

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 93-96

APPROVAL OF A RESOLUTION BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, NORTH COAST REGION (REGIONAL WATER BOARD), ADOPTING A POLICY TO IMPLEMENT THE WATER QUALITY CONTROL PLAN FOR THE NORTH COAST BASIN BY ALLOWING AN ADDITIONAL WAIVER CATEGORY FOR WASTE DISCHARGE REQUIREMENTS FOR SPECIFIC DISCHARGES RESULTING FROM THERMAL ON-SITE TREATMENT OF SOILS CONTAMINATED WITH PETROLEUM HYDROCARBONS

WHEREAS:

1. The Regional Water Board adopted Resolution No. 92-135 on December 10, 1992 establishing a policy implementing the Water Quality Control Plan for the North Coast Basin (Basin Plan) by allowing the waiving of waste discharge requirements for specific types of discharges resulting from thermal on-site treatment of soils contaminated with petroleum hydrocarbons.
2. Resolution No. 92-135 adds an additional category of specific types of discharges meeting certain conditions which would qualify for a waiver to a list adopted under Regional Water Board Resolution No. 87-113 and added to by Resolution No. 89-131.
3. California Water Code (CWC) Section 13260(a) requires that any person discharging waste or proposing to discharge waste, other than to a community sewer system, that could affect the quality of the waters of the State shall file a report of waste discharge with the Regional Water Board.
4. The Regional Water Board has a statutory obligation to prescribe waste discharge requirements except where a waiver is not against the public interest, pursuant to CWC Section 13269.
5. CWC Section 13269 stipulates that any waiver of filing a report of waste discharge and/or prescribing waste discharge requirements shall be conditional and may be terminated at any time by the Regional Water Board.
6. From numerous instances of discharges resulting from thermal on-site treatment of soils contaminated with petroleum hydrocarbons, the Regional Water Board finds that the filing of a report of waste discharge is necessary to demonstrate that the discharge would not be against the public interest, but that the issuance of waste discharge requirements may be waived.
7. The Regional Water Board finds that a waiver of waste discharge requirements for discharges from thermal on-site treatment of soils would not be against the public interest when the discharge is effectively regulated by other public agencies pursuant to State and federal regulations and guidelines, complies with the Basin Plan, and does not adversely affect the quality of or the beneficial uses of the waters of the State.

8. The Regional Water Board finds that the waiving of waste discharge permits is not against the public interest for dischargers meeting the condition that a report of waste discharge be filed providing technical information necessary to demonstrate that the discharge will not reach surface waters; further contamination and pollution or nuisance will be prevented; and the discharge will be contained on property owned or controlled by the discharger.
9. The Regional Water Board prepared a Negative Declaration in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and State guidelines, and the Regional Water Board determined that there will not be significant adverse water impacts.
10. The Regional Water Board held a public hearing on December 10, 1992 in Santa Rosa and considered all evidence and public comments concerning this matter.
11. Regional Water Board Resolution No. 92-135 was adopted in accordance with State laws and regulations.

THEREFORE BE IT RESOLVED THAT:

The State Water Resources Control Board:

1. Adopts a resolution approving the North Coast Regional Water Board's Resolution No. 92-135, which establishes a policy to implement the Water Quality Control Plan for the North Coast Basin.

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 September 23, 1993.



Maureen Marché

Administrative Assistant to the Board