

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

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 25-26, 2014

Prepared on July 28, 2014

ITEM NUMBER: 9

SUBJECT: General Waiver For Specific Types Of Discharges, Resolution No. R3-2014-0041 (General Waiver)

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THIS ACTION: Adopt Resolution No. R3-2008-0010

SUMMARY

In general, persons who discharge waste that could affect the waters of the state must submit a report of waste discharge and obtain waste discharge requirements. Section 13269 of the California Water Code allows Regional Water Boards to waive the requirements to submit a report of waste discharge and to obtain waste discharge requirements for specific discharges or specific types of discharges. Such waivers must be conditional, in the public interest, consistent with the water quality control plan (Basin Plan), and five years or less in duration (but may be renewed by a Regional Water Board). Prior to renewing a waiver for specific types of discharges, also known as a general waiver, the Regional Water Board must review the terms of the waiver at a public hearing. Staff is presenting this item to the Central Coast Water Board to renew the terms of Resolution No. R3-2008-0010, a general waiver of waste discharge requirements established by the Central Coast Water Board in 2008.

Proposed Resolution No. R3-2014-0041 will replace Resolution No. R3-2008-0010, *General Waiver for Specific Types of Discharges* (General Waiver). Staff proposes that the renewed General Waiver retain the existing discharge categories and add a residential water supply filter backwash water category. The renewed General Waiver also refines existing descriptions of materials for in-situ bioremediation, chemical oxidation, chemical reduction, or tracer tests. These materials are injected into the subsurface for the specific purpose of accelerating groundwater cleanup at case locations under regulation by the Central Coast Water Board. The use of these materials for groundwater cleanup activities, consistent with the renewed General Waiver conditions, is not expected to pose a significant threat to water quality. The discharges regulated by the renewed General Waiver pose no significant water quality impacts if proposed conditions are met.

DISCUSSION

Background

California Water Code Section 13263 provides Regional Water Boards with authority to issue waste discharge requirements for any discharge, other than one into a community sewer system that could affect the quality of waters of the state. However, Section 13269 allows Regional

Water Boards to waive the requirement to submit a report of waste discharge and the requirement to obtain waste discharge requirements for specific discharges or for specific types of discharges where such action is in the public interest.

In 2008, the Central Coast Water Board adopted Resolution No. R3-2008-0010, *General Waiver for Specific Types of Discharges*. In Resolution No. R3-2008-0010, the Central Coast Water Board conditionally waived waste discharge requirements for the following specific types of discharges:

- Directional drilling muds
- Highway grinding slurry
- Highway grooving residues
- Sediment removal
- Treated groundwater
- Monitoring well development and aquifer pumping test water
- Fire sprinkler water
- Inert waste
- Residential swimming pool water
- Water supply discharges
- Water supply well drilling muds

Staff proposes to add a residential water supply filter backwash water category to the above list. Home owners, especially those with their own water supply wells, sometimes treat raw water by oxidizing soluble iron, manganese, and/or arsenic to form a particulate, then capture the particulate in a filter. The filter requires periodic backwashing to remove the accumulated particulates. The backwash water is commonly discharged to land, where the liquid component of the backwash water percolates to groundwater while the solid component of the backwash water is filtered out by the disposal area soil.

Proposed General Waiver

As noted above, staff proposes to add a residential water supply filter backwash water category to the existing General Waiver's categories. Staff also proposes to refine existing descriptions of materials for in-situ bioremediation, chemical oxidation, chemical reduction, or tracer tests.

The continued regulation of the above activities and the waiving of residential water supply filter backwash discharges, as proposed in Resolution No. R3-2014-0041, is in the public interest. Discharges meeting applicable conditions have no significant water quality impacts; therefore, those discharges are more appropriately and efficiently regulated through a general waiver than through individual or general waste discharge requirements.

