CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

RESOLUTION NO. R9-2007-0104

AMENDMENT TOTHE
WATER QUALITY CONTROL PLAN FOR THE
SAN DIEGO BASIN (9) TO INCORPORATE THE REVISED
CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS
FOR SPECIFIC TYPES OF DISCHARGE WITHIN THE SAN DIEGO REGION

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

1. Section 13260(a)(1) of the Water Code requires that any person (including any city, county, district, or other entity) discharging, or proposing to discharge, wastes within the San Diego Region that could affect the quality of waters of the state, other than into a community sewer system, must file a report of waste discharge (RoWD) with the San Diego Water Board.

2. Section 13050 of the Water Code defines waters of the state as any surface or groundwater, including saline waters, within the boundaries of the state.

3. Section 13263(a) of the Water Code requires that the San Diego Water Board prescribe discharge requirements for any existing or proposed waste discharges within its area of jurisdiction, except discharges into a community sewer system, even if no RoWD has been filed.

4. Section 13269 of the Water Code gives the San Diego Water Board the authority to conditionally waive the provisions of sections 13260(a)(1) and/or 13263(a) for a specific discharge or specific type of discharge where such a waiver is consistent with the Basin Plan and in the public interest and the following conditions are met: 1) the waiver is conditional, 2) waiver conditions include performance of individual, group, or watershed-based monitoring, except for discharges that the State Water Resources Control Board (State Water Board) or a Regional Water Quality Control Board (Regional Water Board) determines not to pose a significant threat to water quality, 3) compliance with waiver conditions by the discharger, and 4) a public hearing is held.

5. According to Water Code section 13350(a)(2), any person who discharges waste in violation of any waiver condition shall be liable civilly, and remedies may be proposed, in accordance with Water Code section 13350(d) or (e).

6. Section 13269 of the Water Code does not give the San Diego Water Board the authority to issue conditional waivers of waste discharge requirements for

discharges subject to federal regulation under Chapter 5.5, commencing with section 13370, Division 7 of the Water Code, implementing the federal Clean Water Act and the Federal National Pollutant Discharge Elimination System (NPDES) regulations.

7. A conditional waiver for a specific discharge or specific type of discharge may be terminated at any time by the State Water Board or San Diego Water Board. A conditional waiver is not required to be used by the San Diego Water Board. Even if a discharger complies with all the conditions of a conditional waiver, the San Diego Water Board may choose to regulate any specific discharge with waste discharge requirements.

8. Nevertheless, there are several types or categories of discharge for which waivers are desirable. Conditional waivers allow the San Diego Water Board to utilize fewer resources, allowing it to focus on discharges that have a higher potential threat to water quality in the Region. Dischargers also benefit from fewer resource requirements when discharging in compliance with a conditional waiver. Therefore, issuing conditional waivers for discharges, whenever possible, is in the best interest of the San Diego Water Board, the dischargers, and the public.

9. The 26 existing conditional waivers renewed by Resolution No. R9-2002-0186 became effective January 1, 2003 and will expire December 31, 2007.

10. When the existing 26 waivers were originally adopted in either 1983, 1993, and/or 1995, the San Diego Water Board acted as lead agency for the projects under the California Environmental Quality Act (CEQA) [Public Resources Code section 21000 et seq.] and adopted Negative Declarations concurrently with the resolutions adopting those conditional waivers. Because the proposed conditions in this Basin Plan amendment for the 26 existing waivers do not differ significantly from the current waiver conditions, the CEQA does not require additional environmental analysis of these waivers in order to renew them with this Resolution.

11. The San Diego Water Board, in compliance with Water Code section 13269, reviewed the waiver conditions for the specific types of discharge eligible for the existing conditional waivers and determined that the waiver conditions should be revised to improve the protection of water quality in the San Diego Region. The existing conditional waivers and proposed revisions to the waiver conditions are reviewed and discussed in Appendix A of the Technical Report entitled *Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region*.

12. The San Diego Water Board also reviewed other specific types of discharge in the San Diego Region that should be allowed to be eligible for conditional waivers. Nine (9) additional specific types of discharge were identified that could be allowed to be eligible for conditional waivers, which include the following:

    a) "Low threat" discharges to land.
    b) Discharges from on-site graywater systems.
    c) Discharges from grazing lands.

d) Wildfire suppression and fuels management activities.
e) Discharge/reuse of soils characterized as inert from known contaminated sites.
f) Concrete grinding residues.
g) Temporary waste piles and surface impoundments for disaster related wastes.
h) Temporary waste piles and emergency landfills for mass mortality wastes.
i) Discharges of wastes related to fireworks displays.

These new types of discharge and proposed waiver conditions are reviewed and discussed in Appendix B of the Technical Report entitled *Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region*.

13. In order to simplify the use of the conditional waivers and waiver conditions, the types of discharge with similar discharge properties, locations, and/or waiver conditions were grouped according to discharge classifications, as shown in Table D-1 in Attachment A. General waiver conditions were developed for a discharger or discharge operation, or all specific types of discharge within a discharge classification. Specific waiver conditions were developed for specific types of discharge within a discharge classification, as applicable.

14. The conditional waivers in the Basin Plan should be amended and issued in accordance with the revisions proposed in section 7 of the Technical Report to allow the certain specific types of discharge to be eligible for conditional waivers. Discharges that can comply with waiver conditions are not expected to pose a significant threat to the quality or beneficial uses of waters in the San Diego Region.

15. Because the conditional waivers are part of the Basin Plan, renewing and issuing the conditional waivers with the proposed revisions require a Basin Plan amendment.

16. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the California Regional Water Quality Control Boards' basin planning process as a "certified regulatory program" that adequately satisfies the CEQA (Public Resources Code, section 21000 et seq.) requirements for preparing environmental documents [California Code of Regulations Title 14 section 15251(g) and Title 23 section 3782]. As such, the documents supporting the San Diego Water Board's proposed basin planning action contain the required environmental documentation, including an environmental checklist, under the CEQA and serve as "substitute documents" [California Code of Regulations Title 23 section3777]. The substitute documents for this project include the environmental checklist, the detailed Technical Report, the Resolution and Basin Plan amendment, and responses to comments submitted during the public participation phase in the development of this Resolution.

17. Because the San Diego Water Board already approved and adopted Negative Declarations for the specific types of discharge adopted by Resolution No. R9-2002-0186, the scope of the environmental analysis required to satisfy CEQA for this Basin Plan amendment was limited to the 9 specific types of discharge added to the revised conditional waivers.

18. The San Diego Water Board circulated a draft Technical Report and environmental checklist and analysis describing the proposed activity to interested individuals and public agencies for review and comment.

19. The accompanying substitute environmental documents satisfy the requirements of substitute documents for a Tier 1 environmental review under CEQA, pursuant to Public Resources Code section 21159 and California Code of Regulations Title 14 section 15187. Project level impacts will need to be considered in any subsequent environmental analysis performed by other entities implementing projects to comply with waiver conditions pursuant to Public Resources Code section 21159.2.

20. The Basin Plan amendment and conditional waivers are consistent with State Water Board Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality Waters in California*), the state's "Antidegradation Policy," Likewise, the Basin Plan amendment and conditional waivers are consistent with the federal Antidegradation Policy [Code of Federal Regulations Title 40 section 131.12]. The San Diego Water Board must maintain high quality waters of the state unless it is demonstrated that any degradation will be consistent with the maximum benefit to the people of the state, will not unreasonably affect beneficial uses, and will not result in water quality worse than that described in the San Diego Water Board's policies. The conditional waivers in the Basin Plan amendment include conditions that require dischargers to minimize or eliminate discharges of pollutants that can have adverse impacts on the water quality that supports beneficial uses of waters of the state. Conditional waivers for specific discharges can be terminated if waiver conditions are not met.

21. The San Diego Water Board has notified all known interested persons and the public of its intent to consider adoption of the proposed Basin Plan amendment in accordance with Water Code section 13244. Interested persons and the public have had reasonable opportunity to participate in review of the proposed Basin Plan amendment. Efforts to solicit public review and comment have included a public workshop and CEQA scoping meeting held on April 5, 12007; a public review and comment period beginning at least 30-days preceding the public hearing; and a public hearing held on August 8, 2007.

22. The San Diego Water Board has considered all comments pertaining to this Basin Plan amendment submitted to the San Diego Water Board in writing, or by oral presentations at the public hearing held on August 8, 2007. Detailed responses to relevant comments have been incorporated into a Response to Comments document (Appendix E to the Technical Report).

23. The San Diego Water Board has considered the costs of implementing the proposed Basin Plan amendment. The proposed amendment will not result in any additional economic burden for dischargers, except for dischargers that would like to be eligible for Conditional Waiver No. 4, which is for discharges from agricultural and nursery operations. Agricultural and nursery operations that would like to be enrolled under Conditional Waiver No. 4 must prepare a Monitoring and Reporting Program Plan

(MRPP) and Quality Assurance Project Plan (QAPP), conduct monitoring, and submit a Monitoring Program Report (MPR).

24. This Basin Plan amendment will result in no adverse effect, either individually or cumulatively, on wildlife.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The San Diego Water Board hereby adopts the Amendment to the *Water Quality Control Plan for the San Diego Basin (9)* to Incorporate the Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region as set forth in Attachment A to this Resolution.

2. The San Diego Water Board hereby approves the Technical Report entitled *Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region*, dated October 10, 2007.

3. The substitute environmental documents prepared pursuant to Public Resources Code section 21080.5 are hereby certified, and the Executive Officer is directed to file a Notice of Decision with the Resources Agency after State Water Board and Office of Administrative Law approval of the Basin Plan amendment, in accordance with Public Resources Code section 21080.5(d)(2)(E) and California Code of Regulations Title 23 section 3781.

4. The Executive Officer is authorized to sign a Certificate of Fee Exemption for a no adverse impact finding and shall submit this Certificate *in lieu* of payment of the California Department of Fish and Game (CDFG) filing fee.

5. The Executive Officer is directed to submit this Basin Plan amendment to the State Water Board for approval in accordance with Water Code section 13245.

6. If, during the approval process for this amendment, the San Diego Water Board, State Water Board, or Office of Administrative Law determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the San Diego Water Board of any such changes.

I, John H. Robertus, 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, San Diego Region, on October 10, 2007.

JOHN H. ROBERTUS
Executive Officer

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Attachment A to Resolution No. R9-2007-0104

Amendments to
Chapter 4 and Appendix D of the Basin Plan

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ATTACHMENT A
TO RESOLUTION NO. R9-2007-0104

AMENDMENT TO THE *WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO BASIN (9)* TO INCORPORATE THE REVISED CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS FOR SPECIFIC TYPES OF DISCHARGE WITHIN THE SAN DIEGO REGION

This Basin Plan amendment incorporates and authorizes the revised conditional waivers of waste discharge requirements for specific types of discharge within the San Diego Region. Chapter 4, Table 4-4, the Table of Contents for the Appendices, and Appendix D of the Basin Plan are amended as follows with revisions shown in ~~red strikeout~~ text for deletions, and blue underlined text for additions:

CHAPTER 4 – IMPLEMENTATION

CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS ~~WAIVER POLICY~~

The Regional Board may waive issuance of waste discharge requirements and/or the requirement to file reports of waste discharge for a specific discharge or specific types of discharge pursuant to ~~California~~ Water Code Section 13269 if such waiver is determined ~~not~~ to be ~~against~~ consistent with the Basin Plan and in the public interest.

The waiver of adoption of waste discharge requirements is not applicable to discharges subject to federal NPDES ~~permit~~ regulations. The federal Clean Water Act does not provide for a waiver of the need to obtain an NPDES permit for point source discharges of pollutants to surface waters.

Amendments to ~~California~~ Water Code Section 13269, effective January 1, 2003 provided that waivers may not exceed five years duration and must be conditional. Under these amendments the regional boards were required to:

- Renew waivers every five years;
- Review the terms, conditions and effectiveness of each ~~type of~~ waiver ~~included in their waiver policies~~ at a public hearing;
- Determine if general or individual waste discharge requirements should be issued for ongoing discharges where waivers have been terminated; and,
- Require compliance with waiver conditions.

~~The~~A waiver of waste discharge requirements is conditional and may be terminated at any time by the Regional Board for any specific discharge or any specific type of discharge. A conditional waiver is not required to be used by the Regional Board. Even if a discharger complies with all the conditions of a conditional waiver, the Regional Board may still choose to regulate any specific discharge with waste discharge requirements.

The Regional Board has determined that a waiver of adoption of waste discharge requirements for a specific type of discharge would not be against the public interest under one or more of the following circumstances:

- The type of discharge is effectively regulated by other public agencies; or
- The type of discharge does not adversely affect the quality or the

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beneficial uses of the waters of the state; or

- The type of discharge is not readily amenable to regulation through adoption of waste discharge requirements but warrants Regional Board oversight to insure compliance with mandated conditions.

On ~~September 11, 2002~~October 10, 2007, the Regional Board conditionally waived adoption of waste discharge requirements for certain specific types of discharges described in Table 4-4. ~~This~~These conditional waivers took effect on January 1, ~~2003~~2008 and expire~~s~~ on January 1, ~~2008~~2013~~, except for discharges for which Table 4-4 specifies an earlier expiration date~~.

The following general conditions apply to all discharge~~s~~ types described in Table 4-4:

- The discharge shall not create a nuisance or pollution as defined in the ~~California~~ Water Code; and
- The discharge shall not cause a violation of any appliciable water quality standard for the receiving waters adopted by the Regional Board, or the State Water Resources Control Board, as required by the Clean Water Act; and
- The discharge of any substance in concentrations toxic to animal or plant life is prohibited.

In addition, the discharges must satisfy the specific conditions described in Table 4-4 and Appendix D.

~~The discharges in Table 4-4 have been assigned to either Category 1 or Category 2, for purpose of Regional Board oversight for determination of compliance with waiver conditions. Discharges covered by Category 1 waivers pose a greater potential threat to water quality than those in Category 2.~~

~~For Category 1 waivers, waste discharge requirements for a specific discharge shall be considered waived only after enrollment in accord with procedures established by the Regional Board. For most of the discharges in Category 1, programs administered by the Regional Board or other public agencies will provide the information necessary to satisfy the enrollment requirements. No additional enrollment procedures will be necessary for these discharges.~~

~~An enrollment process has been established for the remaining discharges. Dischargers may contact the Regional Board office to determine if enrollment is necessary for a specific discharge. The Regional Board will determine compliance with Category 1 waiver conditions using a program that includes on-site inspections and/or review of the records of other public agencies that regulate these discharges.~~

~~For Category 2 waivers, enrollment is not necessary. The Regional Board will assess compliance with Category 2 waiver conditions by means of surveys or other indirect methods.~~

Table 4-4 Types of Discharge Eligible for Conditional Waivers of Waste Discharge Requirements

Conditional Waiver No.	Discharge Classification	Types of Discharge Included in Conditional Waiver Discharge Classification	Conditions
1	Discharges from on-site disposal systems	a) Discharges from conventional septic tank/subsurface disposal systems for residential units b) Discharges from conventional septic tank/subsurface disposal systems for commercial/industrial establishments c) Discharges from alternative individual sewerage systems d) Discharges from conventional septic tank/subsurface disposal systems for campgrounds e) Discharges from on-site graywater disposal systems	See Appendix D
2	"Low threat" discharges to land	a) Discharges from construction and test pumping of water wells to land b) Discharges of air conditioner condensate and non-contact cooling water to land c) Swimming pool discharges to land d) Discharges from short-term construction dewatering operations to land e) "Low Threat" discharges to land and/or groundwater including the following: -Groundwater pumped from drinking water wells -Groundwater from foundation drains, crawl space pumps, and footing drains -Discharges from flushing water lines -Discharges from washing vehicles, pavement, buildings, etc. -Infiltration from residential/commercial/industrial/recreational facility landscape and lawn irrigation using groundwater or municipal supply water -Infiltration from structural infiltration-based BMPs	See Appendix D

Table 4-4 Types of Discharge Eligible for Conditional Waivers of Waste Discharge Requirements

Conditional Waiver No.	Discharge Classification	Types of Discharge Included in Conditional Waiver Discharge Classification	Conditions
3	Discharges from animal operations	a) Discharges from medium animal feeding operations (300-999 animal units, where 1 animal unit is equivalent to 1 cow or 1,000 animal units) b) Discharges from small animal feeding operations (less than 300 animal units) c) Discharges of storm water runoff d) Discharges of manure to composting operations e) Discharge/application of manure to soil as an amendment or mulch f) Discharges from grazing lands	See Appendix D
4	Discharges from agricultural and nursery operations	a) Discharges of plant crop residues to land b) Discharges of storm water runoff c) Discharge/application of amendments or mulches to soil d) Discharges of agricultural irrigation return water e) Discharges of nursery irrigation return water f) Discharges of green wastes to composting operations	See Appendix D
5	Discharges from silvicultural operations	a) Discharges of storm water runoff b) Discharges from timber harvesting projects c) Discharges of green wastes to composting operations d) Discharges from wildfire suppression and fuels management activities	See Appendix D
6	Discharges of dredged or fill materials nearby or within surface waters	a) Discharges from sand and gravel mining operations b) Discharges from dredging projects c) Discharges from stream channel alternation projects d) Other projects proposing to discharge dredged or fill material nearby or within surface waters of the state	See Appendix D

Table 4-4 Types of Discharge Eligible for Conditional Waivers of Waste Discharge Requirements

