

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

RESOLUTION NO. R7-2003-0008

**WAIVER OF WASTE DISCHARGE REQUIREMENTS  
FOR SPECIFIC TYPES OF DISCHARGES**

WHEREAS, Section 13260(a) of the California Water Code requires that any person discharging wastes or proposing to discharge wastes within the Region, that could affect the quality of the waters of the state, other than to a community sewer system, shall file a report of waste discharge (report); and

WHEREAS, Section 13263(a) of the California Water Code requires Regional Boards to prescribe requirements for existing and proposed waste discharges in their respective areas of jurisdiction; and

WHEREAS, California Water Code Section 13269 authorizes Regional Boards to waive the requirement to file a report and/or waive waste discharge requirements for a specific discharge or specific types of discharges where such a waiver is not against the public interest; and

WHEREAS, Section 13269 of the California Water Code requires that any waiver of filing a report and/or prescribing a requirement shall be conditional and may be terminated at any time by the Regional Board; and

WHEREAS, The Regional Board finds that waiver of a report and issuance of a requirement, where such a waiver is not against the public interest, would enable Regional Board staff resources to be more effectively used; and

WHEREAS, Senate Bill (SB) 390 (Stats. 1999, c. 686) amended Water Code Sections 13269 and 13350. Assembly Bill (AB) 2481 (Stats. 2002, c. 999) amended Section 13269. SB 390 and AB 2481 include the following:

1. All waivers, other than waivers for onsite sewage treatment facilities, in effect on January 1, 2000 expire on January 1, 2003 unless renewed by the Regional Board or terminated earlier.
2. All waivers for onsite sewage treatment facilities in effect on January 1, 2002 expire on June 30, 2004 unless renewed by the Regional Board or terminated earlier.
3. Requires renewal in five-year increments thereafter of all waivers.

4. Requires Regional Boards to conduct a public hearing prior to renewing any waiver for a specific type of discharge in order to determine whether the discharge should be subject to general or individual waste discharge requirements.
5. Imposes a duty on the Regional Boards and State Board to enforce waiver conditions.
6. Specifically provides the Regional Boards with authority to take enforcement action for violations of waiver conditions.

WHEREAS, The Regional Board finds that a waiver of report and issuance of a requirement for a specific type of discharge would not be against the public interest under one or more of the following circumstances:

1. The type of discharge is effectively regulated by other public agencies.
2. The type of discharge is effectively regulated pursuant to State regulations and guidelines.
3. The discharge complies with the Water Quality Control Plan for the Colorado River Basin Region.
4. The type of discharge does not adversely affect the quality of or the beneficial uses of the waters of the State.

WHEREAS, The Regional Board has determined that the nine waiver categories in Attachment "A" are not against the public interest because the discharges must comply with the Water Quality Control Plan for the Colorado River Basin Region in order to qualify for the waiver, and because the types of discharge do not adversely affect the quality of or the beneficial uses of the waters of the State; and

WHEREAS, On March 31, 1993, the Regional Board adopted Resolution No. 93-004 for waiver of specific types of discharges; and

WHEREAS, The waivers in Resolution 93-004, other than the waiver applicable to onsite sewage treatment facilities, expired on January 1, 2003 pursuant to Water Code section 13269; and

WHEREAS, The Regional Board intends that the onsite sewage treatment facility waiver in Resolution 93-004 shall remain in effect until it expires pursuant to Water Code section 13269, unless the Regional Board takes action in the future to terminate the waiver earlier; and

WHEREAS, The Regional Board finds that a waiver of filing a report and issuance of a requirement for the specific types of discharges listed in Attachment “A” is not against the public interest; and

WHEREAS, In conjunction with Resolution No. 93-004, the Regional Board staff prepared a Negative Declaration in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code, Section 12000 et. seq.) and state guidelines, and the Regional Board determined that there will be no significant adverse water quality impacts; and

WHEREAS, The Regional Board has determined that no changed conditions (as defined in California Public Resource Code Section 21166 and California Code of Regulations, Title 14, Section 15162) have occurred since 1993 that would require the preparation of subsequent or supplemental environmental documents; and

WHEREAS, On January 15, 2003, the Regional Board held a public hearing in the City of La Quinta and considered all the evidence concerning this matter. Notice of this hearing was given to all interested persons in accordance with the California Code of Regulations, Title 23, Section 647.2.

