

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

Staff Report for Regular Meeting of September 19-20, 2019

Prepared on August 22, 2019

ITEM NUMBER: 10

SUBJECT: General Waiver for Specific Types of Discharges, General Order No. R3-2019-0089 (General Waiver)

STAFF CONTACT:

- Leah Lemoine, 805-549-3159, Leah.Lemoine@waterboards.ca.gov

ACTION: Adopt Order No. R3-2019-0089

KEY INFORMATION

Proposed Order No. R3-2019-0089 will replace Resolution No. R3-2014-0041, *General Waiver for Specific Types of Discharges* (General Waiver). The proposed order is the fourth iteration of the General Waiver since 2002. Proposed changes to the renewed General Waiver include formatting changes, an update in terminology relating to trenchless construction drilling muds and grinding slurry, requirement of an implementation plan for sediment removal projects that impact riparian or wetland vegetation, clarification of disposal options for treated groundwater, expansion of authorized injection materials for in-situ remediation, and clarification of cleanup workplan requirements, and identification of well rehabilitation activities as part of in-situ groundwater remediation.

SUMMARY

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 quality control 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, and consistent with applicable water quality control plans. Waivers expire after five years but may be renewed by a regional water quality control board. The proposed waiver is a general waiver designed to cover categories of discharges rather than a single discharge. Prior to renewing any waiver, the regional water quality control 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. R3-2014-0041, a general waiver of waste discharge requirements adopted by the Central Coast Water Board in 2014. Resolution No. R3-2014-0041 can be accessed online at:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/wastewater_permitting/specific_discharges.html

Proposed Order No. R3-2019-0089 will replace Resolution No. R3-2014-0041, *General Waiver for Specific Types of Discharges*. Staff proposes that the renewed General Waiver retain the existing discharge categories found in R3-2014-0041. No new discharge categories are proposed.

The changes (see Key Information above) are consistent with the renewed General Waiver conditions, and the discharges regulated by the renewed General Waiver pose no significant water quality impacts if proposed conditions are met.

BACKGROUND

California Water Code section 13263 provides regional water quality control boards with authority to issue waste discharge requirements for any waste discharge, other than discharge into a community sewer system, that could affect the quality of waters of the state. Section 13269 also allows regional water quality control 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.

The first iteration of the *General Waiver for Specific Types of Discharges*, Resolution No. R3-2002-0015, was adopted by the Central Coast Water Board in 2002. It was subsequently updated to Resolution No. R3-2008-0010 and later to Resolution No. R3-2014-0041. In Resolution No. R3-2014-0041, the Central Coast Water Board conditionally waived waste discharge requirements for the following specific types of discharges:

- 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

The updated General Waiver, R3-2019-089, includes updates in terminology and requirements related to the above discharge categories.

PROPOSED GENERAL WAIVER

As noted above, proposed changes to the renewed General Waiver include updated terminology relating to trenchless construction drilling muds, clarification of disposal options for treated groundwater, expansion of the list of authorized injection materials for in-situ remediation, and clarification of cleanup workplan requirements. The continued regulation of these activities, as proposed in Order No. R3-2019-0089, is in the public interest. Discharges meeting applicable conditions will 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 procedures in the General Waiver:

1. Reports of waste discharge, waste discharge requirements, and enrollment notification [Water Code sections 13260(a) and (b), 13263(a), and 13264(a)] are waived for discharges listed in Attachment A, Section A. Provided all conditions are met, these dischargers need not apply to the Central Coast Water Board, pay fees, or receive a waiver enrollment notification.
2. Waste discharge requirements [Water Code section 13263(a)] are waived for discharges listed in Attachment A, Section B. 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 B 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.
3. Waste discharge requirements [Water Code section 13263(a)] are waived for discharges listed in Attachment A, Section C. 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 (section 2200.6 of title 23 of the California Code of Regulations). Applicants are not authorized to discharge pursuant to this General Wavier 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 the General Waiver 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 (section 2200.6 of title 23 of the California Code of Regulations). Tentative enrollments 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 using the California Integrated Water Quality System (CWIQS) database.
6. Regulation of a waste discharge by this General 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 be regulated by this General Waiver 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 this project pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code sections 21100 et seq.). The Central Coast Water Board conducted an initial study in 2002 in accordance with California Code of Regulations (CCR), title 14, section 15063. The Central Coast Water Board adopted a negative declaration on October 11, 2002, concurrently with the adoption of Resolution R3-2002-0115, *Waiver of Waste Discharge Requirements for Specific Types of Discharges*. The Central Coast Water Board prepared an addendum to the negative declaration, and therefore, consistent with title 14, CCR section 15162, the Central Coast Water Board is not required to prepare a subsequent environmental impact report or negative declaration in adopting this General Waiver. The Central Coast Water Board has determined that no significant changes are present in the updated General Waiver, there have not been any substantial changes with respect to the circumstances under which the General Waiver is undertaken, and there is no new information of substantial importance. Therefore, the addendum to the negative declaration is sufficient.

NOTIFICATION AND WRITTEN COMMENTS

The Central Coast Water Board has notified interested agencies and persons of its intent to waive waste discharge requirements for discharges identified in Attachment A and has provided an opportunity to submit written comments. The draft General Waiver was posted on the Central Coast Water Board website on June 17, 2019. 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. Notices were published in the following newspapers of general circulation: Monterey County Herald, Santa Cruz Sentinel, Santa Barbara News Press, San Luis Obispo Tribune. Written comments were due no later than July 26, 2019. Staff received one comment letter, which is discussed below.

Information in brackets preceding each comment refers to the section of the June 17, 2019 draft General Waiver to which the comment applies

Arcadis Design and Consultancy

1. [Attachment A, Section B, 1(c)] Arcadis requested that molasses be included as an easily degradable carbon source.

Staff Response: Staff concurs and updated the proposed General Waiver to include molasses as an easily degradable carbon source in Attachment A, Section B, 1(c).

2. [Attachment A, Section C] Arcadis requested that a new discharge category be added for well rehabilitation using chemicals that includes, but is not limited to, the following well rehabilitation chemicals and compounds:

- Acetic acid
- Citric acid
- Hydrochloric acid
- Hydrogen peroxide
- Sodium hydroxide
- Phosphoric acid
- Carbon dioxide (Aqua Gard and Aqua Freed are technologies for applying carbon dioxide for well rehabilitation)
- Chemicals or compounds that result in similar or less effects on water quality as compared to those above
- Commercial mixtures of rehabilitation compounds that carry the following certifications/registrations valid in the state of California by the NSF:
 1. NSF/ANSI 60-2005 (Drinking Water Treatment Chemicals –Health Effects): compounds with this certification are routinely used for rehabilitation of drinking water wells in California under the California Waterworks Standard (California Code of Regulations Title 22, Section 64590: Direct Additives).
 2. NSF Nonfood Registered Compound: Compounds on this registry are acceptable for use as an ingredient in cleaning products to be used in and around food processes where not intended for direct food contact.

Staff Response: Central Coast Water Board staff recommends not including well rehabilitation activities as a separate discharge category, but rather to include such activities as part of the existing cleanup workplan required through enrollment in

Section B, In Situ Groundwater Remediation. Therefore, Central Coast Water Board staff has revised Section B, In Situ Groundwater Remediation, to include the following language: “The injection of chemical additives for the purpose of well rehabilitation will be considered on a case-by-case basis and are contingent upon approval of the cleanup workplan by the Executive Officer.”

Recommendation

Adopt Order No. R3-2019-0089.

Attachments

Attachment 1 — Order No. R3-2019-0089

Attachment 1, Attachment A — Specific Types of Discharges and
Associated Requirements

Attachment 1, Attachment B — Request for Continued Coverage

Attachment 1, Attachment C — Addendum to Negative Declaration