Conditional Waiver No.	Discharge Classification	Types of Discharge Included in Conditional Waiver Discharge Classification	Conditions
7	Discharges of recycled water to land	a) Discharges to land from short-term recycled water projects (without permanent recycled water delivery and/or distribution systems, not to exceed 365 days) b) Discharges to land from permanent recycled water projects (with permanent recycled water delivery and/or distribution systems, limited to the period prior to the discharge being authorized and regulations under WDRs, WRRs, and/or MRP, not to exceed 365 days)	See Appendix D
8	Discharges/ disposal of solid wastes to land	a) Discharges of plant crop residues to land b) Discharges of manure and green wastes to composting operations c) Discharge/application of amendments and mulches to soil d) Discharges of inert wastes to solid waste disposal facilities accepting only inert wastes e) Discharges of soils containing wastes to temporary waste piles f) Discharge/disposal/reuse of soils characterized as inert from contaminated sites to land	See Appendix D
9	Discharges of slurries to land	a) Discharges of on-site drilling mud to land b) Discharges of concrete grinding residues to land	See Appendix D
10	Discharges of emergency/ disaster related wastes	a) Incidental discharges of oil and oily water within a response area during an oil spill response in marine waters b) Discharges of disaster related waste to temporary waste piles and surface impoundments c) Discharges of mass mortality wastes to temporary waste piles and emergency landfills d) Other discharges of emergency/disaster related wastes	See Appendix D
11	Aerially discharged wastes over land	a) Discharges of wastes related to fireworks displays over land b) Other wastes discharged aerially over land that may adversely affect the quality of the groundwaters of the state, but determined to be “low threat” by the San Diego Water Board	See Appendix D

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~~TYPE OF WASTE DISCHARGE~~	~~SPECIFIC CONDITION(S)~~	~~WAIVER CATEGORY~~	~~REFERENCES, REMARKS, ETC.~~
~~1. Conventional septic tank/subsurface disposal systems for residential units.~~	~~Subject to the conditions set forth in the *Basin Plan, Chapter 4, (Implementation)* section entitled *Guidelines for New Community and Individual Sewerage Facilities*, and where systems are not constructed within areas designated as Zone A as defined by the California Department of Health Services' *Drinking Water Source Assessment and Protection Program*. This waiver applies until six months after the State Water Resources Control Board adopts statewide criteria for on-site disposal systems pursuant to AB 885.~~	~~1~~	~~*Basin Plan, Chapter 4 (Implementation)* section entitled *Guidelines for New Community and Individual Sewerage Facilities, Drinking Water Source Assessment and Protection Program,* California Department of Health Services (DHS).~~ ~~AB 885 requires that the State Water Resources Control Board develop statewide criteria for on-site disposal systems by January 1, 2004.~~
~~2. Conventional septic tank/subsurface disposal systems for commercial/industrial establishments.~~	~~Subject to the conditions set forth in the *Basin Plan, Chapter 4, (Implementation)* section entitled *Guidelines for New Community and Individual Sewerage Facilities*, and where systems are not constructed within areas designated as Zone A as defined by the California Department of Health Services' *Drinking Water Source Assessment and Protection Program*. This waiver applies until six months after the State Water Resources Control Board adopts statewide criteria for on-site disposal systems pursuant to AB 885.~~	~~1~~	~~*Basin Plan, Chapter 4 (Implementation)* section entitled *Guidelines for New Community and Individual Sewerage Facilities, Drinking Water Source Assessment and Protection Program,* California Department of Health Services (DHS).~~ ~~AB 885 requires that the State Water Resources Control Board develop statewide criteria for on-site disposal systems by January 1, 2004.~~

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~~TYPE OF WASTE DISCHARGE~~	~~SPECIFIC CONDITION(S)~~	~~WAIVER CATEGORY~~	~~REFERENCES, REMARKS, ETC.~~
~~3. Alternative individual sewerage systems.~~	~~Subject to the conditions set forth in the *Basin Plan, Chapter 4, (Implementation)* section entitled *Guidelines for New Community and Individual Sewerage Facilities*, and where systems are not constructed within areas designated as Zone A as defined by the California Department of Health Services' *Drinking Water Source Assessment and Protection Program.* This waiver applies until six months after the State Water Resources Control Board adopts statewide criteria for on-site disposal systems pursuant to AB 885.~~	~~1~~	~~*Basin Plan, Chapter 4 (Implementation)* section entitled *Guidelines for New Community and Individual Sewerage Facilities, Drinking Water Source Assessment and Protection Program,* California Department of Health Services (DHS).~~ ~~AB 885 requires that the State Water Resources Control Board develop statewide criteria for on-site disposal systems by January 1, 2004.~~
~~4. Conventional septic tank/subsurface disposal systems for campgrounds.~~	~~Where no facilities are provided which would enable recreational vehicles to connect with the campground sewerage system, and where systems are not constructed within areas designated as Zone A as defined by the California Department of Health Services' Drinking Water Source Assessment and Protection Program.~~	~~1~~	~~*Basin Plan, Chapter 4 (Implementation) section entitled Guidelines for New Community and Individual Sewerage Facilities, Drinking Water Source Assessment and Protection Program, California Department of Health Services (DHS).*~~
~~5. Construction and test pumping of water wells.~~	~~Where the well water pumped is uncontaminated; and where the well was not constructed for and is not to be used in ground water cleanup operations.~~	~~2~~	
~~6. Air conditioner condensate.~~		~~2~~	

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~~TYPE OF WASTE DISCHARGE~~	~~SPECIFIC CONDITION(S)~~	~~WAIVER CATEGORY~~	~~REFERENCES, REMARKS, ETC.~~
~~7. Animal feeding operations for the following species in the numbers indicated: goats, swine, sheep, horses, buffalo and poultry.~~ ~~Slaughter and feeder cattle (300 to 1000 animals)~~ ~~Swine (750 to 2500 animals)~~ ~~Horses (150 to 500 animals)~~ ~~Sheep or lambs (3000 to 10,000 animals)~~ ~~Turkeys (16,500 to 55,000 animals)~~ ~~Laying hens or broilers (9000 to 30,000 animals)~~ ~~Ducks (1500 to 5000 animals)~~ ~~Mixed species (cumulative total of 300 to 1000 animal units, as defined in 40 CFR 122, Appendix B)~~	~~Where the animal feeding operation is not a "concentrated animal feeding operation" under U.S. EPA regulations pertaining to the National Pollutant Discharge Elimination System. the facility is operated and maintained in conformance with the regulations cited in Sections 22562 through 22565, Division 2, Title 27 of the California Code of Regulations, and where wastes are not discharged to water courses, except where rainfall exceeds the capacity of a facility that is in conformance with these regulations.~~	~~1~~	~~*United States Environmental Protection Agency Consolidated Permit Regulations, 40 CFR 122.54 and United States Environmental Protection Agency Guide Manual on NPDES Regulations for Concentrated Animal Feeding Operations.*~~

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~~TYPE OF WASTE DISCHARGE~~	~~SPECIFIC CONDITION(S)~~	~~WAIVER CATEGORY~~	~~REFERENCES, REMARKS, ETC.~~
~~8. Animal feeding operations for the following species in the numbers indicated:~~ ~~Slaughter and feeder cattle (less than 300)~~ ~~Swine (less than 750 animals)~~ ~~Horses (less than 150 animals)~~ ~~Sheep or lambs (less than 3000 animals)~~ ~~Turkeys (less than 16,500 animals)~~ ~~Laying hens or broilers (less than 9000 animals)~~ ~~Ducks (less than 1500 animals)~~ ~~Goats (any number)~~ ~~Buffalo (any number)~~ ~~Mixed species (cumulative total of less than 300 animal units, as defined in 40 CFR 122, Appendix B)~~	~~Where the facility is operated and maintained in conformance with the regulations cited in Sections 22562 through 22565, Division 2, Title 27 of the California Code of Regulations, and where wastes are not discharged to water courses, except where rainfall exceeds the capacity of a facility that is in conformance with these regulations.~~	~~2~~	~~United States Environmental Protection Agency Consolidated Permit Regulations, 40 CFR 122.54 and United States Environmental Protection Agency *Guide Manual on NPDES Regulations for Concentrated Animal Feeding Operations*.~~

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~~TYPE OF WASTE DISCHARGE~~	~~SPECIFIC CONDITION(S)~~	~~WAIVER CATEGORY~~	~~REFERENCES, REMARKS, ETC.~~
~~9. Plant crop residues.~~	~~Where such residues are plowed into fields (as opposed to being disposed of en masse, e.g. in a pit).~~	~~2~~	~~For the purposes of this document, "plant crop residues" shall be defined as waste plant crops and nonmarketable portions of plants.~~
~~10. Storm water runoff.~~	~~Where no NPDES permit is required, and where appropriate best management practices, such as those recommended by US EPA's Risk Reduction Engineering Laboratory, are implemented to minimize the discharge of contaminants in runoff infiltrating to ground water aquifers.~~	~~2~~	~~United States Environmental Protection Agency *Project Summary, Potential Groundwater Contamination from Intentional and Nonintentional Stormwater Infiltration*~~
~~11. Sand and gravel mining operations.~~	~~Where operations are not conducted in flowing streams; and where water quality certification pursuant to Federal Clean Water Act Section 401 has been issued.~~	~~1~~	~~This waiver does not apply to wash water or other discharges from sand and gravel processing operations.~~
~~12. Intermittent swimming pool discharges.~~	~~Where pool filter backwash is not discharged.~~	~~2~~	
~~13. Dredging project wastes.~~	~~Where the dredging project does not involve more than 5000 yd^3 of material and where water quality certification pursuant to Federal Clean Water Act Section 401 has been issued.~~	~~1~~	
~~14. Short-term construction dewatering operations.~~	~~Where there is no discharge to surface waters.~~	~~2~~	
~~15. Manure composting and soil amendment operations.~~	~~Where State Water Resources Control Board *Minimal Guidelines for Protection of Water Quality from Animal Wastes* are followed.~~	~~1~~	~~Adopted by the State Water Resources Control Board on March 1, 1973.~~

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~~TYPE OF WASTE DISCHARGE~~	~~SPECIFIC CONDITION(S)~~	~~WAIVER CATEGORY~~	~~REFERENCES, REMARKS, ETC.~~
~~16. Solid waste disposal facilities accepting only inert wastes.~~	~~Where State Water Resources Control Board regulations, requirements and guidelines for disposal of such wastes are satisfied; and where Fish and Game Code Section 5650 is not violated.~~	~~1~~	~~The applicable document as of the date of adoption of the Resolution is *Discharges of Waste to Land* (CCR Title 23, Division 3, Chapter 15).~~
~~17. Stream channel alterations.~~	~~Where water quality certification pursuant to Federal Clean Water Act Section 401 has been issued.~~	~~1~~	
~~18. Agricultural irrigation return water.~~	~~Where management measures and best management practices have been implemented as described in the Plan for California's Nonpoint Source Pollution Control Program~~	~~2~~	~~For the purposes of this document, "agriculture" shall be defined as the production of fiber and/or food (including food for animal consumption, e.g., alfalfa).~~
~~19. Nursery irrigation return water.~~	~~Where there is no discharge to waters of the U.S., and where best management practices have been implemented as described in the Plan for California's Nonpoint Source Pollution Control Program~~	~~1~~	~~For the purposes of this document, a "nursery" shall be defined as a facility engaged in growing plants (shrubs, trees, vines, etc.) for sale.~~
~~20. Short-term use of reclaimed wastewater.~~	~~See Appendix D.~~	~~1~~	

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~~TYPE OF WASTE DISCHARGE~~	~~SPECIFIC CONDITION(S)~~	~~WAIVER CATEGORY~~	~~REFERENCES, REMARKS, ETC.~~
~~21. On-site drilling mud discharge.~~	~~Where discharge is to a sump with a minimum freeboard of two feet; and~~ ~~Where sump is not to be used for ultimate disposal of drilling mud (unless discharger demonstrates that material is nontoxic and does not contain dissolved or soluble salts in quantities which could adversely affect basin groundwater quality); and~~ ~~Where sump site is restored to predrilling state within 60 days of completion or abandonment of well.~~	~~2~~	
~~22. Timber harvesting.~~	~~Where harvesting occurs on National Forest System lands managed by the United States Forest Service in accordance with the practices and procedures set forth in the document entitled *Water Quality Management for National Forest System Lands in California.*~~	~~2~~	~~Management Agency Agreement between State Water Resources Control Board and the United States Forest Service (United States Department of Agriculture).~~
~~23. Temporary discharge of specified contaminated soils.~~	~~See Appendix D.~~	~~1~~	

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~~TYPE OF WASTE DISCHARGE~~	~~SPECIFIC CONDITION(S)~~	~~WAIVER CATEGORY~~	~~REFERENCES, REMARKS, ETC.~~
~~24. Green waste composting facilities.~~	~~See Appendix D.~~	~~2~~	
~~25. Incidental discharges within a response area during a spill response.~~	~~The discharge must meet the definition of "*incidental discharge*" as this, and related terms are defined in the *Memorandum of Understanding Between the Department of Fish and Game's Office of Oil Spill Prevention and Response and the State Water Resources Control Board Relating to Discharges Associated with Response Activities Conducted Pursuant to Ch. 7.4, Division 1 of the Government Code.*~~	~~2~~	
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ATTACHMENT A TO RESOLUTION NO. R9-2007-0104

APPENDIX D
CONDITIONS FOR
CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS
IN TABLE 4-4

In order for the conditional waivers to be consistent with the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan), the following general overall conditions apply to each specific type of discharge to be eligible for a conditional waiver:

- The discharge shall not create a nuisance[1] or pollution[2] as defined in the Porter-Cologne Water Quality Control Act (Water Code);
- The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), or the State Water Resources Control Board (State Water Board), as required by the Federal Water Pollution Control Act (Clean Water Act); and
- The discharge of any substance in concentrations toxic to animal or plant life is prohibited.

In addition to the general overall conditions listed above, the San Diego Water Board determined that it is consistent with the Basin Plan and in the public interest to issue conditional waivers under one or more of the following circumstances:

- The type of discharge is effectively regulated by other public agencies; or
- The type of discharge does not adversely affect the quality or the beneficial uses of the waters of the state; or
- The type of discharge is not readily amenable to regulation through adoption of waste discharge requirements (WDRs), but warrants San Diego Water Board oversight to ensure compliance with the mandated conditions (e.g., Basin Plan water quality objectives).

There are 35 specific types of discharge that are eligible for a conditional waiver of waste discharge requirements. However, in examining the specific types of discharge that are eligible for a conditional waiver, several of the discharge types are similar and/or related in terms of discharge setting, discharge source, and/or waiver conditions.

Instead of developing conditional waivers for each specific type of discharge, an integrated approach was employed to simplify the conditional waivers. Types of discharge that are similar in nature or originate from a common setting or operation were grouped together into a

[1] "Nuisance" is defined by Water Code section 13050(m) as anything which meets all of the following requirements: (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; and (3) Occurs during, or as a result of, the treatment or disposal of wastes.

[2] "Pollution" is defined by Water Code section 13050(l)(1) as an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects waters for beneficial uses or facilities which serve these beneficial uses. Pollution may include contamination.

"discharge classification," as shown in Table D-1. The grouping allows dischargers to easily identify all the waiver conditions that may apply to their operations.

For example, discharge types that typically require a Clean Water Act section 401 Water Quality Certification (401 Certification) were grouped together in Conditional Waiver No. 6. A type of discharge that typically requires a 401 Certification is one where dredged and/or fill material may be discharged to land and/or surface waters. These types of discharge include sand and gravel mining operations, dredging project wastes, and stream channel alterations. All of these types of discharge have similar waiver conditions.

There are several types of discharge classified as discharges from agricultural and/or nursery operations in Conditional Waiver No. 4. Discharges of plant crop residues, storm water runoff from agricultural lands, mulches and/or amendment applied to soil, agricultural return water or nursery irrigation return water, and green wastes for composting can all occur on the same site. Many of the proposed waiver conditions are similar, and many, if not all, of these types of discharge are found on nursery or agricultural operations.

Therefore, as in the examples above, the types of discharge eligible for conditional waivers were grouped into 11 discharge classifications. One type of discharge may be included in more than one discharge classification. For example, discharges of plant crop residues are included in both Conditional Waiver No. 4 for discharges from agricultural and nursery operations, and Conditional Waiver No. 8 for discharges/disposal of solid wastes to land.

Table D-1 lists the discharge classifications and associated conditional waiver identification number, and groups the specific types of discharge according to those discharge classifications.

