

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

RESOLUTION R5-2008-\_\_\_\_\_

APPROVING  
WAIVER OF REPORTS OF WASTE DISCHARGE AND  
WASTE DISCHARGE REQUIREMENTS  
FOR SPECIFIC TYPES OF DISCHARGE  
WITHIN THE  
CENTRAL VALLEY REGION

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valle Water Board or Board) finds that:

1. California Water Code (CWC) section 13260(a) requires that any person discharging waste or proposing to discharge waste that could affect the quality of the waters of the State, other than into a community sewer system, shall file a Report of Waste Discharge containing such information and data as may be required by a Regional Board.
2. Pursuant to CWC section 13263, the Central Valley Water Board shall prescribe waste discharge requirements (WDRs) as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge, except those to community sewer systems.
3. Pursuant to CWC section 13269, the Central Valley Water Board may waive the requirements of CWC sections 13260 and 13263 when the Board determines that the waiver is consistent with any applicable state or regional water quality control plan and is in the public interest. Any such waiver may not exceed five years in duration (but is subject to renewal), must be conditional, and may be terminated by the Central Valley Water Board at any time.
4. In January 2003, the Central Valley Water Board adopted Resolution R5-2003-0008 *Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge Within the Central Valley Region*. Resolution R5-2003-0008 waived WDRs, and in some cases RWDs, for 12 specific types of discharge to land. These types of discharge were found to pose little threat to water quality and required little oversight as determined by past effectiveness.
6. The Central Valley Water Board, in compliance with the CWC, has reviewed the previously issued waivers set forth in Resolution R5-2003-0008 and has determined that waivers for the following types of discharges to land that pose a low threat to the quality of waters of the State should be renewed.
  - a. WDRs or Water Recycling Requirements (WRRs) for the following activities shall be subject to this conditional waiver, but any person initiating any of the following activities is still obligated to file a RWD with the Central Valley Water Board:
    - Disposal of dredge material to land, and
    - Water Reclamation for construction purposes and road dust control.

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b. WDRs for the following activities shall be subject to this conditional waiver, but any person initiating any of the following activities may still be obligated to file a RWD with the Central Valley Water Board (as delineated in Attachment A, a part of this Resolution):

- Air conditioner, cooling, and elevated temperature waters,
- Drilling muds/Boring wastes,
- Inert solid waste disposal,
- Test pumping of fresh water wells,
- Swimming pool discharges,
- Construction dewatering discharges,
- Hydrostatic testing,
- Agricultural commodity wastes, and
- Disposal of residual waste to land as a soil amendment.

7. In 2003, the State Water Resources Control Board (State Water Board) adopted Statewide General Order 2003-0003-DWQ (General Order) for certain discharges to land that pose a low threat to water quality. This Statewide General Order was not intended to supersede the authority of the Regional Water Boards to issue individual WDRs or conditional waivers.

8. The General Order requires that a person who proposes to initiate a discharge covered by the General Order file a Notice of Intent to obtain coverage or file a ROWD, pay an annual fee, supply a project map and evidence of California Environmental Quality Act (Public Resources Code section 21000, et seq.)(CEQA) compliance, and provide a monitoring plan. Several categories covered by the General Order are nearly identical to those covered by this Resolution.

For categories that are covered by the General Order and this Resolution, this Resolution only applies to those discharges within these categories that represent the very lowest threat to water quality. Criteria for determining whether the proposed discharge represents the very lowest threat to water quality are contained in Attachment A, a part of this Resolution. Categories for discharges of drilling muds/boring wastes, inert solid waste disposal, test pumping of fresh water wells, swimming pool discharges, construction dewatering discharges, and hydrostatic testing, are restricted to those instances which represent the lowest threat to water quality.

9. Waiver of WDRs for discharges from projects requiring Water Quality Certification was not renewed from the previously adopted General Waiver since discharges from dredge and fill activities are best regulated under Statewide General Order 2003-017-DWQ for "Jurisdictional" waters and Statewide General Order 2004-0004-DWQ for "Non-jurisdictional" waters.

