

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

PROPOSED ORDER NO. R3-2019-0089

GENERAL WAIVER

FOR

SPECIFIC TYPES OF DISCHARGES

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

I. BACKGROUND

1. California Water Code section 13269 authorizes the Central Coast Water Board to waive the requirement to submit reports of waste discharge and the issuance of waste discharge requirements, as set forth in sections 13260(a), 13263(a), and 13264(a) of the Water Code, as summarized below, for specific discharges or specific types of discharges where such a waiver is consistent with applicable state or regional water quality control plans and is in the public interest.
 - a. Section 13260(a) requires a report of waste discharge from any person or agency discharging or proposing to discharge waste that could affect the quality of waters of the state or operating or proposing to construct an injection well.
 - b. Section 13263(a) provides the 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 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 waste discharges to land and may not be granted for waste discharges to surface waters or conveyances thereto that are subject to federal Clean Water Act requirements for National Pollutant Discharge Elimination System (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 waste discharge does not pose a significant threat to water quality.

3. This Order constitutes a general waiver of waste discharge requirements for specific types of discharges (General Waiver). Each specific type of discharge and relevant specific conditions are further defined in Attachment A of this General Waiver. Discharges covered under this waiver are as summarized below:

<i>DISCHARGE CATEGORIES COVERED BY ORDER NO. R3-2019-0089 AND CORRESPONDING LOCATION WITHIN ATTACHMENT A</i>
Section A
Fire Sprinkler Water
Inert Wastes
Residential Swimming Pool Water
Water Supply Discharges from Pipelines, Storage Tanks, Pump Tests, and Well Development
Water Supply Well Drilling Muds
Residential Water Supply Filter Backwash
Section B
In-situ Groundwater Remediation
Section C
Trenchless Construction Drilling Muds
Highway Grinding Slurry
Highway Grooving Residues
Sediment Removal from Waters of the State
Treated Groundwater
Monitoring Well Development and Aquifer and Well Pumping Test Water
Section D
Discharges Not Specified in Sections A, B, or C. Enrollment contingent upon Central Coast Water Board consideration and approval at a regularly scheduled Central Coast Water Board hearing.

4. Pursuant to Water Code section 13263(g), waste discharges to waters of the State are a privilege, not a right, and adoption of this General Waiver does not create a vested right to continue any discharge.
5. Pursuant to Water Code section 13350(a)(2), any person who discharges waste in violation of any waiver condition shall be liable civilly, and remedies may be proposed, in accordance with section 13350(d) or (e).

II. PURPOSE OF ORDER

6. Regulating approximately 13 specific types of waste discharges through a general waiver, rather than regulating 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. Each listed discharge type does not pose a significant threat to water quality, as described in greater detail in Attachment A. The conditions imposed in this General Waiver will therefore 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 discharge type are subject to enforcement under the Water Code.
7. On May 9, 2008, Central Coast Water Board adopted Resolution No. R3-2008-0010, *General Waiver for Specific Types of Discharges* (2008 General Waiver). The 2008 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 subject to the general conditions of the General Waiver and required consideration and approval at a regularly scheduled Central Coast Water Board hearing.
8. On September 25, 2014, Central Coast Water Board adopted Resolution No. R3-2014-0041, *General Waiver for Specific Types of Discharges* (2014 General Waiver), which replaced the 2008 Waiver. The 2014 General Waiver retained the existing discharge categories in the 2008 Waiver and added a residential water supply filter backwash category. The 2014 General Waiver also refined existing descriptions of materials for in-situ bioremediation, chemical oxidation, chemical reduction, or tracer tests.
9. As authorized by Water Code section 13269, this General Waiver renews and revises the 2014 General Waiver and conditionally waives waste discharge requirements for the specific types of discharges listed in Attachment A. This General Waiver waives the requirement to submit a report of waste discharge for the specific types of discharges in Attachment A, Section A, provided that the associated conditions are met. The requirement to submit a report of waste discharge is not waived for specific types of discharges in Attachment A, Sections B and C. 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 A, B, or C must meet the

general conditions identified in the above findings to be eligible for the General Waiver.

