

**ADDENDUM TO INITIAL STUDY AND  
NEGATIVE DECLARATION (SCH NO. 2002101068)**

**FOR**

**GENERAL CONDITIONAL WAIVER FOR SPECIFIC TYPES OF  
DISCHARGES IN THE CENTRAL COAST REGION**

September 20, 2019

Prepared by:

Central Coast Regional Water Quality Control Board

895 Aerovista Place #100

San Luis Obispo, CA 93401

Staff Contact: Leah Lemoine, Water Resource Control Engineer, (805) 549-3159

## INTRODUCTION

This environmental document is an Addendum to the Initial Study/Negative Declaration (IS/ND) (State Clearing House Number 2002101068) adopted by the Central Coast Water Quality Control Board (Central Coast Water Board) in Resolution R3-2002-0015 (2002 General Waiver). The 2002 General Waiver was an effort to comply with legislation requiring a review of all existing waivers and waiver policy and has since been revised and readopted in 2008, 2014, and now in 2019. This document addresses the potential environmental impacts of the 2019 revisions to the subject General Waiver, which conditionally waives waste discharge requirements for various specific types of low-threat discharges.

Since the adoption of the IS/ND, minor changes to the General Waiver have been made in subsequent renewals (2008 and 2014) and additional changes are proposed in 2019. As originally approved, the General Waiver included eleven discharge categories. The specific categories of discharges have changed through the years. This is due to changes in regulatory landscape, including the adoption of new permits, delegation of permitting authority to the local level, and inclusion of additional types of low threat discharges to facilitate a more streamlined regulatory process. Although the specific types of discharges have changed, the nature of the waiver, in that it is used to regulate low-threat discharges, remains the same. This Addendum serves to document changes in the General Waiver with each revision and examines the environment impact of these revisions.

The Central Coast Water Board, as lead agency under California Environmental Quality Act (CEQA), has considered the proposed changes to the General Waiver, and concludes that the changes will not result in any new significant environmental impacts. As such, the IS/ND continues to serve as the appropriate document addressing the environmental impacts from the General Waiver under CEQA, and a subsequent mitigated negative declaration and/or subsequent Environmental Impact Report (EIR) does not need to be prepared.

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This Addendum analyzes previous versions and revisions to the General Waiver as required under sections 15162 and 15164 of the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). Under CEQA Guidelines section 15164, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions to the project are necessary, or if none of the conditions described in section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Under CEQA Guidelines section 15162, the lead agency must prepare a

subsequent EIR or mitigated negative declaration if there are any new significant environmental effects associated with the revised project or if there is a substantial increase in the severity of previously disclosed impacts. The revisions to the General Waiver only involve minor technical changes that do not result in any new or substantially more severe significant environmental impacts; therefore, the revised project does not require preparation of a subsequent negative declaration or EIR.

## **BACKGROUND**

Regional Water Quality Control Boards (Regional Boards) are granted authority through Water Code Section 13263 to issue waste discharge requirements for any discharge, other than to a community sewer system, that could affect the quality of waters of the state. However, Water Code Section 13269 allows Regional Boards to waive regulation of a specific discharge when such action is consistent with any applicable state or regional water quality control plan and is in the public interest. Waivers must be reviewed and renewed or terminated every 5 years. The General Waiver provides flexibility to the Regional Boards in that regulation of low-threat discharges can be streamlined, thereby conserving staff time for waste discharges that pose a greater threat to water quality. The Central Coast Water Board first adopted a general waiver for specific types of low-threat discharges in 2002. The General Waiver was revised in 2008 and 2014, and revisions are planned in 2019. The decision to add or remove certain categories of discharges in each revision is informed by the adoption of new permits, delegation of permitting authority to the local level, and the desire to continually use staff time efficiently to realize the greatest benefit to water quality.

## **MODIFICATION TO THE PROJECT SINCE ADOPTION OF IS/ND**

The following section serves to document the change in discharge categories between the 2002, 2008, and 2014 revisions, and present proposed changes to the 2019 General Waiver. A summary of specific type of discharges included in past and proposed in the General Waiver can be found in Table 1. The history of the General Waiver and adoption is discussed in further detail below.

