

**CHAPTER 15 PROGRAM NOTE #12:
EXPEDITING CONDITIONAL WAIVER OF WDRS
AND ROWD FOR CERTAIN DISCHARGES**

April 4, 1994

We have been asked if it is appropriate for Regional Water Board staff to advise dischargers that it is unnecessary to file a report of waste discharge (**ROWD**) for certain categories of discharges, including green-waste composting, in instances where such discharge is unlikely to impair beneficial uses of waters of the state. As further explained below, such advice from staff would be appropriate only in the context of an order adopted by the Board waiving the requirement for that particular category and condition of discharge for both the submittal of a ROWD and the issuance of WDRs.

Discussion Water Code §13269 provides that the Regional Water Board may waive the submittal of a ROWD or the issuance of WDRs if it finds that such waiver is not against the public interest. The Regional Water Board may impose conditions on such a waiver. Water Code §13223 provides that the Regional Water Board can delegate most of its duties and functions to its Executive Officer; however, the issuance (or waiver) of WDRs is not among the functions that can be delegated. Accordingly, the Regional Water Board can waive the submittal of a ROWD or issuance of WDRs only by direct board action.

If the Regional Water Board determines that (under certain conditions) a particular category of discharge presents negligible threat to water quality, the board could waive the submittal of a ROWD and the issuance of WDRs for that category of discharge, provided that the conditions were met. If the board order provided such a framework of conditions and included appropriate delegation, Regional Water Board staff could administer the waiver without further board action.

Example In 1983, the San Diego Regional Water Board (**Region 9**) adopted an order (Resolution No. 83-21) waiving the submittal of ROWDs and the issuance of WDRs for numerous categories of discharges, and including a listing of the conditions to be met for waiver in each respective category; most Regional Water Boards have adopted such an order. At its meeting on October 18, 1993, Region 9 amended that order to include additional waivers for discharges of green-waste to composting facilities and for temporary discharges of petroleum-contaminated soil meeting specified conditions (**Attachment**).

If you wish to streamline the waiver process for green-waste composting sites, I recommend that you consider developing a similar amendment for adoption by your Regional Water Board. A similar approach can be used to expedite providing a conditional waiver for any given type of discharge that, under specified conditions, is unlikely to impair beneficial uses of waters of the state.