Table D-1 Conditional Waivers and Discharge Classifications

Conditional Waiver No.	Discharge Classification	Types of Discharge Included in Conditional Waiver Discharge Classification
1	Discharges from on-site disposal systems	a) Discharges from conventional septic tank/subsurface disposal systems for residential units b) Discharges from conventional septic tank/subsurface disposal systems for commercial/industrial establishments c) Discharges from alternative individual sewerage systems d) Discharges from conventional septic tank/subsurface disposal systems for campgrounds e) Discharges from on-site graywater disposal systems
2	"Low threat" discharges to land	a) Discharges from construction and test pumping of water wells to land b) Discharges of air conditioner condensate and non-contact cooling water to land c) Swimming pool discharges to land d) Discharges from short-term construction dewatering operations to land e) "Low Threat" discharges to land and/or groundwater including the following: -Groundwater pumped from drinking water wells -Groundwater from foundation drains, crawl space pumps, and footing drains -Discharges from flushing water lines -Discharges from washing vehicles, pavement, buildings, etc. -Infiltration from residential/commercial/industrial/recreational facility landscape and lawn irrigation using groundwater or municipal supply water -Infiltration from structural infiltration-based BMPs

Table D-1 Conditional Waivers and Discharge Classifications

Conditional Waiver No.	Discharge Classification	Types of Discharge Included in Conditional Waiver Discharge Classification
3	Discharges from animal operations	a) Discharges from medium animal feeding operations (300-999 animal units, where 1 animal unit is equivalent to 1 cow or 1,000 animal pounds) b) Discharges from small animal feeding operations (less than 300 animal units) c) Discharges of storm water runoff d) Discharges of manure to composting operations e) Discharge/application of manure to soil as an amendment or mulch f) Discharges from grazing lands
4	Discharges from agricultural and nursery operations	a) Discharges of plant crop residues to land b) Discharges of storm water runoff c) Discharge/application of amendments or mulches to soil d) Discharges of agricultural irrigation return water e) Discharges of nursery irrigation return water f) Discharges of green wastes to composting operations
5	Discharges from silvicultural operations	a) Discharges of storm water runoff b) Discharges from timber harvesting projects c) Discharges of green wastes to composting operations d) Discharges from wildfire suppression and fuels management activities
6	Discharges of dredged or fill materials nearby or within surface waters	a) Discharges from sand and gravel mining operations b) Discharges from dredging projects c) Discharges from stream channel alternation projects d) Other projects proposing to discharge dredged or fill material nearby or within surface waters of the state
7	Discharges of recycled water to land	a) Discharges from short-term recycled water projects (without permanent recycled water delivery and/or distribution systems, not to exceed 365 days) b) Discharges from permanent recycled water projects (with permanent recycled water delivery and/or distribution systems, limited to the period prior to the discharge being authorized and regulated under WDRs, WRRs, and/or MRPs, not to exceed 365 days)
8	Discharges/ disposal of solid wastes to land	a) Discharges of plant crop residues to land b) Discharges of manure and green wastes to composting operations c) Discharge/application of amendments and mulches to soil d) Discharges of inert wastes to solid waste disposal facilities only accepting inert wastes e) Discharges of soils containing wastes to temporary waste piles f) Discharge/disposal/reuse of soils characterized as inert from contaminated sites to land
9	Discharges of slurries to land	a) Discharges of on-site drilling mud to land b) Discharges of concrete grinding residues to land
10	Discharges of emergency/ disaster related wastes	a) Incidental discharges of oil and oily water within a response area during an oil spill response in marine waters b) Discharges of disaster related wastes to temporary waste piles and surface impoundments c) Discharges of mass mortality waste to temporary waste piles and emergency landfills d) Other discharges of emergency/disaster related wastes
11	Aerially discharged wastes over land	a) Discharges of wastes related to fireworks displays over land b) Other wastes discharged aerially over land that may adversely affect the quality of the groundwaters of the state, but determined to be “low threat” by the San Diego Water Board

For each conditional waiver, General Waiver Conditions were developed that are applicable to a discharger or discharge operation, or all specific types of discharge within a discharge classification. Specific Waiver Conditions were developed that are applicable to specific types of discharge within a discharge classification, when specific conditions were determined to be necessary. The General and Specific Waiver Conditions for Conditional Waiver Nos. 1 through 11 are given in the following pages.

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CONDITIONAL WAIVER NO. 1 – DISCHARGES FROM ON-SITE DISPOSAL SYSTEMS

Conditional Waiver No. 1 is for discharges of effluent from on-site disposal systems which are a source of pollutants that can infiltrate to groundwater. Discharges of effluent from on-site disposal systems include domestic wastewater (sewage) and graywater, but not industrial wastewater, which is discharged to the subsurface, located within the property that generated the waste stream.

The following types of discharge not regulated or authorized under waste discharge requirements (WDRs) may be eligible for Conditional Waiver No. 1:

- Discharges from conventional septic tank/subsurface disposal systems for residential units
- Discharges from conventional septic tank/subsurface disposal systems for commercial/industrial establishments
- Discharges from alternative individual sewerage systems
- Discharges from conventional septic tank/subsurface disposal systems for campgrounds
- Discharges from on-site graywater disposal systems

In order to be eligible for Conditional Waiver No. 1, discharges must comply with certain conditions to be protective of water quality. Waiver conditions applicable to discharges from on-site disposal systems include the following:

1.I.A. General Waiver Conditions for On-site Disposal Systems

1.II.A. Specific Waiver Conditions for On-site Septic and Sewerage Systems
1.II.B. Specific Waiver Conditions for On-site Graywater Systems

Discharges from on-site disposal systems that comply with the general and specific waiver conditions in Conditional Waiver No. 1 are not expected to pose a significant threat to the quality of waters of the state.

1.I.A. General Waiver Conditions for On-site Disposal Systems

1. Prevent the direct or indirect discharge of effluent from on-site disposal systems to any surface waters of the state (including ephemeral streams and vernal pools).
2. Effluent from on-site disposal systems must be discharged to the subsurface and cannot surface or pond.
3. Effluent from on-site disposal systems must not adversely affect the quality or beneficial uses underlying groundwater.
4. Effluent from on-site disposal systems must not cause or threaten to cause a condition of contamination, pollution, or nuisance.
5. Effluent from on-site disposal systems must be discharged at least 5 feet above highest known historical or anticipated groundwater level.
6. Effluent from on-site disposal systems must by discharged at least 100 feet away from any surface water body.
7. Effluent from on-site disposal systems must not adversely impact the quality or beneficial uses of groundwater in any water wells.

8. On-site disposal systems must be designed and operated in accordance with applicable regulatory requirements and/or standards as provided in the Specific Conditions.
9. The owner/operator of an on-site disposal system must comply with local, state, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses from authorized local agencies. Copies of any approvals, permits, certifications, and/or licenses must be available on site for inspection.
10. The owner/operator of an on-site disposal system must maintain and operate the system in accordance with the design approved by the authorized local agencies.
11. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.
12. On-site disposal systems can only accept domestic wastes and/or wastewater.

1.II.A. Specific Waiver Conditions for On-site Septic and Sewerage Systems

1. For existing on-site septic or sewerage systems, the following conditions apply:
   a) Existing on-site septic or sewerage systems serving campgrounds must not allow connections from recreational vehicles.
   b) Owners/operators of existing on-site septic or sewerage systems that cause a condition of contamination, pollution, or nuisance must cease the use of the system and repair or replace it with a compliant system, or permanently remove the system from operation.
   c) After adoption of State Water Board on-site wastewater treatment system (OWTS) regulations, any existing on-site septic or sewerage systems that is replaced, requires major repair, pools or discharges to the surface of the ground, or has the reasonable potential to cause a violation of water quality objectives, to impair present or future beneficial uses of water, to cause pollution, nuisance, or contamination of waters of the state must be brought into compliance with new OWTS regulations. Owners/operators of on-site septic or sewerage systems that cannot bring their system into compliance must cease the use of the system and replace it with a compliant system, or permanently remove the system from operation.
2. For new on-site septic or sewerage systems, the following conditions apply:
   a) New on-site septic or sewerage systems installed at campgrounds must not allow connections from recreational vehicles.
   b) New on-site septic or sewerage systems must comply with the conditions set forth in the section entitled *Guidelines for New Community and Individual Sewerage Facilities* in Chapter 4 (Implementation) of the Basin Plan.
   c) New on-site septic or sewerage systems proposed to be constructed in areas where groundwater water quality objectives have been exceeded must be evaluated for potential adverse effects on groundwater quality and beneficial uses to determine if regulating the system with individual WDRs is more appropriate.
   d) New on-site septic or sewerage systems proposed to be constructed within areas designated as Zone A, as defined by the California Department of Public Health's Drinking Water Source Assessment and Protection Program, must be

constructed with an adequate setback from the drinking water supply source that will be protective of drinking water quality.

e) Six (6) months after adoption of State Water Board OWTS regulations, applications received by the authorized local agency for the construction of new on-site septic or sewerage systems must be in compliance with new OWTS regulations for design and installation.

1.II.B. Specific Waiver Conditions for On-site Graywater Systems

1. An on-site graywater system must be permitted by the city, county, or other authorized local agency that has jurisdiction over the installation. The on-site graywater system must be designed and installed, at a minimum, according to the California Plumbing Code (CPC) Graywater Standards.[3] If the city, county, and/or other authorized local agencies have additional requirements, the graywater system must be designed and installed to comply with those requirements.
2. On-site graywater systems proposed to be constructed in areas where groundwater water quality objectives have been exceeded must be evaluated for potential adverse effects on groundwater quality and beneficial uses to determine if regulating the system with individual WDRs is more appropriate.
3. New on-site graywater systems proposed to be constructed within areas designated as Zone A, as defined by the California Department of Public Health's Drinking Water Source Assessment and Protection Program, must be constructed with an adequate setback from the drinking water supply source that will be protective of drinking water quality.

[3] California Code of Regulations Title 24 (also known as the California Building Standards Administrative Code) Part 5 (also known as the California Plumbing Code) Appendix G

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CONDITIONAL WAIVER NO. 2 – "LOW THREAT" DISCHARGES TO LAND

Conditional Waiver No. 2 is for "low threat" discharges to land, which can percolate to groundwater. "Low threat" discharges include liquid wastes containing pollutant concentrations that are not expected to adversely impact the quality of waters of the state under ambient conditions. "Low threat" discharges may include potable water or uncontaminated groundwater. Potable water and uncontaminated groundwater are not considered waste when initially discharged. However, when this water comes into contact with pollutants and transports those pollutants in surface runoff or leaches those pollutants into the soil and groundwater, it becomes a waste. "Low threat" discharges to land are not expected to contain significant concentrations of pollutants that can adversely affect the quality of underlying groundwater.

The following types of discharge not regulated or authorized under waste discharge requirements (WDRs) may be eligible for Conditional Waiver No. 2:

- Discharges from the construction and test pumping of water wells to land
- Discharges of air conditioner condensate or non-contact cooling water to land
- Swimming pool discharges to land
- Discharges from short-term construction dewatering operations to land
- "Low Threat" discharges to land and/or groundwater, which may including the following:
  - -Groundwater pumped from drinking water wells
  - -Groundwater from foundation drains, crawl space pumps, and footing drains
  - -Discharges from flushing water lines
  - -Discharges from washing vehicles, pavement, buildings, etc.
  - -Infiltration from residential/commercial/industrial/recreational facility landscape and lawn irrigation using groundwater or municipal supply water
  - -Infiltration from structural infiltration-based best management practices (BMPs)

In order to be eligible for Conditional Waiver No. 2, discharges must comply with certain conditions to be protective of water quality. Waiver conditions applicable to "low threat" discharges to land include the following:

2.I.A. General Waiver Conditions for "Low Threat" Discharges of Water to Land

2.II.A. Specific Waiver Conditions for Air Conditioner Condensate and Non-contact Cooling Water Discharges to Land
2.II.B. Specific Waiver Conditions for Swimming Pool Discharges to Land
2.II.C. Specific Waiver Conditions for Pumping of Groundwater from Wells to Land
2.II.D. Specific Waiver Conditions for Dewatering Operations Discharged to Land
2.II.E. Specific Waiver Conditions for Discharges from Washing Vehicles, Pavement, Buildings, etc. to Land
2.II.F. Specific Waiver Conditions for Discharges from Irrigated Lawns and Landscaping Using Groundwater or Municipal Supply Water
2.II.G. Specific Waiver Conditions for Discharges from Structural BMPs that Require Infiltration

"Low threat" discharges to land that comply with the general and specific waiver conditions in Conditional Waiver No. 2 are not expected to pose a threat to the quality of waters of the state.

2.I.A. General Waiver Conditions for "Low Threat" Discharges of Water to Land

1. Prevent the direct or indirect discharge of "low threat" discharges to any surface waters of the state (including ephemeral streams and vernal pools).
2. "Low threat" discharges must not cause the migration of contaminants such as chlorinated solvents, hydrocarbons, or other toxic or hazardous substances to groundwater.
3. "Low threat" discharges must not come in contact with any material that consists of or is contaminated with chlorinated solvents, hydrocarbons, or other toxic or hazardous substances prior to discharge to land.
4. Any products used to condition or treat "low threat" discharges prior to discharging to land must be in accordance with manufacturer's instructions and guidelines, and must reliably attenuate before infiltrating to underlying groundwater.
5. "Low threat" discharges to land must not adversely affect the quality or beneficial uses of underlying groundwater.
6. "Low threat" discharges to land must not cause or threaten to cause a condition of contamination, pollution, or nuisance.
7. "Low threat" discharges to land must not adversely impact the quality or beneficial uses of groundwater in any water wells.
8. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.
9. Discharger must submit a Notice of Intent or technical and/or monitoring program reports when directed by the San Diego Water Board.

2.II.A. Specific Waiver Conditions for Air Conditioner Condensate and Non-contact Cooling Water Discharges to Land

1. Discharges must not contain contact cooling water.
2. Discharges of air conditioner condensate and non-contact cooling water to land must not exceed an average of 1,200 gallons per day for any continuous 365-day period, unless the discharger has filed a Notice of Intent containing information about the operator, location, and planned period of and average daily volume of discharge.

2.II.B. Specific Waiver Conditions for Swimming Pool Discharges to Land

1. Discharges of water from each swimming pool to land must not exceed 50,000 gallons during any continuous 365-day period, unless the discharger has filed a Notice of Intent containing information about the swimming pool location and volume, planned period of and frequency of discharge.

2.II.C. Specific Waiver Conditions for Pumping of Groundwater from Wells to Land

1. The discharge of groundwater pumped from any well that is used in a soil and/or groundwater contamination investigation or corrective action may not be discharged to land, unless the discharger has filed a Notice of Intent containing monitoring data demonstrating that the quality of the proposed discharge would not cause the groundwater at the disposal site to exceed water quality objectives.

2. For multiple applications of groundwater from wells pumped to land over a 365-day period, or a continuous 24-hour (or longer) application of groundwater from wells pumped to land within a 365-day period, the discharger must file a Notice of Intent containing information about the operator, location, planned period of and frequency of discharge, and measures that will be taken to minimize or eliminate the discharge of pollutants that might affect surface water and groundwater quality. Sufficient information demonstrating compliance with waiver conditions must be submitted before the discharge may begin.
3. Groundwater cannot originate from an area that contains any contaminated soil or groundwater.

2.II.D. Specific Waiver Conditions for Dewatering Operations Discharged to Land

1. The discharge of groundwater pumped from any well or excavation that is used in a soil and/or groundwater contamination investigation or corrective action may not be discharged to land, unless the discharger has filed a Notice of Intent containing monitoring data demonstrating that the quality of the proposed discharge would not cause the groundwater at the disposal site to exceed water quality objectives..
2. For dewatering operations that discharge an average of 5,000 gallons per day for any continuous 180-day period, the discharger must file a Notice of Intent containing information about the operator, location, planned period and rate of discharge, and measures that will be taken to minimize or eliminate the discharge of pollutants that might affect groundwater quality. Sufficient information demonstrating compliance with waiver conditions must be submitted before the discharge may begin.
3. Groundwater cannot originate from an area that contains any contaminated soil or groundwater.

2.II.E. Specific Waiver Conditions for Discharges from Washing Vehicles, Pavement, Buildings, etc. to Land

1. Discharges of wash water and similar intermittent discharges must not exceed an average of 1,200 gallons per day for any continuous 30-day period, unless the discharger has filed a Notice of Intent containing information about the operator, location, and planned period of and average daily volume of discharge.

2.II.F. Specific Waiver Conditions for Discharges from Irrigated Lawns and Landscaping Using Groundwater or Municipal Supply Water

1. Products applied to lawns and landscaping must be in accordance with manufacturer's instructions and guidelines, and must reliably attenuate before infiltrating to underlying groundwater.

2.II.G. Specific Waiver Conditions for Discharges from Structural BMPs that Require Infiltration.

1. Installation of structural BMP that utilizes infiltration must comply with the design criteria of the municipality regulated by MS4 WDRs (NPDES storm water permit), **or**, for any discharge that exceeds an average of 1,200 gallons per day for any continuous 365-day period, the discharger must file a Notice of Intent containing documentation demonstrating that the quality of the proposed discharge from infiltration will not cause the groundwater at the disposal site to exceed water quality objectives.

2. Installation of structural BMPs that require infiltration must comply with local, state, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses from authorized local agencies.

CONDITIONAL WAIVER NO. 3 – DISCHARGES FROM ANIMAL OPERATIONS

Conditional Waiver No. 3 is for discharges from animal operations, which contain pollutants that can percolate to groundwater or runoff to surface waters. Discharges from animal operations include discharges resulting from animal activities and wastes, and storm water runoff which can also transport pollutants from animal operations to surface waters and groundwater.

The following types of discharge not regulated or authorized under waste discharge requirements (WDRs) may be eligible for Conditional Waiver No. 3:

- Discharges from small animal feeding operations (less than 300 animal units, where 1 animal unit is equivalent to one cow or 1,000 animal pounds)
- Discharges from medium animal feeding operations (300 to 999 animal units)
- Discharges of storm water runoff
- Discharges of manure to compost operations
- Discharge/application of manure to soil as an amendment or mulch
- Discharges from grazing lands

In order to be eligible for Conditional Waiver No. 3, discharges must comply with certain conditions to be protective of water quality. Waiver conditions applicable to discharges from animal operations include the following:

3.I.A. General Facility Design and Management Waiver Conditions
3.I.B. General Manure Management Waiver Conditions
3.I.C. General Waiver Conditions for Composting Manure from Animal Operations
3.I.D. General Waiver Conditions for Application of Manure from Animal Operations as a Fertilizer, Amendment, or Mulch to Soil
3.I.E. General Inspection and Reporting Waiver Conditions

3.II.A. Specific Waiver Conditions for Small Animal Feeding Operations
3.II.B. Specific Waiver Conditions for Medium Animal Feeding Operations
3.II.C. Specific Waiver Conditions for Grazing Operations

Discharges from animal operations that comply with the general and specific waiver conditions in Conditional Waiver No. 3 are not expected to pose a threat to the quality of waters of the state.

3.I.A General Facility Design and Management Waiver Conditions

1. Animal operations must comply with any local, state, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses from authorized local agencies.
2. Animal operations must implement management measures (MMs) and/or best management practices (BMPs) to minimize or eliminate the discharge of pollutants that may adversely impact the quality or beneficial uses of waters of the state. Recommended MMs/BMPs are provided in *Equestrian-Related Waste Quality Best Management Practices* available from the County of San Diego Department of Agriculture, Weights and Measures, and/or the *Field Office Technical Guide*

available from the Natural Resource Conservation Service (NRCS), or other sources.