General waivers allow flexibility to the Central Coast Water Board to direct regulatory resources toward potential problems rather than regulating waste discharges that pose a very low threat to water quality. To use available resources effectively, staff proposes the following procedure in the General Waiver:

1. Waste discharge requirements [Water Code Section 13263(a)] are waived for discharges listed in Attachment A, Section B. An applicant seeking enrollment in this General Waiver is required to submit a report of waste discharge that provides sufficient information to demonstrate compliance with the appropriate waiver conditions. The report of waste

discharge must include a one-time fee equal to the minimum annual fee identified in the fee schedule (Title 23, Division 3, Chapter 9, Article 1, Section 2200.6 of the California Code of Regulations). Applicants are not authorized to discharge pursuant to this General Waiver until the Executive Officer notifies the applicant that they have been enrolled.

2. Reports of waste discharge, waste discharge requirements, and enrollment notification [Water Code Section 13260(a) and (b), 13263(a), and 13264(a)] are waived for discharges listed in Attachment A, Section C. Provided all conditions are met, these dischargers need not apply to the Central Coast Water Board, pay fees, or receive a waiver enrollment notification.
3. Waste discharge requirements [Water Code Section 13263(a)] are waived for discharges listed in Attachment A, Section D. Applicants seeking enrollment in this General Waiver are required to submit a report of waste discharge, cleanup workplan, or other documentation that provides sufficient information to demonstrate compliance with the appropriate waiver conditions. Enrollment under Section D does not require a fee payment. However, in most cases Water Board staff oversight costs will be reimbursed through the cleanup cost recovery program. Applicants are not authorized to discharge pursuant to this General Waiver until the Executive Officer notifies the applicant that they have been enrolled.
4. The Executive Officer may tentatively enroll proposed discharges not listed in Attachment A, provided the discharges meet all general conditions listed in Attachment A, Section A, and any additional site-specific or discharge-specific conditions prescribed by the Executive Officer. These discharges require a report of waste discharge including a one-time fee equal to the minimum annual fee identified in the fee schedule (Title 23, Division 3, Chapter 9, Article 1, Section 2200.6 of the CCR). Tentative enrollment will be brought before the Central Coast Water Board at a regularly scheduled meeting for approval.
5. Central Coast Water Board staff will continue to track waiver enrollees through the use of the California Integrated Water Quality System (CWIQS) database.
6. Issuance of a waiver will not override other more stringent local, state, or federal regulations prescribed by other agencies or departments.

Where waste discharge requirements have been issued by the Central Coast Water Board, the discharger may not obtain a waiver of those waste discharge requirements without approval by the Central Coast Water Board following a public hearing. Thus, the procedure described above cannot be used to modify any existing order of the Central Coast Water Board. Central Coast Water Board staff will use past self-monitoring reports and inspection reports in evaluating whether a waiver or waste discharge requirements is appropriate for the discharge.

ENVIRONMENTAL SUMMARY

The Central Coast Water Board is the lead agency for the project of adopting this resolution pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21100 et seq.). The Central Coast Water Board adopted a negative declaration when it adopted Resolution No. R3-2008-0010, and therefore, consistent with Title 14, California Code of Regulations (CCR) Section 151621, is not required to prepare a subsequent environment impact report or negative declaration in renewing specific categories of discharge included in Resolution No. R3-2008-0010. The Central Coast Water Board has determined that no

significant changes are present in the updated General Waiver, there were not any substantial changes that occurred with respect to the circumstances under which the General Waiver is undertaken, and there is no new information of substantial importance. Therefore, a new CEQA document is not required.

NOTIFICATION AND WRITTEN COMMENTS

The Central Coast Water Board has notified the interested agencies and persons of its intent to waive waste discharge requirements for discharges identified in Attachment A and have provided an opportunity to submit written comments. The draft General Waiver was posted on the Central Coast Water Board website on June 20, 2014. Notification was provided through direct mailing to interested agencies and persons, which included non-governmental organizations, municipalities, private companies, water supply agencies, wineries, and other existing waiver enrollees. Written comments were due no later than July 27, 2014.

RESPONSE TO COMMENTS

Staff issued a June 27, 2014 letter soliciting comments from interested parties, including all parties enrolled under the existing general waiver, as well as county environmental health personnel. Staff received no written comments as of the July 27, 2014 written comment deadline.

RECOMMENDATION

Adopt Resolution No. R3-2014-0041.

ATTACHMENTS

1. Resolution No. R3-2014-0041, with attachments
2. Resolution No. R3-2008-0010

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