

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906**

**RESOLUTION R3-2008-0010
May 9, 2008**

**General Waiver
For
Specific Types of Discharges**

The California Regional Water Quality Control Board, Central Coast Region (hereafter Central Coast Water Board) finds:

1. California Water Code (or Water Code) Section 13269 authorizes the Central Coast Water Board to waive the submittal of reports of waste discharge and the issuance of waste discharges requirements, as set forth in Sections 13260(a), 13263(a), and 13264(a) of the California Water Code, summarized below, for specific discharges or specific types of discharges where such a waiver is consistent with any applicable state or regional water quality control plan and is in the public interest.
 - a. Section 13260(a) requires a report of waste discharge from any person or agency proposing to discharge waste or construct an injection well.
 - b. Section 13263(a) provides Central Coast Water Board with authority to issue waste discharge requirements for any proposed or existing discharge that could affect water quality.
 - c. Section 13264(a) prohibits waste discharge without discharger submittal of a report of waste discharge and Central Coast Water Board adoption of waste discharge requirements of Central Coast Water Board issuance or a waiver.
2. Section 13269 requires that waivers be conditional and may be terminated at any time by the Central Coast Water Board. Waivers may be granted for discharges to land and may not be granted to discharges to surface waters or conveyances thereto that are subject to the federal Clean Water Act requirements for NPDES permits. A waiver may not exceed five years in duration, but may be renewed by the Central Coast Water Board. Each waiver must also include a monitoring program unless the Central Coast Water Board determines that the discharges, subject to a waiver, do not pose a significant threat to water quality.

3. This Resolution adopts a General Waiver of Waste Discharge Requirements for Specific Types of Discharges (General Waiver). This General Waiver contains conditions and is consistent with the Central Coast Water Board's Water Quality Control Plan (Basin Plan).
4. The Central Coast Water Board finds that this General Waiver is "in the public interest" and consistent with the Basin Plan for the following reasons.
 - a. Waivers granted for discharges that do not pose a significant threat to water quality enable staff resources to be used effectively and avoid unnecessary expenditures of limited resources.
 - b. The General Waiver complies with Water Code Sections 13260, 13263, and 13269 and other applicable law;
 - c. The General Waiver requires compliance with the Basin Plan;
 - d. The General Waiver includes conditions that are intended to reduce and prevent pollution and/or nuisance, protecting beneficial uses for waters of the State;
 - e. Dischargers may not discharge any waste not specifically regulated by this General Waiver, except in compliance with the Water Code.
 - f. Dischargers who violate the conditions of this General Waiver are subject to enforcement pursuant to Water Code Section 13350 and/or other applicable laws.
5. Regulating approximately 40 specific types of waste discharges through a General Waiver, rather than regulate such discharges through individual waste discharge requirements conserves staff resources. The discharge types listed in each section of Attachment A have the same or similar waste discharges as a results from the same or similar operations, treatment methods, and/or management practices. The conditions imposed in this General Waiver will be protective of waters of the state. This General Waiver will simplify and streamline the regulatory process without compromising the protection of water quality. The conditions for each listed discharger type are subject to enforcement under the Water Code.
6. On December 13, 2002, Central Coast Water Board adopted the General Waiver for Specific Types of Discharges, Resolution No. R3-2002-0115 (2002 General Waiver). The 2002 General Waiver waived the requirement to obtain waste discharge requirements for specific discharges, including directional drilling discharges, highway grinding slurry and grooving residues, sediment removal, treated groundwater, monitoring well development and aquifer pump test water, fire sprinkler water, inert waste, residential swimming pool water, water supply discharges (i.e., hydrant

- flushing), and water supply well drilling muds. Discharges that posed no threat to water quality and were not specifically identified were covered by general conditions.
7. As authorized by Water Code Section 13269, this Resolution revises the 2002 General Waiver and conditionally waives waste discharge requirements for the specific types of discharges listed in Attachment A. This Resolution waives the requirement to submit a report of waste discharge for the specific types of discharges in Attachment A, Section C and D, provided that the associated conditions are met. The listed discharges will not have significant effects on water quality provided that the discharger complies with the corresponding conditions. Discharges not specifically identified in sections B, C, and D must meet the conditions identified in Attachment A, Section A, to be eligible for the General Waiver. For those dischargers enrolled in the 2002 General Waiver, a new report of waste discharge will not be required unless requested by the Executive Officer.
 8. This General Waiver does not impose monitoring and reporting requirements for each specific type of discharge. The types of discharges subject to this General Waiver are not expected to pose a significant threat to water quality as described in Attachment A. The Central Coast Water Board's Executive Officer may impose monitoring and reporting requirements depending on any discharger enrolled in this General Waiver as authorized pursuant to Water Code Section 13267. Typically, groundwater cleanup cases are required to monitor under Water Code Section 13267. These monitoring and reporting programs will be revised, as necessary, to cover injected substrate as deemed appropriate by the Executive Officer.
 9. The Central Coast Water Board tracks waiver enrollees through the use of the California Integrated Water Quality System (CIWQS) database.
 10. Issuance of this General Waiver does not supercede other more stringent local, state, or federal regulations prescribed by other agencies or departments.
 11. The General Waiver does not apply to discharges of waste that are regulated under another Conditional Waiver, individual waste discharge requirements or general waste discharge requirements. This General Waiver does not supercede the Central Coast Water Board's Basin Plan and policies, including prohibitions, implementation plans, or the State Water Board's plans and policies.
 12. Although a discharge may qualify for General Waiver enrollment, the Central Coast Water Board reserves the right to regulate the discharge through other programs or Central Coast Water Board actions (i.e., enforcement orders, individual waste discharge requirements, general waste discharge requirements, etc.).
 13. The Central Coast Water Board is the lead agency pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21100 et seq.). The Central Coast Water Board has reviewed the Initial Study concerning the

