

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2003-0008

APPROVING  
WAIVER OF REPORTS OF WASTE DISCHARGE AND  
WASTE DISCHARGE REQUIREMENTS  
FOR SPECIFIC TYPES OF DISCHARGE  
WITHIN THE  
CENTRAL VALLEY REGION

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

WHEREAS, California Water Code (CWC) Section 13260(a) 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 board a report of waste discharge (“report of waste discharge” or “RWD”) containing such information and data as may be required by the Regional Board; and,

WHEREAS, the Regional Board has a statutory obligation, pursuant to CWC Section 13263, to prescribe waste discharge requirements except where the Regional Board finds that a waiver of waste discharge requirements for a specific type of discharge is not against the public interest pursuant to CWC Section 13269; and,

WHEREAS, CWC Sections 13260(b) and 13269 authorize the Regional Board to waive RWDs and WDRs, respectively, for specific types of discharge where such a waiver is not against the public interest; and

WHEREAS, CWC Section 13269 provides that any such waiver of waste discharge requirements shall be conditional and may be terminated at any time by the Regional Board; and

WHEREAS, CWC Section 13269 provides, in part, that these waivers expire effective 1 January 2003, that new waivers of waste discharge requirements for specific types of discharges must be renewed at minimum every five years, and that prior to renewing any waiver the Regional Board shall review the terms of the waiver at a public hearing and shall determine whether the discharge should instead be subject to general or individual WDRs; and

WHEREAS, the Regional Board, in accordance with CWC Section 13269, waived waste discharge requirements for Emergency Use of Treated Wastewater as set forth in Regional Board Resolution No. 77-69 and for 23 other types of discharges as set forth in Regional Board Resolution No. 82-036; and

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WHEREAS, the Regional Board, as the lead agency for this project under the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA), determined that the adoption of Resolution 82-036 waiving WDRs for 23 categories of discharges would not cause a significant environmental impact and approved a Negative Declaration dated 23 December 1981 in accordance with CEQA; and

WHEREAS, the Regional Board adopted a Negative Declaration when it adopted Resolution 82-036 and is not required to prepare a subsequent environmental impact report or negative declaration in renewing certain types of discharges included in Resolution 82-036 consistent with Title 14, California Code of Regulations, Section 15162, including use of reclaimed water for construction purposes in accordance with BMPs as set forth in Resolution No. 77-69; and

WHEREAS, the Regional Board, in compliance with CWC Section 13269, reviewed the previously issued waivers set forth in Resolution 77-69 and 82-036 and has determined that the waiver for certain types of discharges should be renewed; and

WHEREAS, certain categories of discharge included in Resolution 77-69 and Resolution 82-036 pose a low threat to the quality of waters of the state; and

WHEREAS, the Regional Board proposes to renew the waiver of WDRs but not the requirement to submit RWDs for certain categories of discharges that pose a low threat, including:

- Air conditioner, cooling and elevated temperature waters,
- Minor dredge operations,
- Inert Solid wastes,
- Industrial wastes utilized as soil amendments, and
- Water reclamation for construction purposes and road dust control; and

WHEREAS, the Regional Board proposes to renew the waiver of WDRs, and in some cases the requirement to submit RWDs for certain categories of discharges that pose a low threat, including:

- Drilling muds,
- Test pumpings of fresh water wells,
- Swimming pool discharges,
- Projects that obtain water certification,
- Construction – dewatering operations and hydrostatic testing, and
- Agricultural commodity wastes; and

WHEREAS, waiver of the requirement to file an RWD and/or issuance of WDRs for waste discharges that will cause no or insignificant impairment of water quality and that pose little risk of creating a nuisance condition is not against the public interest as it reduces the cost of activities that produce innocuous or small amounts of waste, is protective of the environment, and allows Regional Board staff to direct resources to address waste discharges that have significant potential to degrade water quality or create nuisance; and,

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WHEREAS, the proposed waiver is consistent with State Water Resources Control Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California) in that the waiver of waste discharge requirements imposes conditions to prevent impacts to water quality and authorizes no degradation of water quality, will not unreasonably affect beneficial uses of water, and will not result in water quality less than that prescribed in plans and policies; and,

