

State of California
California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. R8-2019-0062

**Waiver of Waste Discharge Requirements
for Specific Types of Discharges**

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Water Board), finds that:

1. Section 13263(a) of the California Water Code requires regional water boards to prescribe requirements for existing and proposed waste discharges in their respective areas of jurisdiction.
2. Section 13269 of the California Water Code authorizes Regional Water Boards to waive waste discharge requirements for a specific discharge or specific types of discharges where such a waiver is consistent with applicable water quality control plans and is in the public interest.
3. The waiver of waste discharge requirements for discharges that do not pose a significant threat to water quality would enable staff resources to be used effectively and avoid unnecessary expenditures of these limited resources and, thus, is in the public interest.
4. Section 13269(a)(2) of the California Water Code requires Regional Water Boards to review and renew or terminate all waivers every five years and to conduct a public hearing prior to renewing any waiver for a specific type of discharge in order to determine whether the discharge should be subject to general or individual waste discharge requirements.
5. On March 22, 2013, the Regional Water Board adopted Resolution No. R8-2013-0015, waiving waste discharge requirements for specific types of discharges. Since Resolution No. R8-2013-0015 was adopted more than five years ago, the Regional Water Board must review the conditions specified for these discharges in the resolution, prior to renewal or termination pursuant to Section 13269 of the California Water Code.
6. Attachment "A" to Resolution No. R8-2013-0015 lists specific types of discharges that were anticipated not to pose a significant threat to water quality. Regional Water Board staff has reviewed the waiver conditions for these specific types of discharges and determined that the waiver of WDRs for the following types of discharges are no longer necessary:
 - a. Inert Waste Disposal Operations
 - b. Residential, Industrial, and Commercial Onsite Wastewater Disposal Systems (septic tanks) Not Within Prohibition Areas
 - c. Composting Research Projects

Either a Regional Water Board General Order, a State Water Resources Control Board General Order, or a statewide policy has been developed since 2013 to regulate the above three types of discharge.

7. Attachment "A" to Resolution No. R8-2019-0062 (**hereinafter Resolution**) has been updated to exclude the three types of discharges described in Finding 6, above.
8. Specific types of discharges listed in Attachment "A" to this Resolution are expected to continue to have an insignificant effect on the quality of waters of the State, provided the corresponding criteria and conditions are met. Each such discharge would be considered on a case-specific basis to determine whether and what additional conditions are required to protect the quality of waters of the State, or whether coverage under individual or general waste discharge requirements is necessary.
9. Waiving waste discharge requirements for the specific types of discharges listed in Attachment "A" is in the public interest. These discharges will not have an adverse impact on water quality standards or the environment, provided that the discharger satisfies the criteria and conditions identified in Attachment "A" and any additional conditions specified by the Executive Officer as the result of case-specific consideration of the proposed discharge. Further, the Executive Officer has the authority to deny a request for a waiver where such a waiver would not be in the public interest.
10. On September 6, 2002, the Regional Water Board adopted an Initial Study and Negative Declaration regarding the waiver of waste discharge requirements for the specific types of discharges listed in Attachment "A" in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and the State Guidelines. The types of activities identified in Attachment "A" will not have a significant effect on the environment provided they are conducted in conformance with the criteria and conditions specified in Attachment "A" and any additional criteria/conditions specified by the Executive Officer in issuing a waiver of waste discharge requirements.
11. On October 25, 2019, the Regional Water Board held a public meeting and considered all the evidence concerning this matter. Notice of this hearing was given to all interested persons in accordance with the California Government Code Section 11125.

THEREFORE, BE IT RESOLVED that the California Regional Water Quality Control Board, Santa Ana Region:

1. Waives waste discharge requirements for the specific types of discharges listed in Attachment "A", except those for which individual waste discharge

requirements or general waste discharge requirements have already been adopted. Waste discharge requirements are waived for each specific type of discharge listed provided that the corresponding criteria and conditions are met.