3. Animal operations must prevent direct contact of animals with surface water bodies. Animals should not be allowed to graze directly adjacent to or within stream banks. Animal operations should maintain a buffer zone or riparian filter strip between the animals and any surface waters of the state. The buffer zone must adequately minimize the discharge of pollutants from an animal operation. There should be no direct exposure of a surface water body to an animal.

3.I.B. General Manure Management Waiver Conditions

1. Animal operations must prevent the direct or indirect discharge of animal wastes (manure, urine, soiled bedding) to any surface waters of the state (including ephemeral streams and vernal pools).
2. Animal operations must properly manage the wastes (i.e., manure, urine, soiled bedding) generated by the animals at the facility in accordance with the following guidelines:
   a) Animal wastes should be collected and disposed of regularly (at least once every two weeks).
   b) Animal wastes can be stored temporarily (no longer than two weeks) on site until disposal, unless animal wastes are composted on site. The amount of animal wastes stored in temporary storage area must not exceed the capacity of the storage area. If animal wastes exceed, or threaten to exceed the capacity of the temporary storage area, the animal wastes should be disposed of immediately.
   c) Areas adjacent to temporary storage area for animal wastes should be graded to prevent storm water and surface runoff from reaching the storage area.
   d) Temporary storage area should be on an impervious surface (e.g., concrete pad or plastic tarp) to prevent leaching of pollutants to groundwater.
   e) Temporary storage area should protected with a roof or cover, or at a minimum be covered with plastic sheeting if precipitation is forecast within the next 24 hours, to prevent direct contact between precipitation and animal wastes.
   f) A buffer zone of at least 100 feet should be maintained between the temporary storage area for animal wastes and any surface water body unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality.
   g) If animal wastes are composted on site, composting activities must comply with the conditions in 3.I.C.
   h) If animal wastes are used as a fertilizer, soil amendment, or mulch on grazing lands, application of animal wastes to soil must comply with the conditions in 3.I.D.

3.I.C. General Waiver Conditions for Composting Manure from Animal Operations

1. Prevent the direct or indirect discharge of compost and compost feedstocks to any surface waters of the state (including ephemeral streams and vernal pools).
2. Compost pile(s) must not cause or threaten to cause a condition of contamination, pollution, or nuisance.
3. Compost pile(s) should be protected with a roof or cover, or at a minimum be covered with plastic sheeting if precipitation is forecast within the next 24 hours, to prevent direct contact between precipitation and compost.

4. Precipitation and surface drainage should be diverted away from compost pile(s).
5. A buffer zone of at least 100 feet should be maintained between the compost pile(s) and any surface waters of the state, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality.
6. Leachate from compost pile(s) must not adversely impact the quality or beneficial uses of groundwater in any water wells.
7. The following wastes cannot be added to compost pile(s) unless sufficient information is provided to demonstrate that the waste does not pose a potential threat to water quality: (a) municipal solid wastes; (b) sludges, including sewage sludge, water treatment sludge, and industrial sludge; (c) septage; (d) liquid wastes; (e) oil and grease; and (f) hazardous, designated, and any other wastes determined by the San Diego Water Board to pose a potential threat to water quality.

3.I.D. General Waiver Conditions for Application of Manure from Animal Operations as a Fertilizer, Amendment, or Mulch to Soil

1. If fresh and/or uncomposted manure is applied as a fertilizer, amendment, or mulch to soil, manure must be applied to the same property where the manure was generated.
2. Dried, processed, or composted manure may be applied as a fertilizer, amendment, or mulch to soil on sites other than the property where the manure was generated. Dried, processed, or composted manure may also be applied as a fertilizer, amendment, or mulch to soil on the same property where the manure was generated. Use of dried, processed, or composted manure on or off the property where the manure was generated must comply with the waiver conditions in 3.I.D.
3. A buffer zone of at least 100 feet should be maintained between the manure applied to soil and any surface waters of the state, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality.
4. The amount of soil amendment or mulch materials that can be applied to soil must be reasonable for the crop or plant, soil, climate, special local situations, management system, and type of soil amendment or mulch. Application rates must take into account storm events during the rainy season (October-May). Application rates must not allow soil amendment or mulch materials to be transported off the property in storm water runoff during the rainy season. Resources are available from the NRCS, University of California Cooperative Extension (UCCE), and other organizations. A copy of the calculations and/or estimate of the application rate must be available on site for inspection.
5. Apply amendment or mulch materials to soil at site-specific rates appropriate to the season (i.e., dry vs. rainy).
6. Implement MMs/BMPs in areas with soil amendment or mulch materials to minimize or eliminate runoff and leachate to surface waters and groundwater.

3.I.E. General Inspection and Reporting Waiver Conditions

1. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.
2. Animal operations must submit a Notice of Intent or technical and/or monitoring program reports when directed by the San Diego Water Board.

3.II.A. Specific Waiver Conditions for Small Animal Feeding Operations

1. Small animal feeding operations (AFOs) must not discharge any pollutants to waters of the United States through any man-made conveyance, or directly to waters of the United States which originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation.
2. Small AFOs must be operated and maintained in accordance with the regulations cited in California Code of Regulations Title 27 sections 22562 through 22565.

3.II.B. Specific Waiver Conditions for Medium Animal Feeding Operations

1. Medium AFOs must not discharge any pollutants to waters of the United States through any man-made conveyance, or directly to waters of the United States which originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation.
2. Medium AFOs must be operated and maintained in accordance with the regulations cited in California Code of Regulations Title 27 sections 22562 through 22565.
3. Medium AFO facility owners or operators must file a Notice of Intent with the San Diego Water Board containing, at a minimum, the following information:
   a) Property owner name and address
   b) AFO owner/operator name and address
   c) Number and types of animals
   d) Map of the AFO facility showing the locations of manure stockpiles, nearby surface water bodies, and/or water wells
   e) Description of existing and planned MMs/BMPs for the prevention of erosion and discharges of animal wastes that could affect the quality of waters of the state.

   Sufficient information demonstrating compliance with general and specific waiver conditions must be submitted in order for the medium AFO facility to be eligible for a conditional waiver.

3.II.C. Specific Waiver Conditions for Grazing Operations

1. Grazing operations must manage grazing fields to allow lands to revegetate and minimize topsoil erosion.
2. Owners of pasture and range lands used for grazing, must implement MMs/BMPs to minimize or eliminate any discharge that could adversely affect the quality or beneficial uses of waters of the state.

List of References

The following list of references provides additional information that is available regarding appropriate MMs/BMPs for minimizing pollutants in runoff and other discharges from animal operations.

1. Equestrian-Related Waste Quality Best Management Practices, County of San Diego Department of Agriculture, Weights and Measures http://www.sdcounty.ca.gov/awm/docs/equestrian_bmp.pdf
2. Electronic Field Office Technical Guide (eFOTG), United States Department of Agriculture, Natural Resources Conservation Service http://www.nrcs.usda.gov/technical/efotg/
3. Agricultural Management Measures, State Water Resources Control Board http://www.swrcb.ca.gov/nps/docs/guidance/agricmms.pdf

4. California Nonpoint Source Encyclopedia, State Water Resource Control Board http://www.swrcb.ca.gov/nps/docs/encyclopedia/agriculture.pdf

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CONDITIONAL WAIVER NO. 4 – DISCHARGES FROM AGRICULTURAL AND NURSERY OPERATIONS

Conditional Waiver No. 4 is for discharges from agricultural and nursery operations, which contain pollutants that can percolate to groundwater or runoff to surface waters. Discharges from agricultural and nursery operations include discharges resulting from growing operations, irrigation return flows, and storm water runoff which can also transport pollutants from agricultural and nursery operations to surface waters and groundwater..

The following types of discharge not regulated or authorized under waste discharge requirements (WDRs) may be eligible for Conditional Waiver No. 4:

- Discharges of plant crop residues to land
- Discharges of storm water runoff
- Discharges of green wastes to compost operations
- Discharge/application of amendments or mulches to soil
- Discharges of agricultural irrigation return water
- Discharges of nursery irrigation return water

In order to be eligible for Conditional Waiver No. 4, discharges must comply with certain conditions to be protective of water quality. Waiver conditions applicable to discharges from agricultural and nursery operations include the following:

4.I.A. General Facility Design and Management Waiver Conditions
4.I.B. General Enrollment and Education Waiver Conditions
4.I.C. General Waiver Conditions for Composting Green Wastes from Agricultural and Nursery Operations
4.I.D. General Waiver Conditions for Application of Compost as a Fertilizer, Amendment, or Mulch to Soil
4.I.E. General Waiver Conditions for Application of Products Used in Agricultural and Nursery Operations
4.I.F. General Inspection and Reporting Requirements

4.II.A. Specific Waiver Conditions for Agricultural Operations
4.II.B. Specific Waiver Conditions for Nursery Operations

Discharges from agricultural and nursery operations that comply with the general and specific waiver conditions in Conditional Waiver No. 4 are not expected to pose a threat to the quality of waters of the state.

4.I.A. General Facility Design and Management Waiver Conditions

1. Agricultural and nursery operations must comply with any local, state, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses.
2. Agricultural and nursery operations must implement management measures (MMs) and/or best management practices (BMPs) to minimize or eliminate the discharge of pollutants that may adversely impact the quality or beneficial uses of waters of the state. Recommended MMs/BMPs are available in the State Water Board's Nonpoint

Source (NPS) Program Plan and/or available from University of California Cooperative Extension (UCCE), Natural Resources Conservation Service (NRCS), and/or regional resource conservation districts (RCDs).

4.I.B. General Enrollment and Education Waiver Conditions

1. Agricultural and nursery operators must perform a self assessment to identify the pollutants present on the site and assess the potential for runoff and/or infiltration to adversely affect the quality or beneficial uses of the waters of the state. Annual self assessments must be available on site for inspection. If an agricultural or nursery operator does not have proof available during an inspection, the operator must submit proof to the inspecting agency and the San Diego Water Board within 45 days from the date of inspection. Self assessment questionnaires are available from the UCCE.
2. Agricultural and nursery operators must complete at least 2 hours of water quality management related training annually. Training may include formal classroom training or meetings with a training component. Proof of training must be available on site for inspection. Agricultural and nursery operators who do not have proof available during an inspection must submit proof to the inspecting agency and the San Diego Water Board within 45 days from the date of inspection.
3. Agricultural and nursery operators must be in regular contact with the local Farm Bureau, UCCE, NRCS, and/or regional RCDs so they can be informed of the latest MMs/BMPs and developments with water quality issues. Proof of contact (e.g., newsletter addressed to facility, NRCS conservation plan, UCCE self assessment) must be available on site for inspection. Agricultural and nursery operators who do not have proof available during an inspection must submit proof to the inspecting agency and the San Diego Water Board within 45 days from the date of inspection.
4. Agricultural and nursery operations must implement MMs/BMPs to minimize or eliminate the discharge of pollutants that may adversely impact the quality or beneficial uses of waters of the state. Recommended MMs/BMPs are available in the State Water Board's NPS Program Plan and/or available from UCCE, NRCS, and/or regional RCDs.
5. Agricultural and nursery operators shall maintain records pertaining to the water quality management efforts for the operation. The records shall include the following information:
   a) Site map showing locations of MMs/BMPs and nearby surface water bodies and/or water wells
   b) List of hazardous materials kept on the property
   c) Location and amount of waste materials (e.g., green wastes, trash) generated and composted and/or reused on site, or disposed of off site
   d) Pesticide use reports and records
   e) Fertilizer, soil amendment, and mulch use records
   f) Irrigation management records (i.e., water use, irrigation system, irrigation schedule, etc.)
   g) Equipment maintenance records
   h) List of MMs/BMPs implemented to minimize and/or eliminate runoff to surface waters and/or infiltration to groundwater
   i) Owner, operator, and employee education and training records
   j) Inspection reports

k) Self assessments
l) Contacts with Farm Bureau, UCCE, NRCS, regional RCDs, and/or other organizations
m) Copies of any permits, licenses, and certifications required for the operation
n) Water quality monitoring data (if any)

Recommended water quality record keeping documentation is available from the UCCE. Water quality management records must be available on site for inspection.

6. **No later than December 31, 2010**, agricultural and nursery operations must form or join a monitoring group. The function of the monitoring group is to perform water quality monitoring and report the results to the San Diego Water Board. Monitoring groups will be allowed to divide the costs associated with the water quality monitoring and reporting requirements in 4.I.F among its members. Individual operations not in a monitoring group will be solely responsible for the costs associated with the water quality monitoring and reporting requirements in 4.I.F.
7. **No later than January 1, 2011**, owners/operators of agricultural and nursery operations must file a Notice of Intent, as either an individual operation or as part of a monitoring group, with the San Diego Water Board.
8. A Notice of Intent submitted by a monitoring group on behalf of its members must contain the following information:
   a) Identify the representative(s) authorized to sign reports submitted on behalf of the group.
   b) An electronic list of landowners and/or operators participating in the monitoring group including: (a) assessor parcel number(s), (b) parcel size, (c) parcel owner or operator name, (d) types of crops grown on each parcel, (e) number of irrigated acres, and (f) parcel owner or operator mailing address.
   c) A detailed map of the area included within the monitoring group, preferably in GIS format, identifying individual parcels and/or districts that are participating in the monitoring group.
   d) A detailed description of irrigation, storm water runoff, nutrient, pesticide, erosion control, composting, and other site-specific MMs/BMPs that have been implemented by each participant in the monitoring group, which must be provided as a written description, on a map, and/or using pictures.

   Monitoring group members are not eligible for this waiver until a complete Notice of Intent is filed. The monitoring group must inform the San Diego Water Board when any member ceases to participate in the monitoring group within 30 days of the cessation of participation. Any member who ceases to participate in a monitoring group must file a Notice of Intent as an individual agricultural or nursery operation, in accordance with waiver condition 4.I.B.9, within 30 days of ceasing to participate in the monitoring group.
9. A Notice of Intent filed by an individual agricultural or nursery operation must contain the following information:
   a) Information about the agricultural or nursery operation including: (a) assessor parcel number(s), (b) parcel size, (c) parcel owner and operator name(s), (d) types of crops grown on each parcel, (e) number of irrigated acres, and (f) parcel owner and operator mailing address(es).
   b) A detailed map of the operation, preferably in GIS format, with locations of operation boundaries, nearby surface waters and water wells.

c) A detailed description of irrigation, storm water runoff, nutrient, pesticide, erosion control, composting, and other site-specific MMs/BMPs that have been implemented by the operation, which must be provided as a written description, on a map, and/or using pictures.

An individual agricultural or nursery operation is not eligible for this waiver until a complete Notice of Intent is filed.

4.I.C. General Waiver Conditions for Composting Green Wastes from Agricultural and Nursery Operations

1. Prevent the direct or indirect discharge of compost and compost feedstocks to any surface waters of the state (including ephemeral streams and vernal pools).
2. Plant crop residues may be composted as green waste.
3. Compost pile(s) must not cause or threaten to cause a condition of contamination, pollution, or nuisance.
4. Compost pile(s) should be protected with a roof or cover, or at a minimum be covered with plastic sheeting if precipitation is forecast within the next 24 hours, to prevent direct contact between precipitation and compost.
5. Precipitation and surface drainage must be diverted away from compost pile(s).
6. A buffer zone of at least 100 feet should be maintained between the compost pile(s) and any surface waters of the state, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality.
7. Leachate from compost pile(s) must not adversely impact the quality or beneficial uses of groundwater in any water wells.
8. The following wastes cannot be added to compost pile(s) unless sufficient information is provided to demonstrate that the waste does not pose a potential threat to water quality: (a) municipal solid wastes; (b) sludges, including sewage sludge, water treatment sludge, and industrial sludge; (c) septage; (d) liquid wastes; (e) oil and grease; and (f) hazardous, designated, and any other wastes determined by the San Diego Water Board to pose a potential threat to water quality.

4.I.D. General Waiver Conditions for Application of Compost as a Fertilizer, Amendment, or Mulch to Soil

1. Prevent the direct or indirect discharge of amendments or mulches to any surface waters of the state (including ephemeral streams and vernal pools).
2. Plant crop residues may be utilized as soil amendment or mulch.
3. Amendments or mulches applied to soil cannot include any of the following additives, unless sufficient information is provided to demonstrate that the waste does not pose a potential threat to water quality: (a) municipal solid wastes; (b) sludges, including sewage sludge, water treatment sludge, and industrial sludge; (c) septage; (d) liquid wastes; (e) oil and grease; and (f) hazardous, designated, and any other wastes determined by the San Diego Water Board to pose a potential threat to water quality.
4. The amount of soil amendment or mulch materials that can be applied to soil must be reasonable for the crop or plant, soil, climate, special local situations, management system, and type of soil amendment or mulch. Application rates must take into account storm events during the rainy season (October-May). Application rates must not allow soil amendment or mulch materials to be transported off the property in storm water runoff during the rainy season. Resources are available

from the NRCS, UCCE, and other organizations. A copy of the calculations and/or estimate of the application rate must be available on site for inspection.

5. Apply amendment or mulch materials to soil at site-specific rates appropriate to the season (i.e., dry vs. rainy).
6. Implement MMs/BMPs in areas with soil amendment or mulch materials to minimize or eliminate runoff and leachate to surface waters and groundwater.

4.I.E. General Waiver Conditions for Application of Products Used in Agricultural and Nursery Operations

1. Prevent the direct or indirect discharge of products used in agricultural or nursery operations to any surface waters of the state (including ephemeral streams and vernal pools).
2. The application of any products used in agricultural or nursery operations that contain pollutants that may be transported in surface runoff to surface waters or may infiltrate to groundwater must be applied in accordance with manufacturer instructions and guidelines, and must not have an adverse effect on the quality of any waters of the state.
3. Excessive amounts of any products used in agricultural or nursery operations spilled to land must be contained and properly disposed.
4. Any products used in agricultural or nursery operations applied to land must not adversely impact the quality or beneficial uses of groundwater in any water wells.