10. For dischargers enrolled in the 2014 General Waiver, a new report of waste discharge is not required at the time this General Waiver is adopted unless requested by the Executive Officer. However, dischargers enrolled in the 2014 General Waiver must notify the Central Coast Water Board in writing within 90 days of the adoption of the General Waiver if they wish to continue regulatory coverage. Dischargers shall notify the Central Coast Water Board by filling out the Request for Continued Coverage form found in Attachment B. Enrollment will be terminated for dischargers enrolled in the 2014 General Waiver that do not notify the Central Coast Water Board within the 90-day timeframe.
11. 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 significant threats to water quality as described in Attachment A. The Central Coast Water Board's Executive Officer may impose monitoring and reporting requirements on any discharger enrolled in this General Waiver as authorized pursuant to Water Code section 13267. Typically, groundwater cleanup cases include a monitoring program pursuant to 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.
12. The Central Coast Water Board tracks waiver enrollees through the use of the California Integrated Water Quality System (CIWQS) database.

III. BASIN PLAN

13. This General Waiver contains conditions and is consistent with the Central Coast Water Board's *Water Quality Control Plan for the Central Coastal Basin* ([Basin Plan](#)) and its subsequent amendments.
14. The designated beneficial uses of groundwater in the Central Coast Region, as specified in the Basin Plan, include, but are not limited to, municipal and domestic water supply, agricultural supply, industrial service supply, and industrial process supply.
15. The beneficial uses of surface water in the Central Coast Region are specified in the Basin Plan for specific water bodies including major rivers, creeks, and lakes, and also apply to tributaries to these water bodies. The designated beneficial uses and potential uses include municipal and domestic supply; agricultural supply; industrial process supply; industrial service supply; ground water recharge; freshwater replenishment; navigation; hydropower generation; water contact recreation; non-contact water recreation; commercial and sport fishing;

aquaculture; warm freshwater habitat; cold freshwater habitat; inland saline water habitat; estuarine habitat; marine habitat; wildlife habitat; preservation of biological habitats; rare, threatened, or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development; and shellfish harvesting. Refer to the Basin Plan for beneficial uses of surface water for a given body of water in the Central Coast Region.

16. This General Waiver is consistent with the Basin Plan for the following reasons:

- a. The General Waiver complies with Water Code sections 13260, 13263, and 13269 and other applicable law.
- b. The General Waiver requires compliance with the Basin Plan.
- c. The General Waiver includes conditions that are intended to reduce and prevent pollution and/or nuisance, protecting beneficial uses of waters of the state.
- d. Dischargers may not discharge any waste not specifically regulated by this General Waiver, except in compliance with the Water Code.
- e. Dischargers who violate the conditions of this General Waiver are subject to enforcement pursuant to Water Code section 13350 and/or other applicable laws.

IV. OTHER APPLICABLE PLANS, POLICIES, AND REGULATIONS

17. Issuance of this General Waiver does not supersede other more stringent local, state, or federal regulations prescribed by other agencies or departments.

18. 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 supersede the Central Coast Water Board's Basin Plan and policies, including prohibitions or implementation plans, or the State Water Board's plans and policies.

19. State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*, requires the Central Coast Water Board, 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 the 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 and state policies. The Basin Plan implements and incorporates by reference both the state and federal antidegradation policies in Chapter 5,

Section I.B and Appendix A-2. 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. For in-situ groundwater remediation discharges regulated by this General Waiver, an antidegradation analysis is further discussed in Attachment A, Section B.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND NOTIFICATION

20. The Central Coast Water Board is the lead agency for this project pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code sections 21100 et seq.). The Central Coast Water Board conducted an Initial Study in 2002 in accordance with California Code of Regulations (CCR), title 14, section 15063. The Central Coast Water Board adopted a negative declaration on October 11, 2002, concurrently with the adoption of Resolution R3-2002-0115, Waiver of Waste Discharge Requirements for Specific Types of Discharges. The Central Coast Water Board prepared an addendum to the Negative Declaration, and therefore, consistent with title 14, CCR section 15162, it is not required to prepare a subsequent environmental impact report or negative declaration in adopting this General Waiver. The Central Coast Water Board has determined that no significant changes are present in the updated General Waiver, there have not been any substantial changes with respect to the circumstances under which the General Waiver is undertaken, and there is no new information of substantial importance. Therefore, the addendum to the Negative Declaration is sufficient.