<b>Table 1: Summary of Specific Type of Discharges Included in Past and Proposed General Waiver</b>				
<b><i>Discharge Categories included in Low Threat Waiver</i></b>	<b>Year of Revision</b>			
	<b>2002</b>	<b>2008</b>	<b>2014</b>	<b>2019</b>
Fire Sprinkler Water		X	X	X
Inert Wastes	X	X	X	X
Residential Swimming Pool Water	X	X	X	X
Water Supply Discharges		X	X	X
Water Supply Well Drilling Muds	X	X	X	X
Residential Water Supply Filter Backwash			X	X
In Situ Groundwater Remediation		X	X	X
Trenchless Construction Drilling Muds	X	X	X	X
Highway Grinding Slurry	X	X	X	X
Highway Grooving Residues	X	X	X	X
Sediment Removal	X	X	X	X
Treated Groundwater	X	X	X	X
Aquifer and Well Pump Test Water	X	X	X	X
Individual Sewage Disposal Systems	X			
Treatment/Disposal for Sanitary Waste – Community, Institutional, Commercial, Industrial. Operations	X			
Timber Harvest	X			

### **2002 General Waiver**

In compliance with Senate Bill 390<sup>1</sup> (SB 390), the Central Coast Water Board conducted a review of all types of waste discharges waived of Waste Discharge Requirements and the waiver policy<sup>2</sup> in 2002. Types of waste discharges waived of Waste Discharge

<sup>1</sup> Senate Bill 390 amendments to California Water Code Sections 13269 and 13350 includes: 1) Extending all waivers in effect on January 1, 2000 for three years to January 1, 2003, unless terminated earlier; 2) Requiring all existing waivers to expire on January 1, 2003 unless renewed; 3) Requiring Regional Boards to conduct a public hearing before 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; 4) Imposing a duty on Regional Boards and State Board to enforce waiver conditions; 5) Expanding Regional Boards' authority to take enforcement action for violations of waiver conditions; 6) Requiring Regional Boards to review and renew or terminate all waivers (issued after January 1, 2003) every five years.

<sup>2</sup> The past Central Coast Water Board policy and discharge categories are contained in the following sections of the Basin Plan: Chapter 5, Section 5.6.4 Highway Grooving Residues,

Requirements are enumerated in the Basin Plan Appendix A-23<sup>3</sup> which can be found in Table 2. After completion of this review, each waived discharge type was either addressed through other regulatory programs (stormwater, oilfield, 401, etc.) or through the 2002 General Waiver. A summary of planned actions resulting from this review can be viewed in the staff report for the 2002 General Waiver. To view a copy of the 2002 General Waiver and staff report, please contact the Central Coast Water Board. The discharges categories included in the 2002 General Waiver can be found in Table 1.

<b>Table 2: Types of Waste Discharges Waived of Waste Discharge Requirements in Basin Plan Appendix A-23.</b>	
<ul style="list-style-type: none"> <li>➤ Air conditioner, cooling and elevated temperature waters</li> <li>➤ Drilling muds</li> <li>➤ Oilfield waste materials</li> <li>➤ Minor dredge operations</li> <li>➤ Group 3 solid wastes (inert wastes)</li> <li>➤ Test pumping of fresh wells</li> <li>➤ Stormwater runoff</li> <li>➤ Erosion from construction projects</li> <li>➤ Pesticide rinse waters from applicators</li> <li>➤ Confined animal wastes</li> <li>➤ Minor stream channel alterations and suction dredging</li> <li>➤ Short-term sand and gravel operations</li> <li>➤ Metals mining operations</li> </ul>	<ul style="list-style-type: none"> <li>➤ Swimming pool discharges</li> <li>➤ Food processing waste spread on land</li> <li>➤ Agricultural commodity wastes</li> <li>➤ Industrial wastes utilized for soil amendments</li> <li>➤ Timber harvesting</li> <li>➤ Minor hydro projects</li> <li>➤ Irrigation return water</li> <li>➤ Water Quality Certification</li> <li>➤ Brine disposal</li> <li>➤ Individual sewage treatment</li> <li>➤ Treatment and disposal of sanitary waste</li> <li>➤ Flow-thru seawater systems</li> <li>➤ Injection wells</li> </ul>