4.I.F. General Inspection and Reporting Waiver Conditions

1. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.
2. Owners/operators must submit a Notice of Intent or technical and/or monitoring program reports when directed by the San Diego Water Board.
3. **By March 31, 2011**, each monitoring group and each individual operation not participating in a monitoring group must contact the San Diego Water Board to begin developing a Monitoring and Reporting Program Plan (MRPP) and a Quality Assurance Project Plan (QAPP).
4. **By January 1, 2012**, each monitoring group and each individual operation not in a monitoring group must submit one MRPP/QAPP to the San Diego Water Board. The MRPP/QAPP must include the monitoring locations, frequency of monitoring, constituents of concern to be monitored, documentation of monitoring protocols, and sufficient information about the agricultural and/or nursery operations to demonstrate that the proposed MRPP/QAPP will adequately document water quality and pollutant loadings, and demonstrate compliance with waiver conditions.
5. **By December 31, 2012**, each monitoring group and each individual operation not participating in a monitoring group must submit one Monitoring Program Report (MRP) to the San Diego Water Board consistent with the MRPP/QAPP.

4.II.A. Specific Waiver Conditions for Agricultural Operations

1. Minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of any waters of the state.
2. Agricultural operators cannot alter surface waters of the state on or off the property, unless the proposed alteration has received a Clean Water Act section 401 Water

Quality Certification, individual WDRs, or individual waiver from the San Diego Water Board.

4.II.B. Specific Waiver Conditions for Nursery Operations

1. Prevent the direct or indirect discharge of nursery irrigation return water to any surface waters of the United States.
2. Nursery operations must minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of any waters of the state.
3. Nursery operators cannot alter surface waters of the state on or off the property, unless the proposed alteration has received a Clean Water Act section 401 Water Quality Certification, individual WDRs, or individual waiver from the San Diego Water Board.

List of References

The following list of references provides additional information that is available regarding appropriate MMs/BMPs for minimizing pollutants in runoff and other discharges from agricultural and nursery operations.

1. Industrial Storm Water Program, State Water Resources Control Board http://www.swrcb.ca.gov/stormwtr/industrial.html
2. Construction Storm Water Permit, State Water Resources Control Board http://www.swrcb.ca.gov/stormwtr/gen_const.html
3. Agricultural Management Measures, State Water Resources Control Board http://www.swrcb.ca.gov/nps/docs/guidance/agricmms.pdf
4. California Nonpoint Source Encyclopedia, State Water Resource Control Board http://www.swrcb.ca.gov/nps/docs/encyclopedia/agriculture.pdf
5. Developing a Management Plan for Irrigation Runoff, Dept. of Horticultural Sciences, Texas A&M University http://aggie-horticulture.tamu.edu/greenhouse/nursery/environ/wmplan1.html
6. Management Options for Nonpoint Source Pollution for Greenhouse and Container Crops, UC Cooperative Extension, San Diego http://commserv.ucdavis.edu/CESanDiego/Stormwater/index.htm
7. BMPs Nurseries And Greenhouses, County of Orange http://www.ocwatershed.com/StormWater/documents_bmp_existing_development.asp#ind
8. Electronic Field Office Technical Guide (eFOTG), Natural Resources Conservation Service http://www.nrcs.usda.gov/technical/efotg/
9. Grower Resources (including self assessment questionnaires and water quality record keeping notebook), San Diego County University of California Cooperative Extension http://cesandiego.ucdavis.edu/Clean%5FWater/Grower_Resources.htm

CONDITIONAL WAIVER NO. 5 – DISCHARGES FROM SILVICULTURAL OPERATIONS

Conditional Waiver No. 5 is for discharges that originate from forest lands, which contains pollutants that can percolate to groundwater or runoff to surface waters. Discharges from forest lands include discharges resulting from timber operations, and storm water runoff which can also transport pollutants from managed forest lands and timber operations to surface waters and groundwater.

The following types of discharge not regulated or authorized under waste discharge requirements (WDRs) may be eligible for Conditional Waiver No. 5:

- Discharges of storm water runoff
- Discharges of green wastes to compost operations
- Discharges from timber harvesting projects
- Discharges from wildfire suppression and fuels management activities

In order to be eligible for Conditional Waiver No. 5, discharges must comply with certain conditions to be protective of water quality. Waiver conditions applicable to discharges from silvicultural operations include the following:

5.I.A. General Waiver Conditions for Silvicultural Operations
5.I.B. General Waiver Conditions for Composting Green Wastes During/From Silvicultural Operations

5.II.A. Specific Waiver Conditions for Timber Operations on Federal Lands
5.II.B. Specific Waiver Conditions for Timber Operations on Non-Federal Lands

Discharges from silvicultural operations that comply with the general and specific waiver conditions in Conditional Waiver No. 5 are not expected to pose a threat to the quality of waters of the state.

5.I.A. General Waiver Conditions for Silvicultural Operations

1. Silvicultural operations (including timber harvesting, timber management, vegetative manipulation, fuels management, road construction, and watershed management) must minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of waters of the state.
2. Silvicultural operations (including timber harvesting, timber management, vegetative manipulation, fuels management, road construction, and watershed management) must comply with any federal, state, or local, state, and federal permitting, licensing, or certification requirements and applicable regulations and ordinances.
3. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.

5.I.B. General Waiver Conditions for Composting Green Wastes During/From Silvicultural Operations

1. Prevent the direct or indirect discharge of compost and compost feedstocks to any surface waters of the state (including ephemeral streams and vernal pools).
2. Compost pile(s) must not cause or threaten to cause a condition of contamination, pollution, or nuisance.
3. Compost pile(s) should be protected with a roof or cover, or at a minimum be covered with plastic sheeting if precipitation is forecast within the next 24 hours, to prevent direct contact between precipitation and compost.
4. Precipitation and surface drainage should be diverted away from compost pile(s).
5. A buffer zone of at least 100 feet should be maintained between the compost pile(s) and any surface waters of the state, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality.
6. Leachate from compost pile(s) must not adversely impact the quality or beneficial uses of groundwater in any water wells.
7. The following wastes cannot be added to compost pile(s), unless sufficient information is provided to demonstrate that the waste does not pose a potential threat to water quality: (a) municipal solid wastes; (b) sludges, including sewage sludge, water treatment sludge, and industrial sludge; (c) septage; (d) liquid wastes; (e) oil and grease; and (f) hazardous, designated, and any other wastes determined by the San Diego Water Board to pose a potential threat to water quality.

5.II.A. Specific Waiver Conditions for Timber Operations on Federal Lands

1. The State Water Board and US Environmental Protection Agency (USEPA) must continue to certify the *Water Quality Management Plan for National Forest System Lands in California*.
2. The US Forest Service (USFS) must maintain: (a) a water quality program consistent with the Basin Plan, and (b) a program to monitor the implementation and effectiveness of management measures (MMs) and/or best management practices (BMPs).
3. The USFS must provide the San Diego Water Board copies of the environmental and decision documents containing information documenting that a multi-disciplinary review of the timber harvest proposal has been conducted, and the proposed MMs/BMPs and additional control measures that will be implemented to protect water quality.
4. The USFS must submit a Notice of Intent or technical and/or monitoring program reports when directed by the San Diego Water Board.

5.II.B. Specific Waiver Conditions for Timber Operations on Non-Federal Lands

1. The State Water Board must continue to certify the *Water Quality Management Plan for Timber Operations on Nonfederal Lands*.
2. Timber operations within 150 feet of existing structures (i.e., “FireSafe” treatments) that are conducted pursuant to a Notice of Exemption approved by the California Department of Forestry (CDF) are not required to provide notice to the San Diego Water Board, but must keep a copy of the approved Notice of Exemption for at least one year (from the approval date) on site for inspection.

3. For timber operations approved by the CDF pursuant to a Notice of Exemption or Notice of Emergency, a copy of the notice must be provided to the San Diego Water Board.
4. For timber operations with a Timber Harvest Plan (THP) or Non-industrial Timber Management Plan (NTMP) approved by the CDF, a copy of the Plan must be provided to the San Diego Water Board.
5. Owners/operators of non-federal forest lands must submit a Notice of Intent or technical and/or monitoring program reports when directed by the San Diego Water Board.

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CONDITIONAL WAIVER NO. 6 – DISCHARGES OF DREDGED OR FILL MATERIALS NEARBY OR WITHIN SURFACE WATERS

Conditional Waiver No. 6 is for discharges of dredged or fill materials nearby or within surface waters of the state. Dredged or fill materials are sources of pollutants that can adversely affect the quality of waters of the state.

The following types of discharge not regulated or authorized under waste discharge requirements (WDRs) may be eligible for Conditional Waiver No. 6:

- Discharges from sand and gravel mining operations
- Discharges from dredging projects
- Discharges from stream channel alteration projects
- Other projects proposing to discharge dredged or fill materials nearby or within surface waters of the state.

In order to be eligible for Conditional Waiver No. 6, discharges must comply with certain conditions to be protective of water quality. Waiver conditions applicable to discharges of dredged or fill materials nearby or within surface waters include the following:

6.I.A. General Waiver Conditions for Projects that Discharge Dredged or Fill Material Nearby or Within Surface Waters Required to Obtain a Surface Mining Permit and/or Federal Permit (River and Harbors Act Section 10 or Clean Water Act Section 404 Permit), and Clean Water Act Section 401 Water Quality Certification

6.II.A. Specific Waiver Conditions for Sand and Gravel Mining Operations

Discharges of dredged or fill materials nearby or within surface waters that comply with the general and specific waiver conditions in Conditional Waiver No. 6 are not expected to pose a threat to the quality of waters of the state.

6.I.A. General Waiver Conditions for Projects that Discharge Dredged or Fill Material Nearby or Within Surface Waters Required to Obtain a Surface Mining Permit and/or Federal Permit (River and Harbors Act Section 10 or Clean Water Act Section 404 Permit) and Clean Water Act Section 401 Water Quality Certification[4]

1. Operators must comply with measures included in the Surface Mining Permit and/or Federal Permit and Clean Water Act section 401 Water Quality Certification to protect surface water and groundwater quality.
2. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.
3. At least one copy of any permits, licenses, and certifications must be available for on site inspection.

[4] For projects that discharge dredged or fill material nearby or within surface waters NOT required to obtain a Surface Mining Permit or Federal Permit (River and Harbors Act section 10 or Clean Water Act section 404 Permit) and Clean Water Act section 401 Water Quality Certification, the discharger must file a Report of Waste Discharge (RoWD) with the San Diego Water Board.

4. Operators must minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of waters of the state.

6.II.A. Specific Waiver Conditions for Sand and Gravel Mining Operations

1. Sand and gravel mining operations cannot be conducted in flowing streams or other water bodies.

CONDITIONAL WAIVER NO. 7 – DISCHARGES OF RECYCLED WATER TO LAND

Conditional Waiver No. 7 is for discharges of recycled water to land. Discharges of recycled water may contain pollutants that can adversely affect the quality of waters of the state. The application of recycled water to land may result in pollutants being concentrated in soils, which may adversely impact the quality of the waters of the state when those concentrated pollutants are leached out during rainfall events and/or overuse of irrigation water. This waiver is not available or applicable to recycled water projects and users subject to rules and regulations established by master reclamation permits (MRPs), issued pursuant to Water Code section 13523.1, or otherwise regulated under waste discharge requirements (WDRs) or water reclamation requirements (WRRs), issued pursuant to Water Code sections 13260 and 13523, respectively.

The following types of discharge not regulated or authorized under WDRs, WRRs, and/or MRP may be eligible for Conditional Waiver No. 7:

- Discharges to land from short-term recycled water projects (without permanent recycled water delivery and/or distribution systems, not to exceed 365 days)
- Discharges to land from permanent recycled water projects (with permanent recycled water delivery and/or distribution systems, limited to the period prior to the discharge being authorized and regulated under WDRs, WRRs, and/or MRP, not to exceed 365 days)

In order to be eligible for Conditional Waiver No. 7, discharges must comply with certain conditions to be protective of water quality. Waiver conditions applicable to discharges of recycled water to land include the following:

7.I.A. General Waiver Conditions for Recycled Water Projects

7.II.A. Specific Waiver Conditions for Short-term Recycled Water Projects
7.II.B. Specific Waiver Conditions for Permanent Recycled Water Projects

Discharges of recycled water to land that comply with the general and specific waiver conditions in Conditional Waiver No. 7 are not expected to pose a threat to the quality of waters of the state.

7.I.A. General Waiver Conditions for Recycled Water Projects

1. Prevent all windblown spray and surface runoff of recycled water on to property not owned or controlled by the discharger by implementation of management measures (MMs) and/or best management practices (BMPs).
2. Recycled water discharged to land must not adversely affect the quality or beneficial uses of underlying groundwater.
3. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.
4. The use of recycled water must comply with the requirements of California Code of Regulations Title 22 section 60310(a) through (j), unless sufficient information is

provided to demonstrate that a proposed alternative is protective of water quality and human health.

5. Recycled water cannot be used for groundwater recharge unless sufficient information is provided to demonstrate that it will be protective of water quality and human health.

7.II.A. Specific Waiver Conditions for Short-term Recycled Water Projects

1. The operator of a short-term project proposing to discharge recycled water must file a Notice of Intent containing information about the operator, location of the project, source of the recycled water, planned period of and frequency of discharge of recycled water, and the MMs/BMPs or other measures that will be taken to eliminate or minimize the discharge of pollutants that might affect surface water and groundwater quality.
2. The Notice of Intent must include a letter from the permitted recycled water agency supplying the recycled water stating that the project will comply with recycled water regulations in California Code of Regulations Title 22, Division 4, Chapter 3, Articles 1 through 10. The letter shall also specify any monitoring and/or reporting required by the recycled water agency to demonstrate compliance with California Code of Regulations Title 22, Division 4, Chapter 3, Reclamation Criteria, Articles 2, 3, 4, 5, and 5.1.
3. Sufficient information demonstrating that the operator will comply with waiver conditions and applicable recycled water regulations must be submitted before the discharge may begin.
4. The Notice of Intent is valid for 365 days after the submittal of a complete Notice of Intent. A new Notice of Intent must be filed with the San Diego Water Board if the short-term project will exceed 365 days. A new Notice of Intent must be received by the San Diego Water Board at least 60 days prior to the expiration of the previous Notice of Intent. If no new Notice of Intent is received 60 days prior to the expiration of the previous Notice of Intent, the short-term recycled water project must cease operation 365 days after a complete Notice of Intent has been submitted.

7.II.B. Specific Waiver Conditions for Permanent Recycled Water Projects

1. A recycled water agency proposing to supply and/or distribute recycled water through permanently installed facilities or structures before receiving WDRs must file a Report of Waste Discharge (RoWD) pursuant to Water Code sections 13260 and 13522.5 containing the following:
   a) Sufficient information for the San Diego Water Board to determine that the project will be consistent with the Water Quality Control Plan for the San Diego Basin and any State Water Resources Control Board recycled water policies, and will comply with all applicable recycled water regulations.
   b) A letter from the California Department of Public Health (CDPH) stating that the project will comply with recycled water regulations in California Code of Regulations Title 22, Division 4, Chapter 3, Articles 1 through 10. The letter shall also specify any provisions, monitoring, and/or reporting required by the CDPH to demonstrate compliance with California Code of Regulations Title 22, Division 4, Chapter 3, Reclamation Criteria, Articles 2, 3, 4, 5, and 5.1.
   c) A list of recycled water end users that will be regulated by the recycled water agency, and the proposed monitoring and reporting program the recycled water

agency will implement to demonstrate that the end users are complying with the waiver conditions and applicable recycled water regulations.

2. The recycled water agency must submit sufficient information demonstrating that the recycled water agency and its end users will comply with waiver conditions and applicable recycled water regulations before the discharge may begin.
3. The conditional waiver issued to the recycled water agency is valid for 365 days after a completed RoWD has been submitted, or until WDRs are adopted for the project, whichever occurs first. The San Diego Water Board will adopt WDRs at the earliest possible opportunity. If the WDRs cannot be adopted within 365 days after the completed RoWD has been submitted, the recycled water agency must request an extension of the conditional waiver at least 60 days prior to the expiration of the previous conditional waiver. If no request for an extension is received 60 days prior to the expiration of the previous conditional waiver, the permanent recycled water project must cease the discharge of recycled water 365 days after the completed RoWD was submitted.
4. If a recycled water agency that obtains a waiver in accordance with the waiver conditions in 7.II.B proposes to significantly add to or modify the treatment process (e.g., change the disinfection or filtration processes), then the discharger shall submit a new RoWD containing the information listed in 7.II.B.1 above.

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CONDITIONAL WAIVER NO. 8 – DISCHARGES/DISPOSAL OF SOLID WASTES TO LAND

Conditional Waiver No. 8 is for discharges of solid wastes to land, which may be a source of pollutants that can adversely affect the quality of waters of the state.

The following types of discharge not regulated or authorized under waste discharge requirements (WDRs) may be eligible for Conditional Waiver No. 8:

- Discharges of plant crop residues to land
- Discharges of manure and/or green wastes to composting operations
- Discharge/application of amendments and/or mulches to soil
- Discharges/disposal of inert wastes to solid waste disposal facilities only accepting inert wastes
- Discharges of soils containing wastes to temporary waste piles
- Discharges/disposal/reuse of soils characterized as inert from known contaminated sites to land

In order to be eligible for Conditional Waiver No. 8, discharges must comply with certain conditions to be protective of water quality. Waiver conditions applicable to discharges of solid wastes to land include the following:

8.I.A. General Waiver Conditions for Discharges of Solid Wastes to Land

8.II.A. Specific Waiver Conditions for Discharges of Plant Crop Residues to Land
8.II.B. Specific Waiver Conditions for Discharges to Composting Operations
8.II.C. Specific Waiver Conditions for Application of Amendments and Mulches to Soil
8.II.D. Specific Waiver Conditions for the Discharge of Soils Containing Wastes to Temporary Waste Piles
8.II.E. Specific Waiver Conditions for Discharges of Inert Wastes to Solid Waste Disposal Facilities Only Accepting Inert Wastes
8.II.F. Specific Waiver Conditions for the Discharge/Disposal/Reuse of Inert Soils and Materials from Contaminated Sites to Land

Discharges of solid wastes to land that comply with the general and specific waiver conditions in Conditional Waiver No. 8 are not expected to pose a threat to the quality of waters of the state.

