

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

**Executive Officer Order No. R3-2013-0051
Extending the Termination Date
Of Order No. R3-2008-0010
General Waiver for Specific Types of Discharge**

The Executive Officer of the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), pursuant to authority delegated under section 13223 of the California Water Code, makes the following findings and orders the extension of the termination date of Order No. R3-2008-0010:

1. California Water Code Section 13269 authorizes the Central Coast Water Board to waive the requirement to submit reports of waste discharge and the issuance of waste discharge requirements, as set forth in Sections 13260(a), 13263(a), and 13264(a) of the California Water Code, summarized below, for specific discharges or specific types of discharges where such a waiver is consistent with any applicable state or regional water quality control plan and is in the public interest.
 - a. Section 13260(a) requires a report of waste discharge from any person or agency proposing to discharge waste or construct an injection well.
 - b. Section 13263(a) provides Central Coast Water Board with authority to issue waste discharge requirements for any proposed or existing discharge that could affect water quality.
 - c. Section 13264(a) prohibits waste discharge without discharger submittal of a report of waste discharge and Central Coast Water Board adoption of waste discharge requirements of Central Coast Water Board issuance or a waiver.
2. Section 13269 requires that waivers be conditional and may be terminated at any time by the Central Coast Water Board. Waivers may not be granted for discharges to surface waters or conveyances thereto that are subject to the federal Clean Water Act requirements for NPDES permits. A waiver may not exceed five years in duration but may be renewed by the Central Coast Water Board. Each waiver must also include a monitoring program unless the Central Coast Water Board determines that the discharges subject to a waiver do not pose a significant threat to water quality.
3. The Central Coast Water Board adopted Resolution No. R3-2008-0010, *General Waiver of Specific Types of Discharges* (General Waiver), on May 8, 2008. Water Board staff intended to propose renewal of the Order with significant modifications prior to May 8, 2013. Due to staffing constraints, Water Board staff has been unable to develop the proposal for the revised General Waiver.
4. Regulating approximately 40 specific types of waste discharges through the General Waiver, rather than regulating such discharges through individual waste discharge requirements, conserves staff resources. The discharge types listed in each section of Attachment A of the General Waiver have the same or similar waste discharge characteristics as a result from the same or similar operations, treatment methods, and/or management practices. The conditions imposed in the General Waiver are

protective of waters of the state. The General Waiver simplifies and streamlines the regulatory process without compromising the protection of water quality. The conditions for each listed discharger type are subject to enforcement under the Water Code.

5. Water Code section 13223 authorizes the Central Coast Water Board to delegate any of its powers and duties to its Executive Officer except “(1) the promulgation of any regulation; (2) the issuance, modification, or revocation of any water quality control plan, water quality objectives, or waste discharge requirements; (3) the issuance, modifications, or revocation or any cease and desist order; (4) the holding of any hearing on water quality control plans; and (5) the application to the Attorney General for judicial enforcement...” The Central Coast Water Board has delegated to the Executive Officer all of its powers and duties except those enumerated above. Pursuant to that delegation, the Executive Officer has the power to extend the termination date of the General Waiver. The General Waiver is not a regulation, water quality control plan, or waste discharge requirement, nor does it constitute the adoption of water quality objectives.
6. Water Code section 13269 authorizes the Central Coast Water Board to waive waste discharge requirements as to specific types of discharges. Water Code section 13269(f) requires that prior to renewal of any waiver that the regional board shall review the waiver at a public hearing. The Executive Officer's action in this order to extend the termination date does not modify the terms of the current General Waiver; therefore, no further public hearing is necessary prior to this extension of the termination date.
7. The Central Coast Water Board anticipates fully reviewing all aspects of the General Waiver in a public hearing prior to September 30, 2014.
8. This order to extend the termination date of Order No. R3-2008-0010 does not modify that Order. Order No. R3-2008-0010 contains findings required by Water Code section 13269 and CEQA and those findings are incorporated by reference into this order to extend the termination date.
9. The adoption of this Executive Officer Order is in the public interest because it continues the conditional waiver of waste discharge requirements that requires actions by dischargers to control discharges of waste and compliance with water quality standards. The General Waiver simplifies and streamlines the regulatory process without compromising the protection of water quality. The General Waiver waives the requirement to submit a report of waste discharge for the specific types of discharges in Attachment A, Section C and D, provided that the associated conditions are met. The listed discharges will not have significant effects on water quality provided that the discharger complies with the corresponding conditions. Discharges not specifically identified in sections B, C, and D of the General Waiver must meet the conditions identified in Attachment A, Section A, to be eligible for the General Waiver.
10. This General Waiver does not impose monitoring and reporting requirements for each specific type of discharge. The types of discharges subject to the General Waiver are not expected to pose a significant threat to water quality as described in Attachment A of the General Waiver. The Central Coast Water Board's Executive Officer may impose monitoring and reporting requirements on any discharger enrolled in the General Waiver as authorized pursuant to Water Code Section 13267. Typically, groundwater cleanup cases are required to monitor under Water Code Section 13267. These monitoring and

reporting programs will be revised, as necessary, to cover injected substrate as deemed appropriate by the Executive Officer.

11. Any person affected by this Central Coast Water Board action may petition the State Water Resources Control Board to review the action in accordance with Section 13320 of the California Water Code and CCR, Title 23, Section 2050. The State Water Board, Office of Chief Counsel, must receive the petition within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

THEREFORE, IT IS ORDERED pursuant to sections 13223 and 13269 of the California Water Code:

1. The termination date of Central Coast Water Board Order No. R3-2008-0010, *General Waiver for Specific Types of Discharge* is hereby extended until September 30, 2014.
2. No other modifications are made to Order No. R3-2008-0010.
3. Any person enrolled in Order No. R3-2008-0010 is not required to submit a new notice of intent to enroll in the Order.

CERTIFICATION

I, Kenneth A. Harris Jr., Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of Executive Order No. R3-2013-0051, issued on September 25, 2013.

Kenneth A. Harris Jr.
Executive Officer