

EXECUTIVE OFFICER SUMMARY REPORT
May 9, 2018

- ITEM: 9
- SUBJECT: *Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges in the San Diego Region (Laura Samrad)*
- PURPOSE: Informational item regarding the status of the San Diego Water Board conditional waivers, the waiver process, the enrollment history, and the 2019 renewal process.
- RECOMMENDATION: This is an informational item. The Board will not take an action.
- KEY ISSUES:
1. The 12 conditional waivers (Waivers) included in Order No. R9-2014-0041, *Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges in the San Diego Region (Order)*¹ will expire in June 2019. The Order must be renewed for the conditional waivers to continue beyond 2019.
 2. The reissuance of the Waivers will require compliance with the California Environmental Quality Act (CEQA).
 3. Several technical working groups may be formed, and the Water Board will encourage participation from the affected industries (consultants and stakeholders) to improve the effectiveness of the Waivers.
- PRACTICAL VISION: The Waivers implement the following goals of the Practical Vision:
1. Strategizing for Healthy Waters – The Waivers provide protections for groundwater and surface water quality while reducing the regulatory burden on the public.
 2. Proactive Public Outreach and Communication – San Diego Water Board staff will complete a number of public outreach and communication tasks during the Waivers reissuance process including:

¹ Order No. R9-2014-0041, Conditional Waivers for the San Diego Region:
https://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2014/R9-2014-0041.pdf

- Maintaining the conditional waiver web page² to keep stakeholders and the public informed about the waiver development and adoption process;
 - Convening one or more stakeholder meetings to obtain public input;
 - Providing the public with an opportunity to submit written comments regarding the Waivers; and
 - Convening a formal public workshop regarding the Waivers reissuance at a Board meeting in 2019.
3. Sustainable Local Water Supply – The Waivers streamline the approval process for some recycled water and graywater projects, thereby reducing the Region’s use of potable water for non-potable uses.

DISCUSSION:

The Waivers allow the Board to use its authority to focus its limited resources on higher-threat water quality priorities, while protecting water quality from low-threat discharges. The Waivers also serve the public by providing a tool that allows projects with low-threat discharges to comply with the Water Code without needing to obtain waste discharge requirements.

Waiver Use in 2017

The San Diego Water Board waived regulation of discharges from 121 low threat projects in the Region through implementation of the 12 waivers of waste discharge requirements listed below:

- Waiver No. 1: Discharges from On-Site Graywater Disposal Systems.
- Waiver No. 2: Discharges to Land of Recycled Water.
- Waiver No. 3: Miscellaneous “Low Threat” Discharges to Land.
- Waiver No. 4: Discharges of Winery Process Water to Lined Evaporation Ponds at Small Wineries.

² http://www.waterboards.ca.gov/sandiego/water_issues/programs/waivers/waivers.shtml

- Waiver No. 5: Discharges of Waste to Land at Composting Facilities.
- Waiver No. 6: Discharges from Silvicultural Operations.
- Waiver No. 7: Discharges from Animal Operations.
- Waiver No. 8: Discharges from Aquatic Animal Production Facilities.
- Waiver No. 9: Discharges of Slurries to Land.
- Waiver No. 10: Discharges/Disposal of Solid Waste to Land.
- Waiver No. 11: Aerially Discharged Wastes Overland.
- Waiver No. 12: Discharges of Emergency/Disaster Related Wastes.

Supporting Document No. 1 shows the number of projects enrolled in the Waivers by year.

Waiver applicants must submit a Notice of Intent (NOI), an evaluation of the discharge, and evidence that the discharge is consistent with the State Board Resolution 68-16 *Statement of Policy with Respect to Maintaining High Quality Waters in California*, also known as the State Anti-degradation Policy.

At this time, there are no fees associated with the Waivers, however, dischargers may be required to pay an annual fee in the future. The Waivers being considered for imposition of annual fees are the small winery pond waiver (Waiver No. 4), the animal facilities (Waiver No. 7), the aquatic animal production facilities (Waiver No. 8), and the solid waste to land (Waiver No. 10).

The Board's authority to waive waste discharge requirements is limited. The Board cannot waive requirements under the federal Clean Water Act (CWA), including discharges covered by NPDES permits or CWA section 401 Water Quality Certifications.

Waiver Renewal Process in 2019

The existing Waivers will expire on June 24, 2019. Over the next year, the San Diego Water Board will form internal and external technical working groups to solicit input on the usefulness of the current waivers and discuss potential revisions to the Waivers. The Board will encourage public participation from a range of stakeholders groups, including industry, consultants, and the public, to improve the effectiveness of the program. The tentative Waivers will be available for public review and comment and a public workshop will be held to discuss the revised Waivers. Prior to June 2019, a tentative Order, containing the revised Waivers, will be presented to the Board for consideration and adoption.

The San Diego Water Board is the lead agency for the Waiver reissuance project under CEQA, and will need to evaluate the environmental impacts of the project and prepare the necessary environmental documents. The San Diego Water Board will hold a CEQA scoping meeting to solicit comments regarding the project from the public.

LEGAL CONCERNS:

NA

SUPPORTING DOCUMENTS:

- 1. Histogram of Waiver enrollments for the past four years Waiver implementation.

SIGNIFICANT CHANGES:

NA

COMPLIANCE RECORD:

NA

PUBLIC NOTICE:

This item was publicly noticed in the Meeting Notice and Agenda for the May 9, 2018 Board meeting.