

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
8:30 A.M., Thursday, December 6, 2012
Santa Rosa

- ITEM: 4
- SUBJECT: **Public Hearing** on Resolution R1-2012-0099 to consider renewal of Resolution No. R1-2007-0098, **Policy for Waiving Waste Discharge Requirements for Specific Types of Waste Discharge** (*Rachel Prat*)
- BOARD ACTION: The Board will consider the adoption of Resolution R1-2012-0099 renewing Resolution R1-2007-0098, *Policy for Waiving Waste Discharge Requirements for Specific Types of Waste Discharge* (hereinafter Categorical Waiver).
- BACKGROUND: California Water Code (CWC) Section 13260 requires that any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the State, other than into a community sewer system, shall file with the appropriate regional water board a report of waste discharge, containing the information which may be required by the regional water board.
- CWC Section 13269 authorizes regional water boards to waive reports of waste discharge and waste discharge requirements for specific discharges or types of discharge if the waiver is consistent with any applicable state or regional water quality control plan and is in the public interest. The waiver may not exceed five years in duration but may be renewed by a regional water board in five year increments. The waiver is to be conditional and may be terminated at any time by the regional water board. For those discharges that the regional water board determines do not pose a significant threat to water quality, monitoring requirements may be waived.
- On December 6, 2007, the Regional Water Board issued Resolution No. 2007-0098, the Categorical Waiver. In compliance with CWC Section 13269, the Regional Water Board is currently reviewing the terms of the waiver Policy and, in this public hearing, considering renewal of each of the waiver categories described in the current waiver Policy.

ISSUES:

Staff has reviewed the current Categorical Waiver and each of the waiver categories and waiver conditions cited in Attachment A of Resolution No. R1-2007-0098. Based on this review staff recommends the following changes be made to Resolution No. R1-2007-0098 prior to its renewal:

- Make editorial changes to waiver category condition language cited in Attachment A of Resolution R1-2007-0098 for the purpose of providing clarification on discharge eligibility requirements and to reference current regulatory programs, such as the North Coast Region's Dairy & CAFO Program.
- The addition of a new waiver category titled *Maintenance Activities on Transportation Structures*.

In accordance with the provisions of CWC Section 13269 Regional Water Board staff has determined that in each case, the discharges for which the existing and new proposed waiver categories are established, will not be subject to general or individual waste discharge requirements at this time, and the issuance of waivers for these categories of waste is consistent with the Water Quality Control Plan for the North Coast Region and is in the public interest.

SIGNIFICANT CHANGES:

The addition of a new waiver category titled *Maintenance Activities on Transportation Structures* is the only significant change being made to Resolution.

Discharges receiving waiver coverage under this new category will not result in an impact to water quality because projects applying for coverage under this waiver category are required to have effective best management practices to prevent any discharge of pollutants. The best management practices proposed for a specific project will be identified and described in a report of waste discharge that will be submitted to the Regional Water Board. The report of waste discharge will be reviewed by Regional Water Board staff to ensure that the waiver category conditions will be met.

Discharge activities covered under the waiver category of *Maintenance Activities on Transportation Structures* are exempt from the California Environmental Quality Act because they consist of a repair or maintenance on an existing structure

involving no expansion of use, and there is no possibility that the activity may have a significant effect on the environment. Best management practices will be required to be in place preventing any discharge of pollutants.

RECOMMENDATION: Adopt Resolution No. R1-2012-0099 which will renew the existing Regional Water Board Waste Discharge Requirements Waiver Policy for the next five years.

SUPPORTING DOCUMENTS:

1. Hearing Procedure
2. Resolution Order R1-2012-0099
3. Resolution Order R1-2012-0099 Attachment A
4. Resolution Order R1-2007-0098
5. Resolution Order R1-2007-0098 Attachment A
6. Public Notice

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