

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2003-0033

RESCISSION OF RESOLUTION NO. R5-2002-0205
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM CONFINED ANIMAL FACILITIES

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board), on 6 December 2002 adopted Resolution R5-2002-0205, which included a Conditional Waiver of Waste Discharge Requirements for Discharges from Confined Animal Facilities (Waiver); and

WHEREAS, Resolution R5-2002-0205 includes Waiver application deadlines of 31 March 2003 for large confined animal facilities and 1 June 2003 for small confined animal facilities; and

WHEREAS, the United States Environmental Protection Agency (USEPA) published a new Concentrated Animal Feeding Operation (CAFO) Rule in the Federal Register on 12 February 2003, which will be effective on 14 April 2003 and which will require that all CAFOs apply for a National Pollutant Discharge Elimination System (NPDES) permit by 13 April 2006; and

WHEREAS, the Regional Board has not yet adopted a general NPDES permit or general WDRs for confined animal facilities; and

WHEREAS, confined animal facility operators will not have knowledge of the options available to them other than the Waiver before the Waiver application deadlines; and

WHEREAS, Resolution R5-2002-0205 and California Water Code Section 13269 allows the Regional Board to review, modify or terminate the Waiver at any time;

THEREFORE BE IT RESOLVED, that the Regional Board hereby rescinds Resolution R5-2002-0205 in its entirety; and

BE IT FURTHER RESOLVED, that the Regional Board hereby directs staff to

- 1) Pursue the appropriate California Environmental Quality Act process and
- 2) Bring back to the Regional Board for consideration NPDES permit(s), waste discharge requirements, and/or waivers as appropriate.

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I, THOMAS R. PINKOS, Executive Officer, do hereby certify 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 13 March 2003.

[Original Signature on File]
THOMAS R. PINKOS, Executive Officer