges and superchlorination project discharges to determine compliance with effluent limitations. As discussed in section VI.C.3 of this Fact Sheet, the Central Valley Water Board acknowledges the complications of achieving relatively low RLs in field locations. This General Order allows Dischargers to use handheld monitoring devices to monitor total residual chlorine in the effluent. This General Order also requires Dischargers to utilize a method capable of achieving an RL of 0.1 mg/L until the State Water Board adopts a state-wide policy with a specified reporting level achievable in the field and laboratory. The RL of 0.1 mg/L represents a level that hand-held field meters are capable of achieving.

23. Attachment I.I, Screening Levels for Limited Threat General Order. Modify last two listings in the Table I-1 Notes to:

5. **Aluminum, Total, Iron, Total, and Manganese, Total.** Results can be evaluated from samples that have been passed through a 1.5-micron filter to evaluate compliance with the Secondary MCL criteria for aluminum, iron, and manganese.
6. **Iron, Total and Manganese, Total.** Sampling is only required if the discharge will last more than one year from the project start date (applies whether discharge is intermittent or continuous).

24. Attachment I.II.A, Screening Levels for Limited Threat General Order. Modify Table I-2 as follows:

Table I-2. Screening Levels for Non-Priority Pollutant Constituents and Parameters of Concern

Constituent/Parameter	Units	Screening Levels (Based on MUN)	Screening Levels (Based on No MUN)
Aluminum, Total	µg/L	200	See Tables I-3A through I-3I
Un-ionized Ammonia (as N)	mg/L	0.025	0.025
Iron, Total	µg/L	300	--
Manganese, Total	µg/L	50	--
Nitrate plus Nitrite (total as N)	mg/L	10	--
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	10	10
pH	standard units (SU)	6.5 – 8.5	6.5 – 8.5
Settleable Solids	mL/L	0.1	0.1
Specific Conductance (EC)	µmhos/cm	1,600	--
Total Suspended Solids	mg/L	10	--
Turbidity	NTU	5	5

25. Attachment I.II.A, Screening Levels for Limited Threat General Order. Modify Table I-2 Notes for 2 and 3 as follows:

2. **Aluminum, Total.** Using data for dissolved organic carbon, pH, and hardness, discharges required to sample and analyze for aluminum will be compared to whichever is more stringent between the criteria specified in Tables I-2A through I-2I. Results can be evaluated from samples that have been passed through a 1.5-micron filter to evaluate compliance with the Secondary MCL criteria for aluminum.
3. **Iron, Total and Manganese, Total.** MUN Criteria is based on the Secondary Maximum Contaminant Levels for taste and odor. The criteria are only applicable

for discharges lasting more than one year from project start date (both continuous and intermittent). Results can be evaluated from samples that have been passed through a 1.5-micron filter to evaluate compliance with the Secondary MCL criteria for iron and manganese.

26. Attachment I.II.1, Screening Levels for Limited Threat General Order. Modify the third paragraph for Aluminum Screening Levels as follows:

Results can be evaluated from samples that have been passed through a 1.5-micron filter to evaluate compliance with the Secondary MCL criteria for aluminum. If the applicable criterion from Tables I-2A through I-2I is more stringent than the Secondary MCL of 200 µg/L for aluminum in Table I-2 for receiving waters with the MUN beneficial use, then the appropriate calculated screening level from Table I-2A through I-2I shall be used in lieu of the Secondary MCL.

27. Attachment I.II.5.1, Screening Levels for Limited Threat General Order. Change all occurrences of “H” to “pH” in the pH column in Tables I-2A through I-2I.

28. Attachment J.4, Notice of Intent. Modify Discharge Type checkboxes as follows:

4. Discharge Type

To be submitted by all Dischargers. Check all that apply.

<input type="checkbox"/> Well Development Water	<input type="checkbox"/> Construction Dewatering
<input type="checkbox"/> Pump/Well Testing	<input type="checkbox"/> Water Supply System
<input type="checkbox"/> Pipeline/Tank Pressure Testing	<input type="checkbox"/> Filter Backwash
<input type="checkbox"/> Pipeline/Tank Flushing or Dewatering	<input type="checkbox"/> Condensate
<input type="checkbox"/> Aggregate Mine	<input type="checkbox"/> Superchlorination
<input type="checkbox"/> Groundwater Extraction and/or Cleanup Project	<input type="checkbox"/> Equipment Decontamination
<input type="checkbox"/> Liquid Mine Waste	<input type="checkbox"/> Wastewater from Cleanup Site
<input type="checkbox"/> Ambient Streamflow Augmentation	<input type="checkbox"/> Other/Describe

29. Attachment J.5, Notice of Intent. Add an additional question in the Evaluation of Disposal/Reclamation Options as follows:

Is this discharge eligible for coverage under another statewide general order (e.g., State Water Resources Control Board Order WQ 2014-0194-DWQ for drinking water system discharges)?
<input type="checkbox"/> Yes <input type="checkbox"/> No

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code

of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day.

[Links to the laws and regulations applicable to filing petitions](#)

(http://www.waterboards.ca.gov/public_notices/petitions/water_quality) may be found on the Internet or will be provided upon request.

I, PATRICK PULUPA, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 14 December 2023.

PATRICK PULUPA, Executive Officer