VI. GENERAL FINDINGS

21. This General Waiver is in the public interest because waivers granted for waste 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.
22. Although a discharge may qualify for waiver enrollment, the Central Coast Water Board retains the right to not enroll or terminate waiver enrollment at any time and regulate the discharge under other programs and/or orders (such as other waivers, general waste discharge requirements, individual waste discharge requirements, enforcement orders, etc.).
23. 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.

24. 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 administrative liability) pursuant to the Water Code.
25. On June 17, 2019, the Central Coast Water Board notified known interested agencies and persons of its intent to conditionally waive discharge requirements for thirteen specific types of waste discharges and provided the opportunity to review the proposed General Waiver and submit written comments.
26. On September 20, 2019, 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 known interested persons in accordance with title 23, section 647.2 of the California Code of Regulations (CCR).
27. Any person aggrieved by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with section 13320 of the Water Code and CCR title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this order, except that if the thirtieth day following the date of this order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED, pursuant to the authority in Water Code section 13269, the requirements to obtain waste discharge requirements or submit a report of waste discharge are waived as described below for specific types of discharges in Attachment A, Sections A, B, and C, when the following conditions are met:

1. GENERAL CONDITIONS

All discharges shall comply with the following general conditions:

- a. The discharge shall not impair beneficial uses of the receiving groundwater or cause an exceedance of water quality objectives. Groundwater beneficial uses and water quality objectives are set forth in Chapter 2 and Chapter 3 of the Basin Plan.

- b. Discharge of waste classified as “hazardous,” as defined in CCR title 23, section 2521, or “designated,” as defined in Water Code section 13173, is prohibited.
- c. Creation of a condition of contamination, pollution, or nuisance as defined by Water Code sections 13050(k)¹, 13050(l)², and 13050(m)³ is prohibited.
- d. Discharge (including overflow, bypass, seepage, and over spray) to surface waters or conveyances thereto that are subject to federal Clean Water Act requirements for NPDES permits is prohibited.
- e. The discharge must not flow directly to surface water, storm drain, or stormwater conveyance system, or conveyances thereto, that are subject to federal Clean Water Act requirements for NPDES permits.
- f. The discharge location must not be within 200 feet of a drinking water supply well or within 100 feet of a stream, body of water, wetland, or drainage course that is subject to federal Clean Water Act requirements for NPDES permits unless allowed by the Executive Officer. The discharge area must not be within streamside riparian corridors.
- g. Discharge, either directly or indirectly, to areas not identified in the report of waste discharge or equivalent document, when required, is prohibited.
- h. If the report of waste discharge or equivalent document, when required, describes a treatment facility, bypass of the treatment facility or discharge of untreated or partially treated waste to the disposal area is prohibited.

¹ Section 13050(k) of the California Water Code describes “contamination” as an impairment of quality of the water of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.

² Section 13050(l) of the California Water Code describes “pollution” as an alteration of the quality of waters of the state by waste to a degree which unreasonably affects either beneficial uses (as described in Chapter 2 of the Central Coast Water Quality Control Plan) or facilities that serve these beneficial uses. Furthermore, pollution may include contamination.

³ Section 13050(m) of the California Water Code describes a “nuisance” as anything which meets all of the following requirements: 1) is injurious to health, or is indecent or offensive to the senses, or an obstruction of the free use of property, so as to interfere with the comfortable enjoyment of life or property, 2) affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and 3) occurs during, or as a result of, the treatment or disposal of wastes.