8.I.A. General Waiver Conditions for Discharges of Solid Wastes to Land

1. Prevent the direct or indirect discharge of solid wastes to any surface waters of the state (including ephemeral streams and vernal pools).
2. Operations or facilities that accept and/or discharge solid wastes to land must comply with local, state, and federal ordinances and regulations and obtain any required permits, certifications, and/or licenses.
3. Solid wastes must not cause or threaten to cause a condition of contamination, pollution, or nuisance.
4. The discharger must minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of waters of the state.

5. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.
6. Discharger must submit a Notice of Intent or technical and/or monitoring program reports when directed by the San Diego Water Board.

8.II.A. Specific Waiver Conditions for Discharges of Plant Crop Residues to Land

1. Plant crop residues must be managed to prevent transport of pollutants to waters of the state.
2. Plant crop residues may be used as feedstock for composting.
3. Plant crop residues cannot be burned and applied to land.
4. Application of any products (e.g., fertilizers, pesticides) to plants or soil must be used in accordance with manufacturer's guidelines and must not have an adverse effect on the quality of any waters of the state.
5. Concentrations of pesticides and/or herbicides or any other pollutants associated with the plant crop residues must not adversely affect the quality or beneficial uses of underlying groundwater.
6. Implement management measures (MMs) and/or best management practices (BMPs) around areas where plant crop residues have been discharged to land to minimize or eliminate runoff and leachate to surface waters and groundwater.

8.II.B. Specific Waiver Conditions for Discharges to Composting Operations

1. For composting operations or facilities that store 500 cubic yards or less on site at any one time, and the compostable materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or given away annually, or other California Integrated Waste Management Board (CIWMB) excluded composting activities,[5] the following conditions apply to minimize or eliminate the discharge of pollutants to waters of the state:
   a) Compost pile(s) should be protected with a roof or cover, or at a minimum be covered with plastic sheeting if precipitation is forecast within the next 24 hours, to prevent direct contact between precipitation and compost.
   b) Precipitation and surface drainage should be diverted away from compost pile(s).
   c) A buffer zone of at least 100 feet should be maintained between the compost pile(s) and any surface waters of the state, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality.
   d) Leachate from compost pile(s) must not adversely impact the quality or beneficial uses of groundwater in any water wells.
   e) The following wastes cannot be added to compost pile(s) unless sufficient information is provided to demonstrate that the waste does not pose a potential threat to water quality: (a) municipal solid wastes; (b) sludges, including sewage sludge, water treatment sludge, and industrial sludge; (c) septage; (d) liquid wastes; (e) oil and grease; and (f) hazardous, designated, and any other wastes determined by the San Diego Water Board to pose a potential threat to water quality.
2. For composting operations or facilities that store more than 500 cubic yards on site at any one time, or other CIWMB-regulated composting activities, the following

[5] California Code of Regulations Title 14 section 17855(a)(1) through (9)

conditions apply to minimize or eliminate the discharge of pollutants to waters of the state:

a) Composting operation or facility must be sited, designed and operated in accordance with the California Integrated Waste Management Board's (CIWMB) requirements in California Code of Regulations Title 14 sections 17865 through 17870. Records must be available on site for inspection.
b) Compost pile(s) should be protected with a roof or cover, or at a minimum be covered with plastic sheeting if precipitation is forecast within the next 24 hours, to prevent direct contact between precipitation and compost.
c) Precipitation and surface drainage should be diverted away from compost pile(s).
d) A buffer zone of at least 100 feet should be maintained between the compost pile(s) and any surface waters of the state, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality.
e) Leachate from compost pile(s) must not adversely impact the quality or beneficial uses of groundwater in any water wells.
f) The following wastes cannot be added to compost pile(s) unless sufficient information is provided to demonstrate that the waste does not pose a potential threat to water quality: (a) municipal solid wastes; (b) sludges, including sewage sludge, water treatment sludge, and industrial sludge; (c) septage; (d) liquid wastes; (e) oil and grease; and (f) hazardous, designated, and any other wastes determined by the San Diego Water Board to pose a potential threat to water quality.
g) Containment structures such as embankments, liners or surface impoundments must be maintained in order to ensure proper performance whenever compost feedstocks (e.g., manure and/or green wastes) are discharged.
h) File a Notice of Intent containing information about the facility owner/operator, map of the facility showing the locations of compost pile(s) and nearby surface water bodies and/or water wells, and MMs/BMPs that will be taken to prevent discharges of compost that could affect surface water and groundwater quality. Sufficient information demonstrating compliance with waiver conditions must be submitted in order for the facility to be eligible for this conditional waiver.

8.II.C. Specific Waiver Conditions for Application of Amendments and Mulches to Soil

1. Amendments or mulches applied to soil cannot include any of the following additives, unless sufficient information is provided to demonstrate that the waste does not pose a potential threat to water quality: (a) municipal solid wastes; (b) sludges, including sewage sludge, water treatment sludge, and industrial sludge; (c) septage; (d) liquid wastes; (e) oil and grease; and (f) hazardous, designated, and any other wastes determined by the San Diego Water Board to pose a potential threat to water quality.
2. The amount of soil amendment or mulch materials that can be applied to soil must be reasonable for the crop or plant, soil, climate, special local situations, management system, and type of soil amendment or mulch. Application rates must take into account storm events during the rainy season (October-May). Application rates must not allow soil amendment or mulch materials to be transported off the property in storm water runoff during the rainy season. Resources are available from the Natural Resource Conservation Service (NRCS), University of California

Cooperative Extension (UCCE), and other organizations. A copy of the calculations and/or estimate of the application rate must be available on site for inspection.

3. Apply amendment or mulch materials to soil at site-specific rates appropriate to the season (i.e., dry vs. rainy).
4. Implement MMs/BMPs in areas with soil amendment or mulch materials to minimize or eliminate runoff and leachate to surface waters and groundwater.

8.II.D. Specific Waiver Conditions for the Discharge of Soils Containing Wastes to Temporary Waste Piles

1. For ***any soils containing wastes*** temporarily stored in waste piles, the following conditions apply:
   a) The discharger must submit a signed/completed Section A of the Temporary Waste Pile Certification form within 30 days of the initial discharge of any waste piles to be eligible for this waiver. The property owner must approve and acknowledge the placement of the waste at the site.
   b) The discharger must submit a signed/completed Section B of the Temporary Waste Pile Certification form within 10 working days of completing removal of all waste and restoring the site to its original condition.
   c) Unless otherwise specified in the applicable conditions, no temporary waste piles may remain on a site for longer than 6 months or 180 days.
   d) The temporary discharge of waste must not (a) cause the occurrence of coliform or pathogenic organisms in waters pumped from the basin; (b) cause the occurrence of objectionable tastes and odors in water pumped from basin; (c) cause waters pumped from the basin to foam; (d) cause the presence of toxic materials in waters pumped from the basin; (e) cause the pH of waters pumped from the basin to fall below 6.0 or rise above 9.0; (f) cause pollution, contamination or nuisance or adversely affect the quality or beneficial uses of groundwater or surface waters of the hydrologic subareas established in the Basin Plan; and/or, (g) cause a violation of any discharge prohibitions in the Basin Plan for the San Diego Region.
   e) The discharger must conduct regular inspections of temporary waste piles and associated MMs/BMPs at least once per week. Corrective actions must be taken as necessary to ensure compliance with the conditions of this waiver.
   f) Surface drainage must be diverted away from the temporary waste piles. For all temporary waste piles, the discharger must implement effective MMs/BMPs to prevent surface water runon and runoff from contacting wastes and to prevent erosion and transport of wastes by surface runoff.
   g) Temporary waste piles must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from any surface water of the state, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality.
   h) Temporary waste piles must be protected against 100-year peak stream flows as defined by the County flood control agency.
   i) Temporary waste piles must be covered by plastic sheeting (not less than 10 mils thick, unless otherwise specified under the applicable Special Conditions) to adequately prevent rainwater infiltration, control fugitive dust, and other nuisances.

j) Temporary waste piles must be underlain by either plastic sheeting (not less than 10 mils thick, unless otherwise specified under the applicable conditions) or a liner of low permeability that will prevent leachate from infiltrating to groundwater.

k) Solid wastes discharged to temporary waste piles, together with any containment materials used at the temporary waste pile, and any underlying geologic materials impacted by the discharge, shall be removed within 180 days, unless otherwise specified under the applicable Special Conditions. Subsequently, the discharger must remove all wastes, treatment facilities, related equipment, and dispose of those items in accordance with applicable regulations. The site must be restored to its original state within 30 days after the temporary waste pile is removed, unless otherwise specified under the applicable Special Conditions.

l) The discharger must post at least one clearly visible sign listing the following minimum information: a) project name, b) name and address of discharger, c) brief project description, and d) 24-hour contact information – name, address, facsimile, and telephone number for the project for as long as the temporary waste pile remains on the site.

2. For ***soils containing petroleum hydrocarbons*** temporarily stored in waste piles, the following conditions apply:

a) Soils and associated solid waste containing petroleum hydrocarbons discharged into temporary waste piles shall be limited to a maximum time period of 3 months or 90 days on a site.

b) Soils and associated solid waste containing petroleum hydrocarbons discharged into temporary waste piles under an initial certification report must be derived from only one source (e.g., one unauthorized release site).

c) Temporary waste piles must be covered by plastic sheeting (not less than 10 mils thick) to adequately prevent rainwater infiltration, control fugitive dust, and other nuisances.

d) Temporary waste piles must be underlain by either plastic sheeting (not less than 10 mils thick) or a liner of low permeability that will prevent leachate from infiltrating to groundwater.

e) In addition to the conditions stated herein, temporary waste piles must conform to applicable provisions in the state's local oversight program (LOP) for Orange, Riverside, or San Diego Counties.

f) The site must be restored to its original state within 30 days after removal of the temporary waste pile from the site.

3. For ***dredged spoils containing heavy metals*** temporarily stored in waste piles, the following conditions apply:

a) Dredged spoils and associated solid waste containing heavy metals discharged into temporary waste piles shall be limited to a maximum time period of 9 months or 270 days on a site.

b) Temporary waste piles must be covered by either a plastic sheeting to adequately prevent rainwater infiltration, control fugitive dust, and other nuisances. Alternative control methods may be utilized if sufficient information is provided to demonstrate that the proposed alternative is protective of water quality and human health.

c) Temporary waste piles must be underlain by plastic sheeting (not less than 20 mils thick) or a liner of lower permeability that will prevent leachate from infiltrating to groundwater. Sufficient information must be provided to the San

Diego Water Board demonstrating that the liner and containment facility has been designed to contain all solid wastes and fluids.

d) Materials used in containment structures must have the appropriate chemical and physical properties to ensure that such structures do not fail to contain waste because of: the stress of installation, pressure gradients, physical contact with the waste or leachate, or chemical reactions with soil and rock.

e) The site must be restored to its original state within 60 days after removal of the temporary waste pile from the site.

8.II.E. Specific Waiver Conditions for Solid Waste Disposal Facilities Accepting Only Inert Wastes[6]

1. Inert solid waste must not contain hazardous waste, or soluble or decomposable constituents to be considered inert waste.
2. Inert waste cannot contain any "free liquids."[7]
3. Owner/operator of disposal facility must secure the disposal site and prevent unauthorized disposal by the public.
4. Inert wastes exclude any wastes determined by the San Diego Water Board to potentially have an adverse affect on the quality or beneficial uses of waters of the state, even if classified as inert waste.

8.II.F. Specific Waiver Conditions for the Discharge/Reuse of Inert Soils and Materials from Contaminated Sites

1. For ***all waste soils characterized as inert (Tier 1 or Tier 2)***, the following conditions apply:
   a) Inert waste soils from known contaminated sites cannot be transported off site and discharged/disposed/reused directly or indirectly to any surface waters of the state (including ephemeral streams and vernal pools).
   b) Inert waste soils from known contaminated sites cannot contain significant quantities of decomposable waste.
   c) Inert waste soils from known contaminated sites cannot contain any "free liquids."[8]
   d) Inert waste soils that are discharged/disposed/reused at any site cannot have any hydrocarbon, chlorinated solvent, or other contaminant-based odor.
   e) Sites that export or import soils characterized as inert from known contaminated sites for use as fill material or any other purpose must comply with an applicable federal, state, or local permitting requirements, regulations, and/or ordinances pertaining to the use of imported soil.
   f) Sites that export or import soils characterized as inert from known contaminated sites for use as fill material or any other purpose must implement MMs/BMPs to eliminate the potential for erosion and transport of sediment off the site.

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[6] According to California Code of Regulations Title 27 section 20230(a) "Inert waste" is defined as "that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste."

[7] "Free liquids" defined by California Code of Regulations Title 27 section 20164 as "liquid which readily separates from the solid portions of waste under ambient temperature and pressure."

[8] "Ibid.

g) This conditional waiver does not authorize the discharge/disposal/reuse of soil characterized as inert from known contaminated sites outside the boundaries of the San Diego Region.

h) Prior to exporting soil characterized as inert from a known contaminated site, the owner/operator of the export site must file a Notice of Intent with the San Diego Water Board. The Notice of Intent must be filed no less than 3 days prior to the beginning of export shipments. The Notice of Intent must include information about the site owner/operator, map of the site showing the locations of excavations, borings and/or stockpiles, MMs/BMPs that will be taken to prevent discharges of waste soil that could affect surface water and groundwater quality, estimated volumes (can be a range of volumes) of inert waste soil that will be generated for use off the site, estimated number (can be a range) and locations of samples that will be collected for characterization, and name of the certified environmental analytical laboratory that will perform the analysis.

i) Waste soils from a site with a known or discovered unauthorized release must be characterized and certified as inert in order for the soil to be reused off site. Characterization and certification must include the following minimum requirements:

   i) All waste soils generated during remediation or corrective action must be stockpiled on the site in accordance with the waiver conditions for the discharge of specified soils containing wastes to temporary waste piles. Or, waste soils may be sampled and characterized in-situ prior to transport and disposal or reuse off site

   ii) Waste soil must be segregated into 2 categories:

      (A) Soil that is impacted by the unauthorized release must be characterized as hazardous, designated, and/or non-hazardous waste and handled in accordance with regulatory requirements for the disposal of solid wastes. Waste soils that do not visually appear impacted, but smells impacted, must be treated as impacted soil and cannot be characterized as inert.

      (B) Soil that does not appear to be impacted by the unauthorized release, by visual inspection and odor, must be sampled and analyzed to confirm the soil can be characterized as inert waste soil.

   iii) Samples must be collected from the waste soil suspected to be inert for laboratory analysis. The minimum number is samples required to characterize the soil is as follows:

Volume of Soil	**Required Number of Samples Analyzed**
0 to <500 cy	4 samples per 100 cy (12 minimum)
500 to <5,000 cy	1 additional sample per additional 500 cy
5,000 cy or more	1 additional sample per additional 1,000 cy[9]

cy = cubic yards

[9] Volumes greater than 10,000 cubic yards may rely on fewer samples than 1 per each additional 1,000 cubic yards if characterization complies with SW846 methods for selecting appropriate numbers of samples for waste characterization and statistical analyses. The appropriate number of samples is the least number of samples required to generate a sufficiently representative estimate of the true mean concentration of a chemical contaminant of a waste.

iv) Samples must be analyzed by a state-certified analytical laboratory using USEPA approved analytical methods for the following constituents:

(A) Total concentrations of those Title 22 metals identified as contaminants of concern for the export site. For sites identified with burn ash (i.e., a site where solid waste has been burned at low temperature and the residual burn ash pits and burn ash layers are present in soil), the site shall be investigated and the burn ash will be characterized for disposal purposes according to the protocol established by the lead regulatory agency (e.g., Department of Toxic Substances Control, California Integrated Waste Management Board, or others) to identify contaminants of concern at the site. The soil outside of the area of impact of the burn ash shall be tested for the total concentration of those metals identified as contaminants of concern based on the findings of the burn ash investigation technical study.

(B) Total petroleum hydrocarbons (by USEPA Method 8015 – full scan if export site includes oil or fuel as potential or actual contaminants of concern)

(C) Polychlorinated biphenyls (if export site includes PCBs as potential or actual contaminants of concern)

(D) Volatile and semi-volatile organic compounds (if export site includes volatile and semi-volatile organic compounds as potential or actual contaminants of concern)

(E) Pesticides (if export site includes a known agricultural area, or pesticides as potential or actual contaminants of concern)

(F) Other constituents (if contaminated portion of the export site is found to contain other pollutants or contaminants)

j) *If analytical results indicate detectable concentrations of constituents other than Title 22 metals, waste soil cannot be characterized as inert.*

2. For reuse of ***Tier 1 inert waste soils (full unrestricted reuse within the San Diego Region)***, the following conditions apply:

a) Soil cannot contain any detectable concentrations of contaminants other than Title 22 metals.

b) For those Title 22 metals that have been identified as contaminants of concern for the export Site, samples shall be analyzed by an SW846 method using the reporting limits set forth in the Table provided in Attachment 1. From these data, the 90 percent upper confidence level (UCL) shall be determined. Prior to calculating the 90 percent UCL, one must determine whether the sample set is normally, lognormally or non-normally distributed. If lognormally distributed, one must determine the 90 percent UCL on the lognormal mean. If non-normally distributed, but sufficiently symmetrical, calculate the 90 percent UCL on the median (50th percentile), instead of the mean. See USEPA SW846 Chapter 9 and the USEPA Guidance for Data Quality Assessment for a discussion of waste characterization and statistical analysis; in particular the guidance on testing for normality, calculating a 90 percent UCL, and handling of non-detected values.[10]

[10] See U.S. Environmental Protection Agency, Office of Solid Waste. 1986. *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;* http://www.epa.gov/epaoswer/hazwaste/test/pdfs/chap9.pdf; and USEPA 2002, RCRA Waste Sampling Draft Technical Guidance, EPA 530-D-02-002 (Appendix F). Office of Solid Waste.