Resolution prepared in accordance with CEQA and concurs that a Negative Declaration should be adopted. Compliance with the conditions set forth in this General Waiver is intended to protect waters of the state.

14. State Water Resource Control Board Resolution No. 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution No. 68-16) requires Regional Water Boards, in regulating the discharge of waste, to maintain high quality waters of the State until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in Regional Water Board's policies (e.g., quality that exceeds applicable water quality standards). This General Waiver implements Resolution No. 68-16 because the discharges authorized pursuant to this General Waiver are subject to conditions and are not expected to pose a significant threat to waters of the state.
15. Pursuant to Water Code Section 13263(g), waste discharges to waters of the State is a privilege, not a right, and adoption of this General Waiver does not create a vested right to continue the discharge.
16. This General Waiver may be terminated at any time by the Central Coast Water Board and may be revised by the Central Coast Water Board after a public hearing. The Executive Officer may terminate the applicability of the General Waiver with respect to a specific discharger upon notice to the discharger.
17. This General Waiver (1) is conditional; (2) does not permit any illegal activity; (3) does not preclude the need for permits that may be required by other State or local government agencies; and (4) does not preclude the Central Coast Water Board from administering enforcement remedies (including civil liability) pursuant to the Water Code.
18. On May 9, 2008, the Central Coast Water Board held a public hearing and considered all the comments and evidence concerning this matter. Notice of this hearing was given to all interested persons in accordance with Title 23, Division 3, Chapter 15, Article 1, and Section 647.2 of the California Code of Regulations.

THEREFORE, BE IT RESOLVED

1. Waste discharge requirements [Water Code Section 13269(a)] are waived for discharges listed in Attachment A, Section B. Applicants seeking enrollment in this General Waiver are required to submit a report of waste discharge that provides sufficient information to demonstrate compliance with the appropriate waiver conditions. The report of waste discharge shall include a one-time fee equal to the minimum annual fee identified in the fee schedule (Title 23, Division 3, Chapter 9, Article 1, Section 2200.6 of the CCR). Applicants are not authorized to discharge

pursuant to this Resolution until the Central Coast Water Board Executive Officer issues a Notice of Applicability notifying the applicants that they have been enrolled.

2. Reports of waste discharge, waste discharge requirements, and enrollment notification [Water Code Section 13260(a) and (b), 13263(a), and 13264(a)] are waived for discharges listed in Attachment A, Section C. Provided all conditions are met, these dischargers need not apply to the Central Coast Water Board, pay fees, or receive a waiver enrollment notification.
3. Waste discharge requirements [Water Code Section 13269(a)] are waived for discharges listed in Attachment A, Section D. Applicants seeking enrollment in this General Waiver are required to submit a report of waste discharge, cleanup workplan or other documentation that provides sufficient information to demonstrate compliance with the appropriate waiver conditions. Enrollment under Section D does not require a fee payment. Applicants are not authorized to discharge pursuant to this General Waiver until the Central Coast Water Board Executive Officer issues a Notice of Applicability notifying the applicant that they have been enrolled.
4. The Executive Officer may tentatively enroll proposed discharges not listed in Attachment A, provided the discharges meets all general conditions listed in Attachment A, Section A and any additional site-specific or discharge-specific conditions prescribed by the Executive Officer. These discharges require a report of waste discharge including a one-time fee equal to the minimum annual fee identified in the fee schedule (Title 23, Division 3, Chapter 9, Article 1, Section 2200.6 of the CCR). Tentative enrollment will be brought before the Central Coast Water Board at a regularly scheduled meeting for formal approval.
5. The Central Coast Water Board's Executive Officer is authorized to enroll and terminate enrollment in this General Waivers upon notice to the discharger.
6. The Central Coast Water Board hereby adopts the Initial Study and Negative Declaration regarding waivers of reports of waste discharge, waste discharge requirements, and permission to discharge. The Executive Officer will file a Notice of Determination with the State Clearinghouse as required by the California Code of Regulations and CEQA.

I, Roger W. Briggs, Executive Officer of the California Regional Water Quality Control Board, Central Coast Region, do hereby certify the foregoing is a full, true, and correct copy of Resolution No. R3-2008-0010 adopted by the California Regional Water Quality Control Board, Central Coast Region, on **May 9, 2008**.

Roger W. Briggs
Executive Officer

Date