- i. Discharges not specifically described in the report of waste discharge or equivalent document, when required, are prohibited.
 - j. Discharges of radioactive substances and chemical and biological warfare agents are prohibited. Discharges of waste containing substances in concentrations toxic to human, plant, animal, or aquatic life are prohibited.
 - k. Waiver enrollment notifications may include discharge-specific expiration dates, after which discharge is prohibited unless an extension is granted or a new enrollment is issued.
 - l. The discharger shall notify the Central Coast Water Board whenever there is a substantial change in the volume or character of the enrolled discharge. The notice must include information on the quality and quantity of the waste discharge being modified and the anticipated impact of the waste upon the quantity and quality of the aggregate discharge. Discharger must notify the Central Coast Water Board when the permitted activity has ceased, and enrollment is no longer needed.
2. The discharger must comply with the general and applicable discharge-specific conditions found in Attachment A.
3. Compliance with a monitoring and reporting program may be required on a case-by-case basis.
4. The discharger shall allow Central Coast Water Board staff, or an authorized representative (including an authorized contractor acting as a representative of the Board), upon presentation of credentials and other documents as may be required by law, to:
 - Enter upon premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this General Waiver.
 - Have access to and copy, at reasonable times, any records that must be kept under the conditions of this order.
 - Inspect at reasonable times any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Waiver.
 - Photograph, sample, or monitor for the purpose of showing compliance with this General Waiver any substances or parameters at any location.
5. Reports of waste discharge, waste discharge requirements, and enrollment notification [Water Code sections 13260(a) and (b), 13263(a), and 13264(a)] are

waived for discharges listed in Attachment A, Section A, provided all general conditions and conditions listed in Attachment A, Section A are met. These dischargers need not apply for enrollment to the Central Coast Water Board, pay fees, or receive a waiver enrollment notification. Notice of enrollment in this General Waiver is not required for discharge types listed in Attachment A, Section A.

6. Waste discharge requirements [Water Code section 13263(a)] are waived for discharges listed in Attachment A, Section B, provided all general conditions and conditions listed in Attachment A, Section B are met.
 - a. Dischargers seeking enrollment in this General Waiver for discharges listed in Attachment A, Section B, are required to submit:
 - i. A cleanup workplan or other documentation that provides sufficient information to demonstrate compliance with the appropriate waiver conditions.
 - b. Discharges listed in Attachment A, Section B, are not authorized pursuant to this General Waiver until the Central Coast Water Board Executive Officer notifies the dischargers that they have been enrolled.
7. Waste discharge requirements [Water Code section 13263(a)] are waived for discharges listed in Attachment A, Section C provided all general conditions found in the General Waiver and specific conditions found in Attachment A, Section C are met.
 - a. Dischargers seeking enrollment in this General Waiver for discharges listed in Attachment A, Section C, are required to submit:
 - i. A report of waste discharge that provides sufficient information to demonstrate compliance with the appropriate waiver conditions.
 - ii. A one-time fee equal to the minimum annual fee identified in the fee schedule (title 23, section 2200.6 of the CCR).
 - b. Discharges listed in Attachment A, Section C, are not authorized pursuant to this General Waiver until the Central Coast Water Board Executive Officer notifies the dischargers that they have been enrolled.
8. The Executive Officer may tentatively enroll proposed discharges not listed in Attachment A, provided the discharges meet all General Waiver general conditions 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, section 2200.6 of the CCR). The Central Coast Water Board will need to approve these types of proposed enrollments at a regularly scheduled Central Coast Water Board hearing.

9. The Central Coast Water Board's Executive Officer is authorized to terminate enrollment in this General Waiver upon notice to the discharger.

10. This General Waiver is effective September 20, 2019 and expires September 24, 2019 unless terminated earlier by the Central Coast Water Board.

I, John M. Robertson, 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 an order adopted by the California Regional Water Quality Control Board, Central Coast Region on **September 20, 2019**.

John M. Robertson
Executive Officer

Attachment A: Specific types of discharges and associated required elements

Attachment B: Request for Continued Coverage

Attachment C: Addendum to Initial Study and Negative Declaration

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