Tier 1 Soil Screening Levels

Title 22 Metals	Inert Waste Target[a] (mg/kg)	Residential CHHSL[b] (mg/kg)	e-PRG[c] (mg/kg)	Background[d] Mean (mg/kg)	Tier 1 SSL[e,f] (mg/kg)
Antimony	6.0	30	5.0	0.60	**5.0**
Arsenic	50	0.07	9.9	3.5	**3.5**
Barium	1,000	5,200	283	509	**509**
Beryllium	4.0	150	10	1.28	**4.0**
Cadmium	5.0	1.7	4.0	0.36	**1.7**
Chromium, Total	50	NA	0.4	122	**50**
Chromium, Hexavalent	50	17	NA	NA	**17**
Cobalt	NA	660	20	14.9	**20**
Copper	1,300	3,000	60	28.7	**60**
Lead	15	150	40.5	23.9	**15**
Mercury	2.0	18	0.00051	0.26	**0.26**
Molybdenum	NA	380	2.0	1.3	**2.0**
Nickel	100	1,600	30	57	**57**
Selenium	50	380	0.21	0.058	**0.21**
Silver	NA	380	2.0	0.80	**2.0**
Thallium	2.0	5.0	1.0	0.56	**1.0**
Vanadium	50	530	2.0	112	**50**
Zinc	NA	23,000	8.5	149	**149**

a. Calculated using Central Valley Water Board Designated Level Methodology, where the Water Quality Goal is the lower value of the Federal or State drinking water primary maximum contaminant level, the Environmental Attenuation Factor is 10, and the Leachability Factor is 100.

b. Values taken from the California Environmental Protection Agency's *Use of California Human Health Screening Levels (CHHSLs) in Evaluation of Contaminated Properties* (CalEPA 2005).

c. Taken from Oak Ridge National Laboratory's *Preliminary Remediation Goals for Ecological Endpoints* (Efroymson, et al 1997)

d. Taken from Kearney Foundation of Soil Science Division of Agriculture and Natural Resources, University of California *Background Concentrations of Trace and Major Elements in California Soil – Special Report* (Bradford, et al 1996).

e. Tier 1 Soil Screening Level for inert waste soils that can be reused without restriction. Tier I SSLs selected based on the following steps: Step 1) Select lower value of Residential CHHSL or e-PRG; Step 2) Select lower value of Step 1 or Inert Waste Target; and, Step 3) Select higher value of Step 2 and Arithmetic Mean Background.

f. These values are not intended to provide clean up levels for soil remaining on-site. Such values should be established based on the contaminants of concern, the site use, and in conjunction with the regulatory agency providing oversight for the remediation effort.

c) An Inert Waste Certification must be filed with the San Diego Water Board by the owner/operator of the export site within 30 days following completion of export activities. The Inert Waste Certification must include the following information:
   i) Generator name and contact information
   ii) Export site location, owner name and contact information
   iii) Map of the export site showing the location of the excavation, borings, stockpiles, and/or samples collected
   iv) Approximate volume of inert waste soil exported from the site
   v) Description of BMPs implemented to prevent discharge of waste soil off the export site during excavation and transport.
   vi) Laboratory analytical data, including number of samples collected, EPA approved analytical methods used, the 90 percent UCL of the data for the contaminants of concern, and name of certified environmental analytical laboratory that performed the analysis.
   vii) The export site owner, principal executive officer, or authorized representative, and a California registered professional engineer or geologist must sign and certify the Inert Waste Certification. The Inert Waste Certification must include the statement, "*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*"

3. For reuse of ***Tier 2 inert waste soils (only for commercial or industrial development purposes within the San Diego Region)***, the following conditions apply:
   a) Soil cannot contain any detectable concentrations of contaminants other than Title 22 metals.
   b) Samples shall be analyzed by an SW846 method using the reporting limits set forth in the Table provided in Attachment 1. From these data, the 90 percent UCL shall be determined. Prior to calculating the 90 percent UCL, one must determine whether the sample set is normally, lognormally or non-normally distributed. If lognormally distributed, one must determine the 90 percent UCL on the lognormal mean. If non-normally distributed, but sufficiently symmetrical, calculate the 90 percent UCL on the median (50th percentile), instead of the mean. See USEPA SW846 Chapter 9 and the USEPA Guidance for Data Quality Assessment for a discussion of waste characterization and statistical analysis; in particular the guidance on testing for normality, calculating a 90 percent UCL, and handling of non-detected values.[11]

[11] See U.S. Environmental Protection Agency, Office of Solid Waste. 1986. *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;* http://www.epa.gov/epaoswer/hazwaste/test/pdfs/chap9.pdf; and USEPA 2002, RCRA Waste Sampling Draft Technical Guidance, EPA 530-D-02-002 (Appendix F). Office of Solid Waste.

Tier 2 Soil Screening Levels

Pollutant	Inert Waste Target[a] (mg/kg)	Industrial CHHSL[b] (mg/kg)	Background[d] Max (mg/kg)	Background[d] ½ Max (mg/kg)	TTLC[e] (mg/kg)	Tier 2 SSL[f,g] (mg/kg)
Antimony	6.0	380	1.95	0.98	500	**6.0**
Arsenic	50	0.24	11	5.5	500	**5.5**
Barium	1,000	63,000	1,400	700	10,000	**1,000**
Beryllium	4.0	1,700	2.7	1.4	75	**4**
Cadmium	5.0	7.5	1.70	0.85	100	**5**
Chromium, Total	50	100,000	1,579	790	2,500	**790**
Chromium, Hexavalent	50	37	NA	NA	500	**37**
Cobalt	NA	3,200	46.9	23.5	8,000	**3,200**
Copper	1,300	38,000	96.4	48.2	2,500	**1,300**
Lead	15	3,500	97.1	48.6	1,000	**49**
Mercury	2.0	180	0.90	0.45	20	**2**
Molybdenum	NA	4,800	9.6	4.8	3,500	**3,500***
Nickel	100	16,000	509	255	2,000	**255**
Selenium	50	4,800	0.43	0.22	100	**50**
Silver	NA	4,800	8.30	4.2	500	**500***
Thallium	2.0	63	1.10	0.55	700	**2**
Vanadium	50	6,700	288	144	2,400	**144**
Zinc	NA	100,000	236	118	5,000	**5,000***

* None of the analytical results from any samples collected to characterize the waste soil can exceed the Tier 2 Soil Screening Level for this pollutant.

a. Calculated using Central Valley Water Board Designated Level Methodology, where the Water Quality Goal is the lower value of the Federal or State drinking water primary maximum contaminant level, the Environmental Attenuation Factor is 10, and the Leachability Factor is 100.

b. Values taken from the California Environmental Protection Agency's *Use of California Human Health Screening Levels (CHHSLs) in Evaluation of Contaminated Properties* (CalEPA 2005).

c. Taken from Oak Ridge National Laboratory's *Preliminary Remediation Goals for Ecological Endpoints* (Efroymson, et al 1997)

d. Taken from Kearney Foundation of Soil Science Division of Agriculture and Natural Resources, University of California *Background Concentrations of Trace and Major Elements in California Soil – Special Report* (Bradford, et al 1996).

e. Total Threshold Limit Concentration. Concentrations above the TTLC would be classified as hazardous waste.

f. Tier 2 Soil Screening Level for inert waste soils that can be reused only for commercial or industrial land use designation. Tier II SSLs selected based on the following steps: Step 1) Select lower value of Industrial CHHSL or Inert Waste Target; Step 2) Select higher value of Step 1 or ½ Maximum Background; and, Step 3) Select lower value of Step 2 and Total Threshold Limit Concentration.

g. These values are not intended to provide clean up levels for soil remaining on-site. Such values should be established based on the contaminants of concern, the site use, and in conjunction with the regulatory agency providing oversight for the remediation effort.

c) An Inert Waste Certification must be filed with the San Diego Water Board by the owner/operator of the export site within 30 days following export and placement of the soil. The Inert Waste Certification must include the following information:
   i) Generator name and contact information
   ii) Export site location, owner name and contact information
   iii) Approximate volume of inert waste soil exported from the site
   iv) Description of BMPs implemented to prevent discharge of waste soil off the export site during excavation and transport.
   v) Laboratory analytical data, including number of samples collected, EPA approved analytical methods used, the 90 percent UCL of the data for the contaminants of concern, and name of certified environmental analytical laboratory performing analysis

vi) Import site owner name and contact information, with a map of the site location showing nearby surface water bodies, approximate depth to groundwater, and BMPs that will be implemented to eliminate the potential for discharge of inert waste soils to surface waters.

vii) The import site owner, principal executive officer, or authorized representative must provide a signature acknowledging the receipt or planned receipt of the inert waste soil.

viii) The export site owner, principal executive officer, or authorized representative, and a California registered professional engineer or geologist must sign and certify the Inert Waste Certification. The Inert Waste Certification must include the statement, "*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*"

d) Tier 2 inert waste soil reused at commercial or industrial development sites must comply with the following conditions:

i) Tier 2 inert waste soil may only be reused on commercial or industrial sites. It may not be reused at residential, school, or park sites.

ii) Tier 2 inert waste soil must be placed at least 5 feet above the highest historically known or anticipated level of groundwater. The soil that separates the inert waste soil from groundwater shall have a significant clay content (greater than 5 percent clay material) or an in-situ permeability of less than 10^{-5} cm/sec.

iii) Tier 2 inert waste shall be placed at least 100 feet from the nearest surface water body.

iv) Tier 2 inert waste shall be protected against 100-year peak stream flows as defined by the County flood control agency.

v) Tier 2 inert waste shall be covered by either: 1) engineered materials (e.g. used as road base, fill beneath buildings, bridge abutments), or 2) not less than 2 feet of noncontaminated, clean fill. The cover shall have a permeability of no more than 10^{-5} cm/sec. Placement of a cover on the inert waste soils shall be completed with 30 days of discharging the final load of inert waste soils at the import site.

CONDITIONAL WAIVER NO. 9 – DISCHARGES OF SLURRIES TO LAND

Conditional Waiver No. 9 is for discharges of slurries to land, which may be a source of pollutants that can adversely affect the quality of waters of the state. A slurry typically consists of water and some material to form a liquid mixture.

The following types of discharge not regulated or authorized under waste discharge requirements (WDRs) may be eligible for Conditional Waiver No. 9:

- Discharges of drilling muds to land
- Discharges of concrete grinding residues to land

In order to be eligible for Conditional Waiver No. 9, discharges must comply with certain conditions to be protective of water quality. Waiver conditions applicable to discharges of slurries to land include the following:

9.I.A. General Waiver Conditions for Slurries Discharged to Land

9.II.A. Specific Waiver Conditions for Discharges of Drilling Mud to Land

Discharges of slurries to land that comply with the general and specific waiver conditions in Conditional Waiver No. 9 are not expected to pose a threat to the quality of waters of the state.

9.I.A General Waiver Conditions for Slurries Discharged to Land

1. Prevent the direct or indirect discharge of slurries to any surface waters of the state (including ephemeral streams and vernal pools).
2. Slurries must be contained to eliminate the potential for runoff from the site.
3. If slurries are discharged to land for storage, the storage area or sump must be designed to be fully contained and ensure no overflow during discharge with at least 2 feet of freeboard.
4. The floor of the storage area or sump must be at least 5 feet above the highest known historical or anticipated groundwater level.
5. The walls of the storage area or sump must be at least 100 feet away from any surface water body or municipal water well.
6. Slurries cannot contain any toxic or hazardous constituents.
7. Slurries discharged to land must not adversely affect the quality or beneficial uses of underlying groundwater.
8. Slurries must be removed and disposed of at an appropriate disposal facility prior to restoring the storage area or sump to pre-discharge conditions.
9. The storage area or sump must be filled in and restored to pre-discharge conditions.
10. Discharger must submit a Notice of Intent or technical and/or monitoring program reports when directed by the San Diego Water Board.

9.II.A. Specific Waiver Conditions for Discharge of Drilling Muds

1. Drilling mud cannot be from borings advanced for a soil or groundwater contamination investigation.

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CONDITIONAL WAIVER NO. 10 – DISCHARGES OF EMERGENCY/DISASTER RELATED WASTES

Conditional Waiver No. 10 is for discharges of wastes resulting from an emergency or disaster, which may be a source of pollutants that can adversely affect the quality of waters of the state.

The following types of discharge not regulated or authorized under waste discharge requirements (WDRs) may be eligible for Conditional Waiver No. 10:

- Incidental discharges of oil and oily water within a response area during an oil spill response in marine waters
- Discharges of disaster related wastes to temporary waste piles and surface impoundments
- Discharges of mass mortality wastes temporary waste piles and emergency landfills
- Other discharges of emergency/disaster related wastes

In order to be eligible for Conditional Waiver No. 10, discharges must comply with certain conditions to be protective of water quality. Waiver conditions applicable to emergency/disaster related waste discharges include the following:

10.I.A. General Waiver Conditions for Discharges of Emergency/Disaster Related Wastes

10.II.A. Specific Waiver Conditions for Incidental Discharges During an Oil Spill Response
10.II.B. Specific Waiver Conditions for Disaster Related and Mass Mortality Wastes Disposed at Regulated Waste Disposal Facilities
10.II.C. Specific Waiver Conditions for Disaster Related and Mass Mortality Wastes Discharged to Temporary Waste Piles Located at Regulated Waste Disposal Facilities
10.II.D. Specific Waiver Conditions for Disaster Related Wastes Discharged to Temporary Waste Piles NOT Located at Regulated Waste Disposal Facilities
10.II.E. Specific Waiver Conditions for Disaster Related Wastes Discharged to Temporary Surface Impoundments NOT Located at Regulated Waste Disposal Facilities
10.II.F. Specific Waiver Conditions for Mass Mortality Wastes Discharged to Emergency Landfills NOT Located at Regulated Waste Disposal Facilities

Discharges of emergency/disaster related wastes that comply with the general and specific waiver conditions in Conditional Waiver No. 10 should minimize the potential impact and should not pose a significant threat to the quality of waters of the state.

10.I.A. General Waiver Conditions for Discharges of Emergency/Disaster Related Wastes

1. This conditional waiver does not become active and available until one of the following occurs:
   a) The Governor of California issues a proclamation, pursuant to Government Code sections 8625 and 8558(b), identifying a portion of the San Diego Region as being in a state of emergency, and applies only to disaster related waste streams from disaster-impacted areas; or

b) An oil spill incident occurs in the marine waters of the San Diego Region requiring a response authorized by the Administrator of the Office of Spill Prevention and Response; or
c) A discharge occurs resulting from emergency activities that are waived of the requirements of Water Code sections 13260(a) and (c), 13263(a), and 13264(a), which are described in Water Code section 13269(c)(1) and (2).

2. This conditional waiver is only in effect temporarily and shall expire under the following conditions:
   a) The state of emergency declared by the Governor expires, or
   b) The San Diego Water Board takes action to terminate enrollment of individual or all dischargers/Units temporarily granted a waiver, or
   c) Six (6) months has elapsed since the Governor issued a declaration of the State of emergency for any portion of the San Diego Region, or the oil spill incident occurred, or emergency activities began, unless otherwise directed by the San Diego Water Board.
3. Emergency/disaster related waste management and cleanup activities must minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of the waters of the state.
4. For all temporary waste piles and surface impoundments used to manage emergency/disaster related waste, the following conditions apply:
   a) Prevent the direct or indirect discharge of emergency/disaster related wastes to any surface waters of the state (including ephemeral streams and vernal pools).
   b) Emergency/disaster related waste management operations shall not be performed in a manner that creates, or contributes to a condition of pollution or nuisance.
   c) Emergency/disaster related waste management operations shall not be performed in a manner that creates, or contributes to conditions which violate the waste discharge prohibitions promulgated in the Basin Plan.
   d) Emergency/disaster related wastes shall not be managed in a manner that causes corrosion, decay, or otherwise reduces or impairs the integrity of containment structures at any waste management unit.[12]
   e) Emergency/disaster related wastes shall not be managed in a manner that mixes or commingles other wastes that can produce a violent reaction (including heat, pressure, fire or explosion), that can produce toxic byproducts, or that can produce any reaction products requiring a higher level of containment, or results in the mixture being classified as a restricted waste.[13]
   f) Liquid hazardous wastes or "restricted hazardous wastes"[14] cannot be discharged to municipal solid waste (MSW) landfills, temporary waste piles, or temporary surface impoundments.
   g) Temporary waste piles must be covered to adequately prevent rainwater infiltration and runoff, and control fugitive dust, vectors, odors, blowing litter and scavenging. The cover shall not consist of or contain material classified as a designated waste.[15]

[12] Pursuant to California Code of Regulations Title 27 section 20200(b)(1)
[13] Pursuant to California Code of Regulations Title 27 section 20200(b)(2)
[14] Defined in California Health and Safety Code section 25122.7
[15] Defined in California Code of Regulations Title 27 section 20210

h) Inert wastes[16] that are suitable for reuse or recycling do not require permanent disposal at a classified waste management or disposal facility (i.e., permitted landfill).

i) Waste streams must only originate from disaster-impacted areas of the San Diego Region. These waste streams shall be discharged for treatment and permanent disposal **only** into:

   i) Waste management or treatment units (e.g., liquid wastes into wastewater treatment plants) as allowed by waste discharge requirements (WDRs) issued by the San Diego Water Board, or

   ii) Solid waste management units or disposal facilities (e.g., solid wastes into Class III MSW landfills underlain with engineered composite liners and leachate collection systems and that satisfy the requirements of State Water Board Resolution No. 93-62); or

   iii) Emergency landfills established in accordance with the conditions of this waiver; and

   iv) As allowed by valid WDRs issued by the San Diego Water Board for other categories of waste management units.