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10. The Central Valley Water Board also reviewed a previously issued waiver for discharges to land from small, short-term sand and gravel operations. This category was included in Resolution 82-036, which expired in 2003, but was not included in Resolution R5-2003-0008, since a general order for sand and gravel operations was then being developed by State Water Board staff. However, that general order was never finalized or adopted. Therefore, conditional waiver of WDRs, but not the requirement to submit a RWD, should be reinstated for the small, short-term sand and gravel operations category.
11. Waiver of the requirement to file RWDs and waiver of the requirement to obtain WDRs for discharges that will cause no or insignificant impairment to water quality and that pose little risk of creating a nuisance condition are not against the public interest as they reduce the cost of activities that produce innocuous or small amounts of waste, are protective of the environment, and allow Board staff to direct valuable resources to address waste discharges that have significant potential to degrade water quality or create nuisance.
12. Waiver of RWDs under a discharge category does not preclude the Executive Officer from requesting a RWD for a specific project as necessary.
13. Waiver of WDRs and in some instances RWDs for discharge categories covered under the Resolution R5-2003-0008, were previously waived under Resolution 82-036. As lead agency under CEQA, the Central Valley Water Board determined that adoption of Resolution 82-036 waiving WDRs for 23 specific discharges to land would not cause a significant environmental impact and, on 23 December 1981, the Board adopted a Negative Declaration. Pursuant to California Code of Regulations, title 14, section 15162, a subsequent environmental impact report or negative declaration is not required.
14. The conditional waiver is consistent with State Water Resources Control Board Resolution 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California) in that the waiver of WDRs imposes conditions to prevent impacts to water quality and authorizes no degradation of water quality, will not unreasonably affect beneficial uses of water, and will not result in water quality less than that prescribed in plans and policies.
15. The Central Valley Water Board conducted a public hearing on \_\_\_\_\_ 2008 in Rancho Cordova, California, and considered all testimony and evidence concerning this matter.

**THEREFORE BE IT RESOLVED**, that in accordance with CWC section 13269, the Central Valley Water Board adopts the "*Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge*" as set forth in Attachment A, hereafter informally referred to as the "General Waiver," and that;

1. The Central Valley Water Board waives the requirement to obtain WDRs and/or WRRs, and for some instances the requirement to submit a RWD and filing fee, for discharge types that fulfill the conditions set forth in Attachment A of this Order.

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2. Discharges that result from emergency work or emergency projects as described under CWC section 13269(c) are not affected by this action.
3. Discharge of wastes to wetlands, surface waters, drainage courses, or biologically sensitive areas, is prohibited.
4. Based on the testimony received at the aforementioned hearing, and the above-noted findings, the General Waiver is not against the public interest provided dischargers subject to such waiver:
  - (a) comply with the conditions for waiver of waste discharge requirements as set forth in the General Waiver;
  - (b) file with the Central Valley Water Board a Report of Waste Discharge and filing fee when required as part of the General Waiver; and
  - (c) comply with applicable State and Central Valley Water Board plans and policies.
5. For those discharges requiring submittal of a RWD, the discharger must submit the fee specified in California Code of Regulations, title 23, section 2200, for a threat to water quality and complexity of "3C".
6. Based on the above-noted findings, it is not necessary at this time to adopt individual or general waste discharge requirements for the categories of discharges identified in Attachment A that are conducted in accordance with the conditions specified in the General Waiver, as these types of discharges are considered to be of low threat to water quality.
7. For those categories that are also covered by the General Order, this waiver shall only apply to those discharges that are of such good quality and of limited volume/duration that coverage under the General Order is not necessary. Specifically:
  - Non-contact cooling water discharges;
  - Drilling muds/Boring wastes;
  - Inert solid waste disposal;
  - Test pumping of fresh water wells;
  - Swimming pool discharges;
  - Construction dewatering discharges; and
  - Hydrostatic testing.
8. The discharge of any waste not specifically regulated by the General Waiver is prohibited unless the discharger complies with CWC section 13260(a) and the Central Valley Water Board either issues waste discharge requirements pursuant to CWC

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section 13263 or an individual waiver pursuant to CWC section 13269, or the time frames specified in CWC Section 13264(a) have elapsed.

9. This General Waiver shall not create a vested right and all such discharges shall be considered a privilege, as provided for in CWC section 13263.
10. Pursuant to CWC section 13269, this action waiving the issuance of WDRs for certain specific types of discharges: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Central Valley Water Board from administering enforcement remedies (including civil liability) pursuant to the CWC or any other applicable provision of law.
11. As provided by CWC section 13350(a), any person may be civilly liable if that person is in violation of a waiver condition or WDRs, intentionally or negligently discharges waste, or causes waste to be deposited where it is discharged, into the waters of the State or creates a condition of pollution or nuisance.
12. The Executive Officer or Central Valley Water Board may terminate the applicability of the General Waiver described herein as to any type of discharge or individual discharger at any time when such termination is in the public interest or the activity could affect the quality or beneficial uses of the waters of the State
13. The Central Valley Water Board may review the General Waiver at any time and may modify or terminate the General Waiver in its entirety, as applicable for a specific type of discharge, or for individual dischargers, as is appropriate.
14. This General Waiver shall expire on **4 December 2013**, unless terminated or renewed by the Central Valley Water Board.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on \_\_\_\_\_.

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PAMELA C. CREEDON, Executive Officer

Order Attachments:

A. Specific Discharges Covered by the General Waiver

Staff Report

kc/DKP: 10/27/08