WHEREAS, the Regional Board conducted a public hearing on 31 January 2003 in Sacramento, California, and considered all testimony and evidence concerning this matter;

THEREFORE BE IT RESOLVED, in accordance with CWC Section 13269, that the Regional Board adopts the "Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge" as set forth in Attachment A, hereafter informally referred to as the "General Waiver;" and

BE IT FURTHER RESOLVED that the Regional Board waives the requirement to obtain WDRs, and for some cases the requirement to submit an RWD and filing fee, for discharge types that fulfill the conditions set forth in Attachment A; and

BE IT FURTHER RESOLVED that discharges that result from emergency work or emergency projects as described under CWC Section 13269(c) are not affected by this action; and

BE IT FURTHER RESOLVED that the Regional Board, based on the testimony received at the aforementioned hearing, and the above-noted facts and findings, finds that the General Waiver is not against the public interest provided dischargers subject to such waiver:

- (a) comply with the conditions for waiver of waste discharge requirements as set forth in the General Waiver; and
- (b) file with the Regional Board the required Report of Waste Discharge and filing fee as set forth in the General Waiver; and
- (c) comply with applicable State Board and Regional Board plans and policies; and

BE IT FURTHER RESOLVED that, for those discharges requiring submittal of an RWD, the discharger must submit the fee specified in Title 23, California Code of Regulations, Section 2200, for a threat and complexity of "3C"; and

BE IT FURTHER RESOLVED that waiver of WDRs and RWDs for those septic tank/leachfield systems permitted by a county with an ordinance implementing Regional Board Guidelines has been extended by amendments to CWC Section 13269; and

BE IT FURTHER RESOLVED that Resolution Nos. 77-69 and 82-036 are hereby rescinded; and

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BE IT FURTHER RESOLVED that the Regional Board, based on the above-noted facts and findings, determines that it is not necessary at this time to adopt individual or general waste discharge requirements for waste discharges related to the types of discharges contained in Attachment A that are conducted in accordance with the conditions specified in the General Waiver because these types of discharges are of low threat and Regional Board resources should focus on higher threat discharges; and

BE IT FURTHER RESOLVED that the discharge of any waste not specifically regulated by the General Waiver is prohibited unless the discharger complies with CWC Section 13260(a) and the Regional Board either issues waste discharge requirements pursuant to CWC Section 13263 or an individual waiver pursuant to CWC Section 13269, or the time frames specified in CWC Section 13264(a) have elapsed; and

BE IT FURTHER RESOLVED that this General Waiver shall not create a vested right and that all such discharges shall be considered a privilege, as provided for in CWC Section 13263; and

BE IT FURTHER RESOLVED, pursuant to CWC Section 13269, that this action waiving the issuance of waste discharge requirements for certain specific types of discharges: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Regional Board from administering enforcement remedies (including civil liability) pursuant to the CWC; and

BE IT FURTHER RESOLVED that the Executive Officer or Regional Board may terminate the applicability of the General Waiver described herein as to any type of discharge or individual discharger at any time when such termination is in the public interest or the activity could affect the quality or beneficial uses of the waters of the State; and

BE IT FURTHER RESOLVED that this General Waiver shall become effective on 31 January 2003, and shall expire on 31 January 2008, unless terminated or renewed by the Regional Board; and

BE IT FURTHER RESOLVED, as provided by CWC Section 13350(a), that any person may be civilly liable if that person in violation of a waiver condition or waste discharge requirements, intentionally or negligently discharges waste, or causes waste to be deposited where it is discharged, into the waters of the State and creates a condition of pollution or nuisance; and

BE IT FURTHER RESOLVED that the Regional Board may review the General Waiver at any time and may modify or terminate the General Waiver in its entirety, as applicable for a specific type, or for individual dischargers, as is appropriate.

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I, THOMAS R. PINKOS, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 31 January 2003.

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THOMAS R. PINKOS, Executive Officer

SJK/fmc:1/31/03