### **2008 General Waiver**

Resolution No. R3-2008-0010 (2008 General Waiver), which was adopted on May 9, 2008, included the addition of discharge categories for In-situ Treatment, Fire Sprinkler Water, and Water Supply Discharges and removal of Individual Sewage Disposal Systems, Treatment/Disposal for Sanitary Waste, and Timber Harvest. To view the 2008 General Waiver and staff report please contact the Central Coast Water Board. Prior to the adoption of the 2008 General Waiver, in-situ groundwater treatment activities were permitted through individual waste discharge requirements (WDRs) or, if staff resources were not available, sites were left unpermitted. Staff time required to

Chapter 5.6.5 Waiver of Waste Discharge Requirements, Appendix A-22 Policy Regarding Disposal of Highway Grooving Residues, Appendix A-23 Waiver of Regulations of Specific  
<sup>3</sup> Types of Waste Discharges. The Central Coast Water Board approved Appendix A-23 in April 1983. Appendices A-22 and a revision of A-23 were subsequently adopted in September 1989.

develop individual WDRs for such activities was not proportional to the resulting water quality protection benefits. Regulating low-threat in-situ groundwater cleanup activities through the 2008 General Waiver, and subsequent revisions, reduced the time required to permit such sites, which in turn increased the number of in-situ treatment sites permitted and allowed staff to direct resources on activities with greater threat to water quality. Coverage of fire sprinkler water and water supply discharges were also adopted into the waiver in 2008.

Several discharge categories were removed in the 2008 General Waiver revision due to delegation of authority to localities and the adoption of new permits. Regulation of low-threat Individual Sewage Disposal Systems and Treatment/Disposal for Sanitary Waste was delegated to local municipalities, typically counties, prior to updating the waiver and thus were removed from the 2008 General Waiver. Timber harvest requirements were adopted in the Waiver of Waste Discharge Requirements for Timber Harvest Activities, Resolution No. R3-2005-0075, in July 2005, and as a result, were no longer necessary within the 2008 General Waiver.

### ***2014 General Wavier***

The addition of residential water supply filter backwash was included in [Resolution R3-2014-0041](#) (2014 General Waiver). Prior to the adoption of the 2014 General Waiver, residential water supply filter backwash was unregulated. The 2014 General Waiver placed conditions on the disposal of backwash water and associated particulates discharges to land.

### ***Proposed Revisions in the 2019 General Waiver***

Proposed changes to the renewed General Waiver include minor revisions including an update to 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, clarification of cleanup workplan requirements, and identification of well rehabilitation activities as part of in situ groundwater remediation

### **POTENTIAL IMPACTS FROM REVISED PROJECT**

This addendum has been prepared pursuant to the provisions of CEQA Section 15162 and 15164 to provide the Regional Board with the factual basis for determining whether any changes in the project, in the circumstances, or any new information since the IS/ND were certified require additional environmental review or preparation of subsequent CEQA documentation.

The environmental analysis provided in the IS/ND remains current and applicable to the proposed project in all areas listed below:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Services Systems
- Mandatory Findings of Significance

Because there are no changes to the level of impact associated with the proposed General Waiver, the analysis in the IS/ND remains valid. The General Waiver remains a regulatory tool for low-threat discharges and as such, only discharges with minimal risk to the environment are covered by this General Waiver. The conditions imposed on each discharge category further ensure that there is no environmental impact. The types and categories of specific discharges change slightly between General Waiver revisions, however, the associated impact to the environment, which is no impact, is unchanged.

## **CONCLUSION**

Based on the information provided above, the revisions to the regulatory program would not result in a measurable increase in new environmental impacts. No new significant

impacts have been identified, nor is the severity of newly identified impacts substantially greater than the conclusions of the IS/ND.

Based on the evidence included in the above analysis, the proposed project as described in this document would not result in a substantial change in the conclusions and analysis included in the IS/ND. The Central Coast Water Board finds that the previous environmental document as herein amended may be used to fulfill the environmental review requirements of the revised project. Since the revised project meets the conditions for the application of CEQA Guidelines section 15164, preparation of a subsequent mitigated negative declaration or EIR is not required.

This Addendum will be appended to the IS/ND (SCH No. 2002101068). A Notice of Determination will be filed at the State Clearinghouse within five days of adoption of the 2019 General Waiver.

This Addendum, along with the previously adopted IS/ND now constitute the Final IS/ND for this project.