REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

EXECUTIVE OFFICER SUMMARY REPORT

DECEMBER 9, 2026

ITEM 11

SUBJECT

An overview of Order No. R9-2024-0001, Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges in the San Diego Region (waivers). (Adrian Hinkle and Martin Pham)

STAFF RECOMMENDATION

Informational item only. No staff recommendation.

KEY ISSUES

1. The San Diego Water Board adopted waivers for ten categories of low-threat discharges, which exempts project proponents from the requirement to submit a Report of Waste Discharge (ROWD)[1] and obtain waste discharge requirements (WDRs).
2. The waivers were adopted pursuant to California Water Code (Water Code) section 13269. The waivers have a five-year term and are set to expire in 2029. As a result, staff have initiated efforts to renew and update the waivers.
3. The waivers reduce staff time spent overseeing low-threat discharges, allowing the San Diego Water Board to focus resources on discharges that pose greater threats to water quality. The waivers benefit dischargers by eliminating the need for a permit, typically with faster approvals, no fees, and focused and practical compliance requirements

PRACTICAL VISION

The waivers implement the goals of the following Practical Vision chapters:

- **Strategize for Healthy Waters:** The waivers protect groundwater and surface water quality by requiring dischargers to implement best management practices and other measures that prevent pollution. The waivers apply to low-threat discharges that may affect water quality but do not pose a major risk that warrant WDRs. Requirements in the waivers are clear, appropriate, and practical for dischargers to understand and implement.

[1] A report of waste discharge is an application for WDRs submitted by a discharger to a regional board.

- **Provide Effective Community Engagement and Communication:** The waivers help staff engage with new stakeholders, including non-technical applicants from the public. The application process is straightforward, and the purpose and benefits of the waivers are easy to understand. In addition, staff will hold public workshops during the development of the updated waivers to gather feedback from the public. Public engagement improves awareness of the San Diego Water Board's mission and allows staff to hear from members of the public who might not otherwise interact with the San Diego Water Board.
- **Strategize to Achieve Resilient Local Water Supply:** The San Diego Water Board recognizes the importance of groundwater as an important local supply and uses its authority to protect groundwater quality. The waivers establish requirements for low-threat discharges to prevent adverse impacts to groundwater and protect beneficial uses.

DISCUSSION

The purpose of this item is to provide information to the board and members of the public on the following:

- The regulatory basis of the waivers;
- The history of the current set of waivers;
- The individual discharge categories covered by the waivers;
- An overview of past and current waiver enrollments; and
- A description of current and future staff efforts to revise and update the waivers.

Together, these components provide a comprehensive overview of the waivers and their update process.

Regulatory Basis

Water Code section 13260 requires anyone proposing to discharge waste that could affect the waters of the state to file a ROWD with a regional board. Water Code section 13264 prohibits anyone from initiating any new discharge of waste or making any material changes in any discharge prior to the filing of the ROWD and being issued WDRs.

Water Code section 13269 allows the San Diego Water Board to conditionally waive WDRs for specific categories of discharges. The waivers must be consistent with the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan) and be in the best interest of the public. The waivers enable the San Diego Water Board to use its resources efficiently by reducing oversight of discharges that pose a low threat to water quality and focus staff efforts on discharges with a greater threat to water quality. Dischargers enrolled in a waiver benefit from focused and practical regulatory requirements and no or reduced fees.

Adoption and Renewal History

In 1983, the San Diego Water Board adopted a resolution establishing waivers for specific types of discharges in the San Diego Region. The Board incorporated the

waivers into the Basin Plan in 1994 and amended them in 2007. In 2014, the Board removed the waivers from the Basin Plan and adopted waivers as a stand-alone order. The Board renewed the waivers in 2019 and 2024. The 2019 and 2024 waivers used the 2014 waivers as a base document and made minor updates.

Purpose of the Waivers

The waivers eliminate the requirement for dischargers to submit a ROWD and obtain individual WDRs. The current waivers cover ten specific categories of discharges. Each individual waiver/discharge category is designated a number between one and ten (Waivers 1 through 10). The discharge categories and their designated numbers are as follows:

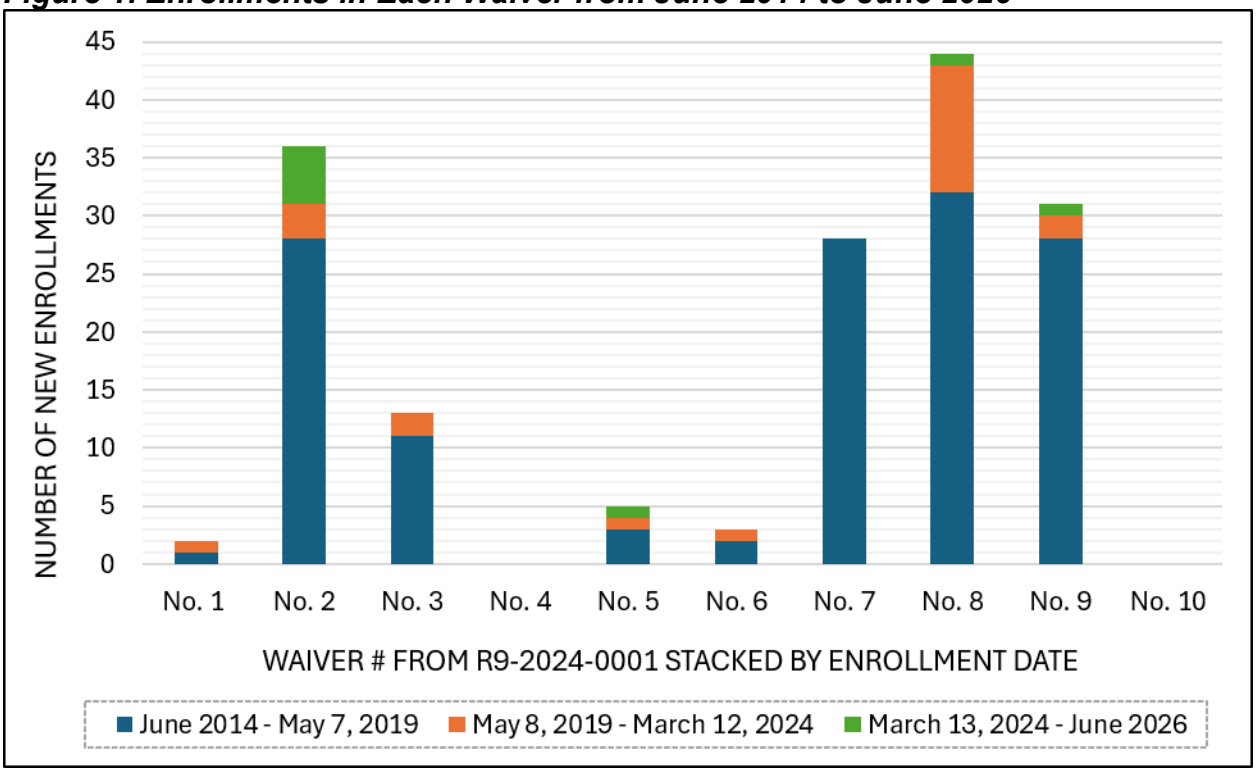
1. Discharges from on-site graywater disposal systems;
2. Miscellaneous “low threat” discharges to land;
3. Discharges of winery process water to lined evaporation ponds at small wineries;
4. Discharges from silvicultural operations;
5. Discharges from animal operations;
6. Discharges from aquatic animal production facilities;
7. Discharges of slurries to land;
8. Discharges/Disposal of solid wastes to land;
9. Aerially discharged wastes over land; and
10. Discharges of emergency/disaster related wastes.

Each of the individual waivers require dischargers to implement effective management measures and structural and non-structural best management practices to control pollutant discharges and prevent adverse impacts to groundwater and surface water beneficial uses.

Past and Current Enrollment

Staff track waiver enrollments to identify the dischargers using each waiver, evaluate how the waivers are being implemented, and understand the potential water quality impacts associated with the activities covered by the waivers. An enrollment occurs when staff approve a discharger’s application for enrollment, called a Notice of Intent (NOI). Not all waivers require enrollment. Waiver 4 only requires an NOI if staff request one from a discharger. Waiver 10 requires an NOI in limited cases, and Waiver 5 requires an NOI for medium but not for small animal feeding operations. Dischargers can use waivers that do not require enrollment as long as they follow the conditional requirements. Waivers 2, 7, 8, and 9 have the most enrollments, as seen in Figure 1. These waivers require an NOI for enrollment. Awareness in these waivers increased following public outreach associated with the 2014 waivers adoption. Enrollment has declined since then. Enrollment in some waivers has declined because they only require a one-time enrollment. Waiver 9, for example, has exclusively been used by fireworks dischargers who remain enrolled and do not need to reapply each year. Other waivers likely see declining enrollment due to reduced awareness. Staff are assessing how to best keep dischargers informed of the waivers’ existence and requirements.

Figure 1. Enrollments in Each Waiver from June 2014 to June 2026



Renewal and Update

Water Code section 13269(a)(2) stipulates that a waiver may not exceed five years in duration. The waivers may, however, be renewed by the board. The waivers are set to expire in March 2029. Staff are currently reviewing and evaluating the waivers and will be presenting updated waivers to the board for consideration in 2029. To inform this effort, staff have begun meeting with selected stakeholders to obtain early input on the waivers. Staff anticipate holding two public stakeholder workshops, one of which will be held in 2027. These workshops will provide an open forum for dischargers and the public to discuss waiver requirements and offer feedback and recommendations.

PUBLIC NOTICE

The agenda notice for today's meeting was posted on the San Diego Water Board's website and sent to subscribers to the email list for Board meetings. This satisfies the Bagley-Keene Open Meeting Act requirements to publish the meeting notice and agenda.

SUPPORTING DOCUMENTS

None