

**APPENDIX A-23**

**Waiver of Regulations of Specific Types of Waste Dischargers**

State of California  
California Regional Water Quality Control Board  
Central Coast Region

April 15, 1983

ITEM: 7

SUBJECT: Review of Staff Procedures Regarding Waiver of Regulation of Specific Types of Waste Discharges.

DISCUSSION: Water Code Section 13263 provides Regional Boards with authority to issue waste discharge requirements for any discharge, other than into a community sewer system, that could affect the quality of the waters of the State. However, Water Code Section 13269 allows the Boards to waive regulation of a specific discharge or specific types of discharges where such action is in the public interest. This paragraph in the code allows flexibility to the Regional Boards so regulatory resources can be directed toward potential problems rather than consumed through regulation of waste discharges that will have no effect on quality of the state's waters.

Historically, staff has made most decisions regarding which discharges to regulate. Those decisions were based upon the size, type, duration, location, and significance of each existing or proposed waste discharge as well as staff resources available. All waivers granted by staff have been conditional and could be terminated at any time. Types of discharges which have received waivers from regulation by staff have usually fallen into one of the categories listed in Appendix A of this agenda item.

A recent opinion from the State Board's Office of Chief Counsel states that only the Regional Board itself can waive regulation of any discharge. One method of complying with this opinion would be for staff to schedule every waste discharge for a hearing before the Regional Board. However, because of limited resources, both Board and staff time must be directed to the more significant water quality problems. There are hundreds of waste discharges in the Region which have little or no impact on water quality. Many discharges are regulated through development of Best Management Practices rather than waste discharge requirements. For scattered sources of relatively minor quantities of pollutants, this management by exception is a more cost-effective method of regulation.

In order to meet the terms of the legal opinion and still effectively use resources that are available, the Executive Officer proposes the following procedure:

A proposed discharge or an existing unregulated discharge, which can be categorized as one of the types of discharges shown on the list in Appendix A, will be evaluated by staff. Discharges without perceivable significant impacts on water quality or public health will receive a tentative waiver from staff. With some exceptions, these tentative waivers will be reported to the Board on its next available agenda. Regional Board will be requested to ratify the staff's preliminary decisions and thus the Board can grant waivers from direct regulation generally on a case-by-case basis. Exceptions to this procedure are those types of discharge marked by an asterisk. These discharges are too small, insignificant, or numerous to list on the Board's agenda; or they are discharges for which regulating authority has been delegated by the Regional Board. For example, Regional Board Resolution 82-09 establishes applicable criteria for individual on-site sewage disposal systems. When a valid memorandum of understanding exists between the Regional Board and the local agency, permitting authority is delegated to the local agency.

Those dischargers which (1) cannot be categorized as one of the types of discharges on the attached list, or (2) may have significant water quality impacts (e.g., due to low flow rate of receiving water, or unique location of discharge), or (3) where any questions or uncertainty concerning conditions or facts remain, will be required to submit a Report of Waste Discharge with appropriate filing fee, and proposed requirements will be brought to the Board for consideration under normal procedures. After evaluating the facts, the Board may in some cases still determine that a waiver of direct regulation is appropriate.

Where waste discharge requirements have been issued by the Regional Board and have not expired, a waiver of that regulation cannot be obtained without a decision by the Board following a hearing. Thus, the procedure described above cannot be used to modify any existing order of the Board during the life of the permit. When a permit expires, staff will follow the procedure outlined above. Past self-monitoring reports and inspection reports will be used in evaluating the need for permit renewal. If staff determines that a tentative waiver is appropriate, that recommended action will be subject to Board ratification.

**ATTACHMENT:** Appendix A

**RECOMMENDATION:** Unless the Regional Board objects, staff will operate as described above.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION

TYPES AND NATURE OF WASTE DISCHARGES  
WHICH WILL BE CONSIDERED  
FOR WAIVER OF REGULATION

<u>Type of Waste Discharge</u>	<u>Limitations</u>
1. Air conditioner, cooling and elevated temperature waters	Discharged to storm drains, to land, or in small volumes which will not change temperature of receiving water more than one degree C.
2. Drilling muds	Discharged to sump with at least two feet of freeboard. Sump must be dried by evaporation or pumping. Drilling muds may remain in sump only if discharger demonstrates mud is non-toxic. Sump area shall be restored to preconstruction state within sixty (60) days of completion or abandonment of well.  Clean, oil-free, freshwater drilling mud removed from the oil well drilling operation prior to the time the first production casing is installed.
3. Oilfield waste materials	Clean oil not mixed with contaminants such as salt brines or toxic materials, (Reference: Staff Guidelines) used for beneficial purposes such as dust control, weed control and mosquito abatement where oil cannot reach State waters.
4. Minor dredge operations	When operation is short-term and spoil is nontoxic, and discharged to land.
5. Group 3 solid wastes	Small-scale operations using good disposal and erosion control practices.
*6. Test pumpings of fresh water wells	When pollutants are neither present nor added.
7. Storm water runoff	Where no water quality problems are contemplated and no federal NPDES permit is required.
*8. Erosion from construction projects	Where Best Management Practice (BMP) plans have been formulated and implemented or the local entity has an approved program for implementing BMP's (Reference: Resolution No. 79-09).

9. Pesticide rinse waters from applicators  
Where discharger complies with State Board's Pesticides Guidance Document, (January, 1982)
10. Confined animal wastes  
Where discharger complies with the Basin Plan and no federal NPDES permit is required.
11. Minor stream channel alterations and suction dredging  
Where regulated by Department of Fish and Game conditions.
12. Short-term sand and gravel operations  
Operations where washwaters are confined to land.
13. Metals mining operations  
Operations confined to land where toxic materials are not used in recovery operations.
- \*14. Swimming pool discharges  
Where adequate dilution exists to offset chlorine toxicity or where beneficial uses will not be affected.
15. Food processing wastes spread on land  
Small, seasonal, confined to land, and removed from populated areas.
16. Agricultural commodity wastes  
Small, seasonal, confined to land, and removed from populated areas.
17. Industrial wastes utilized for soil amendments  
Where industry certifies nontoxic and non-hazardous content and BMP for agricultural application used.
- \*18. Timber harvesting  
Operating under approved Timber Harvest Plan.
19. Minor hydro projects  
Operating under water rights permit from State Water Resources Control Board or Fish and Game conditions.
20. Irrigation return water  
Where sediment meets Basin Plan turbidity objectives and discharge is not toxic fish or wildlife. (Exempted from NPDES permit as per consolidated regulations)
- \*21. Project where application for Water Quality Certification is required  
Where project (normally minor construction) is not expected to have a significant water quality effect, and project complies with Fish and Game conditions.

22. Brine disposal  
To ocean without toxic constituents or to impermeable ponds.
- \*23. Individual sewage disposal systems  
Where project is required to meet standard criteria of county or city that is implementing Basin Plan requirements pursuant to MOU, or an individual project that complies with Basin Plan.
24. Treatment and disposal systems for sanitary waste from small community, institutional, commercial, industrial operations.  
Small community systems (serving five or less residential units) or institutional, commercial, or industrial systems (less than 2500 gallons per or day) with subsurface disposal, regulated by local agency that is implementing the Basin Plan through MOU with Regional Board, or an individual project that complies with the Basin Plan.
25. Flow-thru seawater systems and aquacultural operations.  
Where no water quality problems are anticipated and no federal NPDES permit is provided.
- \*26. Injection wells  
Where waste is produce water (CDOG/SWRCB MOA)

\*The Board will not be requested to ratify staff waivers for these discharge types.