

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

STAFF REPORT FOR REGULAR MEETING OF AUGUST 22-23, 2024

Prepared on July 31, 2024

ITEM NUMBER: 12

SUBJECT: Consideration of Proposed Order R3-2024-0035, General Waiver for Specific Types of Limited-Threat Discharges

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ACTION: Adopt Proposed Order R3-2024-0035

SUMMARY

This item is to recommend adoption of proposed Order R3-2024-0035, *General Waiver for Specific Types of Limited-Threat Discharges* (General Waiver). The proposed General Waiver is a regulatory tool that enables the Central Coast Water Board to efficiently cover categories of limited-threat discharges, rather than a single discharge. The proposed General Waiver is the sixth iteration of a general waiver since 2002 and will replace Order R3-2019-0044, *General Waiver for Specific Types of Discharges*, which the Central Coast Water Board amended in 2023 with Order R3-2023-0044. The proposed General Waiver renews the terms of Order R3-2019-0089 with only minor changes, including a revision of the title to include the terms “Limited-Threat,” as well as minor formatting changes.

The Central Coast Water Board notified current enrollees, agencies, tribal contacts, and other interested persons of its intent to consider adoption of the proposed General Waiver and conducted a 30-day public comment period. No public comments were received. Attachment 1 to the Staff Report contains the proposed General Waiver.

DISCUSSION

Background

California Water Code section 13263 provides regional water quality control boards (Regional Water Boards) with authority to issue waste discharge requirements for any waste discharge, other than those into community sewer systems, that could affect the quality of waters of the state. Persons who discharge waste that could affect the waters of the state must submit a report of the waste discharge and obtain waste discharge requirements.

Section 13269 of the California Water Code allows Regional Water Boards to waive the requirement to submit a report of waste discharge and to obtain waste discharge requirements for specific discharges or specific types of discharges. The Water Code requires that such waivers must be conditional, in the public interest, and consistent with applicable water quality control plans. Waivers expire after five years but may be renewed by a Regional Water Board. Prior to renewing any waiver, the Regional Water Board must review the terms of the waiver at a public hearing.

The first iteration of the Central Coast Water Board's general waiver, Resolution R3-2002-0015, was adopted by the Central Coast Water Board in 2002. It was subsequently updated by Resolution R3-2008-0010 and later by Resolution R3-2014-0041. In Resolution R3-2014-0041, the Central Coast Water Board conditionally waived waste discharge requirements for the following specific types of discharge categories:

- Fire sprinkler water
- Inert waste
- Residential swimming pool water
- Water supply discharges
- Water supply well drilling muds
- Residential water supply filter backwash
- In-situ groundwater remediation
- Trenchless construction drilling muds
- Highway grinding slurry
- Highway grooving residues
- Sediment removal from waters of the state
- Treated groundwater
- Monitoring well development and aquifer pumping test water

Order R3-2019-0089 included updates in terminology and requirements related to these discharge categories. Order R3-2023-0044 amended Order R3-2019-0089 to cover a new discharge category, "Residual Wastewater from Reverse Osmosis Drinking Water Supply Treatment Systems."

Revisions Included in the Proposed General Waiver

The proposed General Waiver does not include any substantive changes and includes only a revision of the title to include the terms "Limited-Threat," as well as minor formatting changes.

Human Right to Water

California Water Code section 106.3, subdivision (a) states that it is the policy of the State of California "that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes." On January 26, 2017, the Central Coast Water Board adopted Resolution R3-2017-

0004,¹ which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities. Specifically, the resolution directs staff to promote policies that advance the human right to water and discourage actions that delay or impede opportunities for communities to secure safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The discharge types covered by the proposed General Waiver do not pose a significant threat to water quality and do not adversely affect the human right to water.

Environmental Justice

Environmental justice principles call for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies that affect every community's natural resources and the places people live, work, play, and learn. The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of all people, including Underrepresented Communities. Underrepresented Communities include but are not limited to Disadvantaged Communities (DACs), Severely Disadvantaged Communities (SDACs), Economically Distressed Areas (EDAs), Tribes, Environmentally Disadvantaged Communities (EnvDACs), and members of Fringe Communities.²

Furthermore, the Central Coast Water Board is committed to providing all stakeholders the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities. The public process for the proposed General Waiver included outreach to tribes and other interested persons.

¹ https://www.waterboards.ca.gov/centralcoast/board_decisions/adopted_orders/2017/2017-0004_hrtw_fnl.pdf

² Disadvantaged Community: a community with an annual median household income that is less than 80% of the statewide annual median household income (Public Resources Code section 80002(e)); Severely Disadvantaged Community: a community with a median household income of less than 60% of the statewide average. (Public Resources Code section 80002(n)); Economically Distressed Area: a municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less with an annual median household income that is less than 85% of the statewide median household income and with one or more of the following conditions as determined by the department: (1) financial hardship, (2) unemployment rate at least 2% higher than the statewide average, or (3) low population density. (Water Code section 79702(k)); Tribes: federally recognized Indian Tribes and California State Indian Tribes listed on the Native American Heritage Commission's California Tribal Consultation List; EnvDACs: CalEPA designates the top 25 percent scoring census tracts as DACs. Census tracts that score the highest five percent of pollution burden scores but do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data are also designated as DACs (refer to the CalEnviroScreen 3.0 Mapping Tool or Results Excel Sheet); Fringe Community: communities that do not meet the established DAC, SDAC, and EDA definitions but can show that they score in the top 25 percent of either the Pollution Burden or Population Characteristics score using the CalEnviroScreen 3.0.

Climate Change

The Central Coast faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, the Central Coast Water Board has launched the Central Coast Water Board's Climate Action Initiative, which identifies how the Central Coast Water Board's work relates to climate change and prioritizes actions that improve water supply resiliency through water conservation and wastewater reuse and recycling; mitigate for and adapt to sea level rise and increased flooding; improve energy efficiency; and reduce greenhouse gas production. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution 2017-0012.³ The proposed General Waiver provides an efficient regulatory tool to cover limited threat discharges that may be associated with climate adaptation and mitigation projects.

CEQA

Since the adoption of the Initial Study/Negative Declaration (IS/ND) (SCH 2002101068) in 2002, minor changes to the General Waiver have been made in subsequent renewals (2008, 2014, 2019, and 2023). The IS/ND was last updated in 2023 with the Board's adoption of Order R3-2023-0044. The minor changes included in the currently proposed General Waiver will not result in any new significant environmental impacts. As such, the IS/ND continues to serve as the appropriate document addressing the environmental impacts from the proposed General Waiver under CEQA, and a subsequent ND and/or subsequent environmental impact report (EIR) does not need to be prepared.

PUBLIC COMMENTS

On May 21, 2024, the Central Coast Water Board posted the draft General Waiver to the Central Coast Water Board's website and notified current enrollees, agencies, tribal contacts, and other interested persons, via mailed notices, of its intent to consider adoption of the proposed General Waiver and the opportunity to submit written comments during the 34-day public comment period. Written comments were due to the Central Coast Water Board by June 24, 2024. No comments were received.

CONCLUSION

The proposed General Waiver is a regulatory tool that enables the Central Coast Water Board to efficiently cover categories of limited-threat discharges and will not lead to significant threats to waters of the state. Therefore, the proposed General Waiver is consistent with the maximum benefit to the people of the state.

³ https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/rs2017_0012.pdf

RECOMMENDATION

Adopt proposed Order R3-2024-0035, *General Waiver for Specific Types of Limited-Threat Discharges*.

ATTACHMENTS

1. Proposed Order R3-2024-0035 and Attachments