

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION 90-65

AMENDMENT OF ARTICLE 5 (WATER QUALITY MONITORING AND RESPONSE
PROGRAMS FOR WASTE MANAGEMENT UNITS) AND AMENDMENT OF
SECTION 2601 OF ARTICLE 10 (DEFINITIONS) OF SUBCHAPTER 15 OF
CHAPTER 3 OF TITLE 23 OF THE CALIFORNIA CODE OF REGULATIONS

WHEREAS:

1. The Board adopted revised regulations governing discharges of waste to land, including water quality monitoring requirements, by resolution No. 84-72 on October 18, 1984; and
2. Discharges of waste to surface impoundments, waste piles, landfills, or land treatment facilities, for treatment, storage, or disposal, could affect the quality of waters of the State; and
3. The Board is required to adopt regulations for the guidance of the Regional Boards, including monitoring standards (Subsection 13172(c) of Article 4 of Chapter 3 of Division 7 of the California Water Code); and
4. The Administrative Procedures Act requires administrative agencies to review existing regulations for compliance with six specified criteria including necessity, clarity, and consistency with other regulations; and
5. The United States Environmental Protection Agency (USEPA) promulgated nationwide minimum standards for facilities which treat, store, or dispose of hazardous wastes, including but not limited to surface impoundments, waste piles, landfills, and land treatment facilities under Subtitle C of the Resource Conservation and Recovery Act (42 U.S.C. Sec. 6901, et seq.), of 1976, as amended (Subtitle C of RCRA); and
6. The USEPA has revised the regulations of 40 CFR 264, promulgated under Subtitle C of RCRA, and these revisions specify requirements for water quality monitoring, including statistical requirements; and
7. The Department of Health Services (DHS) has concurrent authority with the Board, under the California Hazardous Waste Control Law, regarding water quality protection and monitoring at hazardous waste sites, and DHS is revising its regulations to achieve consistency with Subtitle C of RCRA and with any federal regulations promulgated thereunder; and
8. The proposed Article 5 regulations (Water Quality Monitoring and Response Programs for Waste Management Units) and the proposed amendment of Section 2601 of Article 10 (Definitions) of Subchapter 15 of Chapter 3 of Title 23 CCR are written to be consistent with the applicable ground water protection and monitoring requirements of Subtitle C of RCRA, in accordance with Subsection 13172(d) of the California Water Code, and with any federal regulations promulgated thereunder, and to include any more stringent requirements necessary to implement either the Porter-Cologne Water Quality Control Act (California Water Code Division 7 Sec. 13000, et seq.) or Article 9.5 (Sec. 25208, et seq.), of Chapter 6.5 of Division 20 of the Health and Safety Code; and

9. Implementation of the proposed regulations will require State and Regional Board staff to be knowledgeable of statistical methods, including statistical inference; and
10. The resulting amendments to Article 5 and Section 2601 of Article 10 were described in a separate Notice of Proposed Rulemaking published in the California Administrative Notice Register on June 23, 1989, and January 19, 1990, respectively; and
11. Testimony about the proposed amendments to Article 5 was taken on August 7, and August 9, 1989, and on June 6, 1990, with over 50 sets of oral and written comments received, and testimony about the proposed amendments to Section 2601 of Article 10 was taken on March 15, 1990 and June 6, 1990, with 18 sets of oral and written comments received; and
12. Modifications have been incorporated into the proposed regulations in response to the comments received; and
13. These modifications to Articles 5 and 10 are sufficiently related to the text made available to the public in the respective Notices of Proposed Rulemaking so that there was adequate notice that the modifications could have been anticipated from the respective originally-proposed regulations and informative digest; and
14. Amendment of any article of the State Board's Subchapter 15 regulations governing discharge of waste to land constitutes an action by a regulatory agency for the protection of the environment and is, therefore, exempt from the provision of the California Environmental Quality Act (P.R.C. 21,000, et seq.); and

THEREFORE BE IT RESOLVED:

That the existing water quality monitoring regulations in Article 5 of Subchapter 15 of Chapter 3 of Title 23 of the California Code of Regulations ("Water Quality Monitoring for Classified Waste Management Units", 23 CCR, Sections 2550-2559), contained in Attachment I to this Resolution, be repealed;

That the proposed regulations governing water quality monitoring for waste discharges to land, contained in Attachment II to this Resolution, be adopted and codified as Article 5 of Subchapter 15 of Chapter 3 of Title 23 of the California Code of Regulations ("Water Quality Monitoring and Response Programs for Waste Management Units", 23 CCR, Sections 2550.0-2550.12);

That the existing definitions in Section 2601 of Article 10 of Subchapter 15 of Chapter 3 of Title 23 of the California Code of Regulations ("Technical Definitions", 23 CCR, Section 2601), contained in Attachment III to this Resolution, be revised in accordance with the definitions contained in Attachment IV to this Resolution;

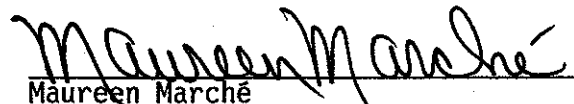
That, for Article 5 and Section 2601 of Article 10, the Executive Director transmit the respective proposed amendments, together with the respective final statement of reasons and the respective rulemaking file, to the Office of Administrative Law (OAL); and

That the Executive Director take appropriate steps to ensure rapid implementation of these regulations by the Regional Boards following approval by OAL, including:

- (a) Preparing and conducting training programs for technical staff at the Board and the Regional Boards; and
- (b) Printing copies of the Article 5 and Article 10 regulations, together with the informative digest and the final statement of reasons, for public distribution.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 21, 1990.


Maureen Marché
Administrative Assistant to the Board