



## Defining: "Infeasible, Impracticable or Unreasonable"

- 1) Before the Regional Board can authorize:
  - a) A compliance schedule or deferred prohibition
  - b) An allocation of assimilative capacity
  - c) A temporary conditional exception or variance
  - d) An Alternate Compliance Project or Program (ACP)

The discharger must first demonstrate that it is infeasible, impracticable or unreasonable to comply with one or more of the Waste Discharge Requirements (WDR) or to prohibit the discharge entirely.

- 2) Requiring strict compliance is infeasible when it is technically unrealistic or otherwise illegal to meet the applicable WDR.
- 3) Requiring strict compliance is impracticable where the discharger lacks adequate resources to implement the measures necessary to meet the applicable WDR.
- 4) Requiring strict compliance is unreasonable when the obligations imposed are excessive or exorbitant in relation to the level of water quality improvement expected, or result in significant disadvantages which cannot be justified by the projected benefits, and there are more cost-effective means available to protect public health or the environment.
- 5) Where strict compliance with the applicable WDR is infeasible, impracticable or unreasonable, and the Regional Board agrees to authorize one of the options identified in #1 (above), the discharger is still obligated to implement such measures as are necessary to achieve the highest level of water quality which is feasible, practicable and reasonable.
- 6) Separately, the Regional Board intends to require such actions as are necessary to restore groundwater basins to attainment of water quality standards where it is feasible, practicable and reasonable to do so. This means it must be technically and physically possible to achieve such outcomes by imposing WDRs that are judicious, pragmatic, realistic, equitable, affordable and proportionate to the water quality benefits provided.



### **Defining: "Naturally Occurring" or "Natural Background Concentration"**

"The numerical and narrative water quality objectives define the least stringent standards that the Regional Water board will apply to regional waters in order to protect beneficial uses. Numerical receiving water limitations will be established in Board orders for constituents and parameters which will, at a minimum, meet all applicable water quality objectives. However, the water quality objectives do not require improvement over naturally occurring background concentrations. In cases where the natural background concentration of a particular constituent exceeds an applicable water quality objective, the natural background concentration will be considered to comply with the objective." (Sacramento-San Joaquin Basin Plan; pg. IV-17.00; similar language also appears at pg. III-9.0)

"In no case are cleanup levels established below natural background concentrations."  
(Sacramento-San Joaquin Basin Plan; pg. IV-19.00)

#### **Definitions:**

- 1) The naturally occurring background concentration is the amount of a given constituent that occurs as a result of factors unrelated to any anthropogenic activities in or near the area.
- 2) Water quality conditions that predate significant human development in the region is, by definition, "naturally-occurring."
- 3) Examples:
  - A) Minerals leaching into groundwater from ancient marine sediment layers surrounding the aquifer.
  - B) Salt buildup due to evapotranspiration in a closed basin from normal precipitation and runoff (e.g. not related to anthropogenic activities such as irrigation and drainage).
- 4) Where human activities have increased the concentration of contaminants in a receiving water, the natural background concentration is the concentration that would have inevitably resulted even if these human activities had never occurred.