

California Regional Water Quality Control Board
North Coast Region

Resolution No. R1-2012-0008

Short Term Renewal of the

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR
DISCHARGES RELATED TO SPECIFIC LAND MANAGEMENT ACTIVITIES IN THE
SHASTA RIVER WATERSHED, NORTH COAST REGION

WHEREAS,

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. On June 28, 2006 the Regional Water Board adopted Resolution No. R1-2006-0052, *Amending the Water Quality Control Plan for the North Coast Region to Include the Action Plan for the Shasta River Watershed, a Major Tributary to the Klamath River, Temperature and Dissolved Oxygen Total Maximum Daily Loads*, and the Action Plan for the Shasta River Temperature and Dissolved Oxygen Total Maximum Daily Load (Shasta River Action Plan) was incorporated into the Water Quality Control Plan for the North Coast Region on January 26, 2007.
2. The Shasta River Action Plan includes a conditional Waiver of Waste Discharge Requirements (Waiver), which is the primary regulatory mechanism used to provide coverage for discharges of waste from nonpoint sources in the Shasta River watershed not covered by other existing regulatory programs. The Shasta River Waiver conditionally waives the requirement to file report of waste discharge and obtain waste discharge requirements for discharges addressed in the Shasta River Action Plan, for dischargers who choose to participate in on-going collaborative programs, including the implementation of the recommended measures described in Table 4 of the Shasta River Action Plan. In accordance with Water Code section 13269, subdivision (a)(2), the Shasta River Waiver expires on January 26, 2012, five years after its adoption.
3. A revision of the existing Shasta River Waiver is underway, but is not yet completed. It is anticipated that a revised Shasta River Waiver will be considered for adoption no later than August 23, 2012. Consequently, a short term renewal of the existing Shasta River Waiver is needed to continue coverage of specific land management activities while the revised waiver is developed.
4. It is essential that the Shasta River Waiver remain in effect until a replacement Shasta River Waiver is considered and adopted. Without a waiver, dischargers participating in on-going collaborative programs will be without regulatory coverage. With a short-term renewal, programs and activities being conducted under the existing Waiver can continue without interruption.
5. The Regional Water Board has reviewed the terms of the Shasta River Waiver and determined that its terms are adequate for the purpose of the short-term renewal. A renewal of the existing Shasta River Waiver ensures that specific land

management activities being conducted in accordance with Shasta River Waiver conditions comply with the Basin Plan until the replacement waiver is considered and adopted.

6. In accordance with the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (CEQA), the renewal of a conditional waiver is a "project" and Regional Water Board is the lead agency responsible for approving that project. Section 15061(b)(3) of the CEQA Guidelines (section 15000 et seq of title 14 of the California Code of Regulations) allows a lead agency to find a project exempt from CEQA if "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." The short term renewal of the waiver with no substantive changes will not have any effect on the environment because the environmental baseline, against which the Regional Water Board considers the environmental impacts of a project, includes the existing conditional waiver. There is no possibility that the project will have a significant effect on the environment, and it is, therefore, exempt from CEQA.
7. The Regional Water Board notified interested parties of its intent to temporarily renew the Shasta River Waiver. The Regional Water Board, in a public meeting on January 18 or 19, 2012, heard and considered all comments pertaining to the renewal of the Shasta River Waiver.

THEREFORE BE IT RESOLVED THAT

The Conditional Waiver for Discharges Related to Specific Land Management Activities in the Shasta River Watershed North Coast Region is renewed until no later than August 23, 2012, to continue coverage of specific land management activities while a replacement waiver is developed.

CERTIFICATION

I, Catherine Kuhlman, 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, North Coast Region, on January 19, 2012.

Catherine Kuhlman
Executive Officer