2. Waste discharge requirements for the specific types of discharges listed in Attachment "A" that were waived by previous resolutions adopted by the Regional Water Board continue, provided that the corresponding criteria and conditions continue to be met.
3. For new discharges, waste discharge requirements for a specific discharge shall be considered waived only after a Report of Waste Discharge¹ is submitted and the Executive Officer determines that the conditions specified in Attachment "A" for the specific type of discharge will be met.
4. Any action under this waiver is conditional and may be terminated for any type of discharge or any specific discharge at any time within the term of this waiver.
5. Waste discharge requirements for a specific discharge shall be considered waived only after the Executive Officer determines that the conditions specified in Attachment "A" for the specific type of discharge will be met.
6. The Executive Officer is authorized to deny a waiver of waste discharge requirements and to recommend the issuance of individual waste discharge requirements or coverage under general waste discharge requirements for projects that would result in the discharge of waste that may have a significant impact on the water quality standards of the State.

I, Hope A. Smythe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on October 25, 2019.

Original
signed by
Hope A. Smythe
Executive Officer

¹ The need to file a formal Report of Waste Discharge, pursuant to CWC Section 13260, may be waived by the Executive Officer on a case-by-case basis.

Attachment "A"

TYPES OF DISCHARGE	CRITERIA AND CONDITIONS
Sand, Gravel, and Quarry Operations	<ol style="list-style-type: none">1. All operations and wash waters are contained within the facility,2. No waste discharge (including storm water runoff from operations areas) to surface waters will occur, and3. Stockpiles and settling basins will be protected from inundation from 100-year peak storm flows.
Monitoring Well Purge Water	<ol style="list-style-type: none">1. Purge water is discharged to the ground in a manner so that it will percolate back into the aquifer in the same general area from which it came, and2. Adequate measures will be taken to prevent purge water from reaching surface waters.
Well Drill Cuttings	<ol style="list-style-type: none">1. Cuttings have been tested and verified as non-hazardous, and2. Cuttings disposed of or used in a manner to not affect water quality or beneficial uses.
Incidental Discharge of Oily Wastewater During Oil Spill Response Activities	<ol style="list-style-type: none">1. Discharges occur during an oil spill response activity, and2. Discharges are within or proximate to the oil spill response area.

<p style="text-align: center;">Groundwater Recharge Projects Using Imported Water</p>	<ol style="list-style-type: none"> 1. Any agency that intentionally recharges imported water within the Santa Ana Region will collect, compile, and analyze nitrate-nitrogen, total dissolved solids (N/TDS) and constituents of emerging concern (CECs) water quality data necessary to determine whether the intentional recharge of imported water in the Region may have a significant adverse impact on compliance with the N/TDS objectives within the Region, and 2. The recharge proponent must be a signatory to the <i>“Cooperative Agreement to Protect Water Quality and Encourage the Conjunctive Uses of Imported Water in the Santa Ana River Basin,”</i> and the executed amendments, or a similar agreement with the Regional Water Board.
<p style="text-align: center;">Other Insignificant Discharges of Wastewater to Land (e.g. potable water pipeline draining, groundwater dewatering, etc.)</p>	<ol style="list-style-type: none"> 1. All wastewater discharged in a manner so that it will percolate into the ground before reaching surface waters, and 2. All wastewater disposed of or used in a manner so as to not affect water quality or beneficial uses.

The following conditions apply to all of the above types of discharges:

1. Implementation of the project shall not create a nuisance or pollution as defined in the California Water Code Section 13050.
2. The project shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the State Water Resources Control Board, as required by the Clean Water Act.
3. The discharge of any substance in concentrations toxic to animal or plant life is prohibited.
4. The waiver of waste discharge requirements may be terminated by the Executive Officer at any time.
5. Discharges subject to discretionary approval by other agencies will be eligible for a waiver only after the completion of any documentation required by the California Environmental Quality Act.

6. Compliance with the criteria and conditions identified for each type of discharge does not guarantee issuance of a waiver. Each waiver request will be considered on a case-specific basis. The Executive Officer, at his/her discretion, may deny the request for a waiver and recommend coverage of the discharge under an individual waiver, or coverage under individual or general waste discharge requirements as appropriate to protect water quality.