

NON CHAPTER 15 PROGRAM

Since discharges to land from point sources are regulated by waste discharge requirements issued under the Non Chapter 15 Program, this program is often assumed to be applicable only to discharges to land from point sources. In fact, discharges to land from nonpoint sources can also be regulated by Non Chapter 15 waste discharge requirements. More importantly, certain discharges to surface waters from sources that are not subject to NPDES permits can be regulated under Non Chapter 15 waste discharge requirements. Such discharges include those from dredge and fill activities and those from nonpoint sources. Polluted runoff, (i.e., nonpoint source pollution) is now the primary cause of water quality problems in the San Diego region. Consequently, the authority of the SDRWQCB to issue Non Chapter 15 waste discharge requirements for nonpoint sources is a potentially very important tool to be used in addressing current water quality problems. SDRWQCB staff anticipates making increased use of this tool as greater attention is directed towards nonpoint source pollution. (See previous section on Nonpoint Source Program.) Where it is practical to do so, individual or general waste discharge requirements may be adopted for nonpoint source discharges to surface waters. Some of these nonpoint sources may be in categories for which waste discharge requirements have not been issued by the SDRWQCB in the past, possibly including categories for which waste discharge requirements are currently waived by the SDRWQCB.

Recent legislation requires that RWQCBs review and reevaluate waivers of waste discharge requirements. It is apparent from **Table NPS-5** that many of the categories of discharges covered by waivers may be considered nonpoint source discharges. Consequently review and reevaluation of waivers will provide an excellent opportunity to coordinate and integrate the SDRWQCB Non Chapter 15 and Nonpoint Source Programs. The waiver review and reevaluation will also help to bring Non Chapter 15 resources to bear on water quality and beneficial use problems and threats resulting from nonpoint sources. In some cases existing waivers and waiver conditions may be appropriate. In other cases, waivers with revised conditions, including revised monitoring and reporting requirements, may be appropriate. In other cases, it may be appropriate to replace categorical waivers with general or individual waste discharge requirements. In any case, SDRWQCB staff will need to consider how to identify and keep track of the facilities to which waivers apply and how to evaluate whether waiver conditions are met. It appears that there are not good records on which waivers apply to which facilities. It also appears that, in many cases, existing information and procedures are not adequate to enable determination of whether waiver conditions are met.

Coordination and integration of the Non Chapter 15 Program and Water Quality Certification (Wetlands) Program could also help prevent and respond to water quality and beneficial use problems. As discussed previously, water quality certification is an

important tool for protecting beneficial uses of the region's waters. However, enforcement authority is a potential weakness of the water quality certification program. In order to strengthen the ability to take enforcement action in connection with activities requiring water quality certification, it may be appropriate for waste discharge requirements incorporating the conditions of water quality certification to be issued for such activities. This would enable all the enforcement tools provided by the Porter-Cologne Act for dealing with violation of waste discharge requirements to be used where violations of conditions of water quality certification occur.

For some proposed discharges subject to regulation under the Non Chapter 15 program, the SDRWQCB is the lead agency for purposes of CEQA. This has been the case for waste discharge requirements for several different activities related to the US Navy nuclear aircraft carrier San Diego Bayhomeporting project. When the SDRWQCB is the CEQA lead agency, issuance of waste discharge requirements can be extremely time consuming and resource intensive. Consequently, it is important to recognize that "uniform cost factors" for issuance of waste discharge requirements are unlikely to provide a realistic estimate of the actual resources needed for the SDRWQCB to issue waste discharge requirements where the SDRWQCB is the CEQA lead agency.