NOW THEREFORE BE IT RESOLVED, That the Regional Water Quality Control Board, Colorado River Basin Region waives the filing of a report (unless requested by the Regional Board’s Executive Officer for review and evaluation) and issuance of waste discharge requirements for the specific types of discharges listed in Attachment “A”, except those for which individual waste discharge requirements or general waste discharge requirements have already been adopted. Waste discharge requirements and reports are waived for each specific type of discharge listed provided that the corresponding criteria and conditions are met; and be it further

RESOLVED, This waiver of the filing of a report and issuance of waste discharge requirements expires on January 15, 2008. Any action under this waiver is conditional and may be terminated for any type of discharge or any specific discharge at any time within the term of this waiver; and be it further

RESOLVED, That all waste dischargers whose report of and discharge requirement has been waived pursuant to this order: (1) shall comply with all applicable provisions of the Water Quality Control Plan for the Colorado River Basin Region, including without limitation all general and specific water quality objectives in Chapter 3 and all applicable plans and policies listed in Chapter 5; (2) shall not create pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code; (3) shall implement a monitoring and reporting program when directed to do so by the Regional Board’s Executive Officer; and (4) shall

allow Regional Board staff entry onto the affected property for the purpose of determining compliance with waiver conditions.

I, Philip A. Gruenberg, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on January 15, 2003.

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Executive Officer

ATTACHMENT "A"  
RESOLUTION R7-2003-0008

Types of Waste Discharges for which Requirements May Be Waived:

<b>Types of Discharges</b>	<b>Waiver Criteria and Conditions</b>
1. Air Conditioner, Cooling and Elevated Temperature Wastes	Small volumes that will not change the temperature of the receiving water more than one degree Celsius (1°C), and do not violate the State Water Resources Control Board's Thermal Plan
2. Minor Dredging Operations	Where soil is non-toxic, and discharged to land. Only dredging projects of less than 25 cubic yards in volume, or those that have obtained 401 water quality certification, are allowed under this waiver.
3. Inert Wastes	Small-scale operations that use good disposal and erosion control practices and comply with CCR, Title 27, Division 2. Only inert waste, as defined in Section 20230, Division 2, Title 27, of the California Code of Regulations will be disposed of.
4. Well Test Pumping. (Agriculture Wells, Domestic Supply Wells, and Municipal Drinking Wells)	When pollutants are neither present nor added and this can be verified by testing.
5. Small (less than one acre) Short-term (less than one year) Sand and Gravel Operations	Where all operations and wash water are confined to land.
6. Swimming Pool Discharges	Discharger shall stop chlorinating / brominating the pool for three to seven days prior to discharge, and shall test the water for confirmation that there is no measurable chlorine or bromine present in the water prior to discharge. The discharge shall not contain any detergents, wastes, or additional chemicals (i.e. products used in the construction or rehabilitation of pools).
7. Agricultural Commodity Wastes	Small, seasonal, confined to land, and operation and/or maintenance plan has been approved by the Executive Officer prior to the discharge commencing.
8. Construction Dewatering	Where no pollutants are discharged to surface or ground water, and the construction site is less than one acre in size
9. Minor Hydro Projects	Operating under water rights permit from SWRCB or Department of Fish and Game agreements. No adverse water quality impacts expected.

## ATTACHMENT "A"

### **The following conditions shall apply to all of the above discharges:**

1. The discharge shall comply with all applicable conditions of the Water Quality Control Plan for the Colorado River Basin Region, including without limitation all general and specific water quality objectives in Chapter 3 and all applicable plans and policies listed in Chapter 5.
2. The discharge shall not create pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code.
3. The discharger shall not discharge any waste not specifically regulated by this waiver.
4. The discharger shall implement a monitoring and reporting program when directed to do so by the Regional Board's Executive Officer.
5. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise damage portions of the discharge facility or adjoining properties.
6. The discharger shall allow Regional Board staff entry onto the affected property for the purpose of determining compliance with waiver conditions.
7. This Resolution does not authorize violation of any federal, state, or local laws or regulations.
8. This Resolution does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.