10.II.A. Specific Waiver Conditions for Incidental Discharges During an Oil Spill Response

1. Incidental discharges[17] are confined to the response area which is defined by the daily work plan approved under the Incident Command System or Unified Command Structure by the Administrator, Federal On-Scene Coordinator, or State On-Scene Coordinator.
2. Oil spill response must be in marine waters.[18]

10.II.B. Specific Waiver Conditions for Disaster Related and Mass Mortality Wastes Disposed at Regulated Waste Disposal Facilities

1. Waste (not otherwise suitable for recycling or reuse) derived from cleanup of emergency/disaster-impacted areas in the San Diego Region and managed under provisions of this waiver shall only be discharged *for permanent disposal into units that are underlain with an engineered composite liner system and a leachate collection meeting the requirements of State Water Board Resolution No. 93-62*.
2. Wastes derived from cleanup of disaster-impacted areas in the San Diego Region and discharged into regulated waste disposal facilities must be isolated, to the extent practicable, from areas of the facility that are not lined.
3. Food wastes, animal carcasses, and other putrescible wastes derived from cleanup of disaster-impacted areas in the San Diego Region shall be discharged for disposal in compliance with conditions of this waiver and covered expeditiously.
4. Inert wastes contained in mixed emergency wastes derived from cleanup of disaster-impacted areas in the San Diego Region, shall be separated and recycled when appropriate and practicable.

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[16] Defined in California Code of Regulations Title 27 section 20230

[17] "Incidental discharge" is defined as "the release of oil and/or oily water within the response area in or proximate to the area in which the oil recovery activities are taking place during and attendant to oil spill response activities. Incidental discharges include, but are not limited to, the decanting of oily water; in order to conserve oil storage capacity, and the wash down of vessels, facilities, and equipment used in the response."

[18] "Marine waters" defined in Government Code section 8670.3(i) as "those waters subject to tidal influence"

5. The discharger is responsible for accurately classifying disaster related waste streams in accordance with the applicable regulatory requirements.[19]
6. The regulated waste disposal facility owner/operator is responsible for properly identifying disaster related waste streams[20] and identifying wastes that may be suitable for use as alternative daily cover (ADC). Solid wastes that may be used as ADC at a regulated disposal facility are as follows:
   a) Solid wastes that are classified as inert wastes.
   b) Solid wastes that meet the criteria for ADC as prescribed in California Code of Regulations Title 27 sections 20690 to 20705, and.
   c) Other solid wastes identified by the Local Enforcement Agency (LEA) as being suitable for use as ADC; so long as the waste could be accepted at a Class III MSW landfill without special permission from the San Diego Water Board.
7. Disposal of large numbers of animal carcasses, and other high moisture waste streams from mass mortality (e.g., natural disaster, agricultural disease, etc.), may cause wastes to exceed moisture holding capacity at regulated MSW landfills. To limit the impacts from such a large an additional moisture content associated with a mass mortality waste load, the owner/operator responsible for the regulated waste disposal facility should implement the following procedures::
   a) Discharge high-moisture wastes (animal carcasses, animal related wastes, etc.) only in areas of the composite lined unit with a considerable thickness of other waste.
   b) Owner/operator must limit the thickness of the high-moisture waste stream (e.g., animal carcasses, animal related wastes, etc.) to no more than 2 feet.
   c) Owner/operator must cover each layer of high-moisture wastes (e.g., animal carcasses, animal related wastes, etc.) with an even thicker layer of absorbent wastes or soil.
   d) For disaster related mass mortality wastes streams that are in a liquid form (e.g. raw eggs, etc.) reduce the moisture content prior to discharge by mixing with an absorbent material (e.g., saw dust, mulch, soil, etc.).
8. Within 60 days after the expiration of this waiver (see 10.I.A) the owner/operator of the a regulated waste disposal facility that accepted waste from disaster-impacted areas in the San Diego Region must submit an amendment to their Report of Waste Discharge (RoWD) (Joint Technical Document) describing the material change to their discharge, pertaining to the temporary acceptance, management, and disposal of waste derived from cleanup of disaster-impacted areas of the San Diego Region.

10.II.C. Specific Waiver Conditions for Disaster Related and Mass Mortality Wastes Discharged to Temporary Waste Piles Located at Regulated Waste Disposal Facilities

1. Owners/operators of regulated waste management or disposal facilities proposing to accept discharges of waste from disaster-impacted areas in the San Diego Region to a temporary waste staging area located at a regulated facility must submit a Notice of Intent to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The Notice of Intent must contain the name and contact information of the owner/operator of the regulated waste management or

[19] Requirements are provided in California Code of Regulations Title 27, Title 23,, Chapter 15, and/or Title 22 Division 4.5.
[20] Pursuant to California Code of Regulations Title 27 section 20200(c)

disposal facility property, facility address and contact information, description of temporary waste management unit, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*"

2. Owners/operators of regulated waste management or disposal facilities must prevent surface runoff/runon from contacting wastes derived from cleanup of disaster-impacted areas in the San Diego Region and shall prevent erosion and transport of soils containing disaster related wastes or waste constituents by surface runoff from all temporary waste piles. The facility owner/operator must implement management measures (MMs) and/or best management practices (BMPs) for storm water conveyance and control.
3. All wastes derived from disaster-impacted areas in the San Diego Region must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from, and at an elevation that is higher than, any surface water of the state.
4. All waste derived from disaster-impacted areas in the San Diego Region must be protected from flooding and inundation, in compliance with the current WDRs for the affected unit, or units, at the regulated facility.
5. Owners/operators of regulated waste management or disposal facilities must manage temporary waste piles for disaster related mass mortality wastes as follows:
   a) Temporary waste piles of mass mortality wastes can only be located in areas underlain by a composite liner system (or approved engineering alternative) and a significant thickness of other types of solid wastes.
   b) Owner/operator must implement a plan to prevent wild animals (e.g., birds, mammals, reptiles, etc.) from coming into contact with mass mortality wastes (e.g., provide and maintain adequate cover for temporary waste piles).
   c) Owner/operator must ensure that all temporary waste piles containing mass mortality wastes are discharged into landfill prior to the end of the working day, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality and human health for a given temporary waste pile.
   d) Owner/operator must ensure that all mass mortality wastes are covered with soil or other waste immediately after it is discharged into the landfill.
   e) Owner/operator must ensure that any storm water runoff that comes into contact with the disaster related wastes or containing waste constituents is managed as leachate.
6. Disaster related and mass mortality wastes discharged to temporary waste piles at regulated waste management or disposal facilities temporarily granted a waiver, together with any materials used to contain the temporary waste piles, shall be removed from the site. The site shall be restored to its original state no later than the 60 days after expiration of this waiver (see 10.I.A), or as required by the San Diego Water Board. Alternatively, the facility owner/operator must file an amended RoWD (Joint Technical Document) and obtain amended WDRs from the San Diego

Water Board for any waste piles that will continue to exist past the expiration date of this waiver.

7. Owners/operators of regulated waste management or disposal facilities must submit a Notice of Termination to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The Notice of Termination must contain the name and contact information of the owner/operator ff the regulated facility property, facility address and contact information, description of waste that was temporarily stored/staged in the temporary waste management unit, the final waste disposal location, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*"

10.II.D. Specific Waiver Conditions for Disaster Related Wastes Discharged to Temporary Waste Piles NOT Located at Regulated Waste Disposal Facilities

1. Any agency, jurisdiction or person proposing to establish a temporary waste pile not located at a regulated facility must submit a Notice of Intent to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The Notice of Intent must contain the name and contact information of the owner/operator the property where the temporary waste pile facility is located, facility address and contact information, description of temporary waste management unit, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*"
2. Owners/operators of temporary waste piles not on regulated facilities must ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance the following minimum prescriptive and performance standards:
   a) The bottom of a temporary waste pile must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from, and at an elevation that is higher than, any surface water of the state.
   b) Temporary waste piles must be protected from inundation or washout due of floods with a 100-year return period.
   c) Temporary waste piles cannot be located on a known Holocene fault.
   d) Temporary waste piles cannot be located in areas of potential rapid geologic change (*e.g.*, landslides, debris flows, flashflood areas, *etc.*).
   e) Temporary waste piles must be underlain by a temporary impermeable barrier (*e.g.*, heavy gauge plastic) or located in an area covered by a relatively impermeable surface (*e.g.*, asphalt, concrete, *etc.*). The liner must be installed prior to establishing a temporary waste pile to protect all natural geological materials from contact with the waste and from contact with leachate.

f) Temporary waste piles must be covered daily with either a heavy gage plastic or material that meets the classification criteria for inert wastes. A material that would be classified as a designated waste cannot be utilized for daily cover at a temporary waste staging area. Cover on the temporary waste piles must be designed, installed and maintained to prevent rainwater infiltration and runoff, and control of fugitive dust, vectors, odors, blowing litter and scavenging.

g) Temporary waste management operations that include wastes with a liquid content exceeding its moisture-holding capacity and/or containing free liquids, shall comply with requirements for temporary surface impoundments (see 10.II.E).

h) Temporary waste piles must be designed, constructed and operated to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, and washout. Surface drainage from outside of the temporary waste pile shall be diverted from the location of the temporary waste pile through implementation of MMs/BMPs for storm water control and conveyance.

3. Owners/operators of temporary waste piles not on regulated facilities must submit written notification to the San Diego Board at least 30 days prior to initiating the discharge of return water or ponded water contained within the temporary waste pile if the discharge is to a location other than a sanitary sewer system. Based on the San Diego Water Board determination, the discharger may receive: 1) WDRs; 2) a waiver of WDRs, or 3) written determination that the disposal of the return water or ponded water is not subject to regulation by the San Diego Water Board.
4. Owners/operators of temporary waste piles not on regulated facilities must post at least one clearly visible sign (in English) listing the following minimum information: a) project name, b) brief project description, and c) operator name and phone number. The discharger must post additional signs as necessary (in languages other than English) to more effectively communicate the minimum contact information (listed above) to the local community. The sign(s) shall be maintained as required to keep them legible and shall remain in place while temporary waste piles remain on site.
5. Solid wastes discharged to temporary waste piles not at regulated waste management or disposal facilities temporarily granted a waiver, together with any materials used to contain the temporary waste piles, shall be removed from the site. The site shall be restored to its original state no later than the 60 days after expiration of this waiver (see 10.I.A), or as required by the San Diego Water Board.
6. Owners/operators of temporary waste piles not on regulated facilities must submit a Notice of Termination to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The Notice of Termination must contain the name and contact information of the owner/operator the property where the temporary waste pile facility was located, facility address and contact information, description of waste that was temporarily stored/staged in the temporary waste management unit, the final waste disposal location, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there*

are significant penalties for submitting false information, including the possibility of fine and imprisonment."

10.II.E. Specific Waiver Conditions for Disaster Related Wastes Discharged to Temporary Surface Impoundments NOT Located at Regulated Waste Disposal Facilities

1. Any agency, jurisdiction or person proposing to establish a temporary surface impoundment not located at a regulated facility must submit a Notice of Intent to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The Notice of Intent must contain the name and contact information of the owner/operator the property where the temporary surface impoundment facility is located, facility address and contact information, description of temporary waste management unit, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*"
2. Owners/operators of temporary surface impoundments not on regulated facilities must ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance the following minimum prescriptive and performance standards:
   a) The bottom of a temporary surface impoundment must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from, and at an elevation that is higher than, any surface water of the state.
   b) Temporary surface impoundments must be protected from inundation or washout due of floods with a 100-year return period.
   c) Temporary surface impoundments cannot be located on a known Holocene fault.
   d) Temporary surface impoundments cannot be located in areas of potential rapid geologic change (*e.g.*, landslides, debris flows, flashflood areas, *etc.*).
   e) Temporary surface impoundments must be underlain by a temporary impermeable barrier (*e.g.*, heavy gauge plastic) or a relatively impermeable surface (*e.g.*, asphalt, concrete, *etc.*). The liner must be installed prior to establishing a temporary surface impoundment to protect all natural geological materials from contact with the waste.
   f) Berms and containment structures of temporary surface impoundments must be composed of inert materials that will not cause adverse reactions (*e.g.*, corrosion, decay, or otherwise reduce or impair the integrity of the containment structure) when placed in contact with the liquid wastes stored within the temporary surface impoundment.
   g) Temporary surface impoundments must be designed, operated and maintained to ensure that liquid wastes are at least 2 feet below the top of the impoundment (measured vertically from the surface of the liquid up to the point on the surrounding lined berm or dike having the lowest elevation), and must be designed and constructed to prevent overtopping as a results of wind conditions likely to accompany precipitation conditions.

h) Direct pipeline discharges of liquid can occur only into temporary surface impoundments with automatic or manually operated fail-safe systems to prevent overfilling.

i) Temporary surface impoundments must be designed and constructed to prevent scouring of containment structures at points of liquid discharge into the impoundments.

j) Temporary surface impoundments must be designed, constructed and operated to limit, to the greatest extent possible, inundation, erosion, slope failure, and washout. Surface drainage from outside of the temporary surface impoundments shall be diverted from the location of the temporary waste pile through implementation of MMs/BMPs for storm water control and conveyance.

3. Owners/operators of temporary surface impoundments not on regulated facilities must submit written notification to the San Diego Board at least 30 days prior to initiating the discharge of return water or ponded water contained within the temporary waste pile if the discharge is to a location other than a sanitary sewer system. Based on the San Diego Water Board determination, the discharger may receive: 1) WDRs; 2) a waiver of WDRs, or 3) written determination that the disposal of the return water or ponded water is not subject to regulation by the San Diego Water Board.
4. Owners/operators of temporary surface impoundments not on regulated facilities must ensure that only disaster related waste streams are discharged into temporary surface impoundments.
5. All visible portions of synthetic liner systems in temporary surface impoundments must be inspected weekly, or daily as necessary, until all free liquid is removed from the surface impoundment as part of closure.[21] If, during the active life of the temporary surface impoundment, the wastes are removed and the bottom of the impoundment is cleaned down to the liner, an inspection shall be made of the bottom of the liner prior to refilling the impoundment.
6. Owners/operators of temporary surface impoundments not on regulated facilities must post at least one clearly visible sign (in English) listing the following minimum information: a) project name, b) brief project description, and c) operator name and phone number. The facility owner/operator must post additional signs as necessary (in languages other than English) to more effectively communicate the minimum contact information (listed above) to the local community. The sign(s) shall be maintained as required to keep them legible and shall remain in place while temporary surface impoundments remain on site.
7. Solid wastes discharged to temporary surface impoundments not at regulated waste management or disposal facilities, together with any materials used to contain the temporary surface impoundments, shall be removed from the site. The site shall be restored to its original state no later than the 60 days after expiration of this waiver (see 10.I.A), or as required by the San Diego Water Board.
8. Owners/operators of temporary surface impoundments not on regulated facilities must submit a Notice of Termination to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The Notice of Termination must contain the name and contact information of the owner/operator the property where the temporary

[21] Pursuant to California Code of Regulations Title 27 section 21400(a)

surface impoundment facility was located, facility address and contact information, description of waste that was temporarily stored/staged in the temporary waste management unit, the final waste disposal location, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*"

10.II.F. Specific Waiver Conditions for Mass Mortality Wastes Discharged to Emergency Landfills NOT Located at Regulated Waste Disposal Facilities

1. Any agency, jurisdiction or person proposing to establish an emergency landfill not located at a regulated facility must submit a Notice of Intent to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The Notice of Intent must contain the name and contact information of the owner/operator the property where the emergency landfill facility is located, facility address and contact information, description of emergency waste management unit, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*"
2. Owners/operators of emergency landfills not on regulated facilities must ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance the following minimum prescriptive and performance standards:
   a) The bottom of an emergency landfill must be placed at least 10 feet above the highest historically known or anticipated level of groundwater, and more than 500 feet from any surface water of the state.
   b) Emergency landfills must be protected from inundation or washout due of floods with a 100-year return period.
   c) Emergency landfills cannot be located on a known Holocene fault.
   d) Emergency landfills cannot be located in areas of potential rapid geologic change (*e.g.*, landslides, debris flows, flashflood areas, *etc.*).
   e) Emergency landfills cannot be located in areas underlain by fractured bedrock aquifer or highly permeable soils (*e.g.*, gravels, sands, and loamy sands) or in facilities that are characterized by such deposits (*e.g.*, gravel quarry).
   f) For disaster related mass mortality wastes streams that are in a liquid form (*e.g.* raw eggs, *etc.*) reduce the moisture content prior to discharge by mixing with an absorbent material (*e.g.*, saw dust, mulch, soil, *etc.*).
   g) The thickness of each layer of mass mortality wastes must be limited to less than 2 feet.
   h) Lime (or another liquid abatement material) must be added to each layer to help reduce the generation of liquid by the mass mortality wastes.

i) Each layer of lime-covered mass mortality wastes must be covered by at least 3 feet of soil before adding another layer of mass mortality wastes.
j) Mass mortality wastes must be discharged for disposal in compliance with the conditions of this waiver and covered at the end of each working day
k) The final layer of disaster related mass mortality wastes discharged into the emergency landfill must be overlain by a final layer of not less than 3 feet of soil; or alternatively the unit may be covered by a relatively impermeable engineered surface (*e.g.*, asphalt, concrete, *etc.*). The final soil layer shall be placed in a mound configuration so that the final soil layer: 1) Overlaps the mass mortality wastes by several feet on each edge of the emergency landfill; 2) is at least 3 feet thick over all portions of the mass mortality wastes; and 3) is sloped to provide good drainage that does not impair the integrity of the emergency landfill.
l) Owner/operator should also evaluate, implement, and document other effective waste isolation (and waste moisture reducing methods) in conjunction with the procedures identified above

3. The emergency landfill must be designed, constructed and operated to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, and washout. The owner/operator must protect the integrity of the final cover from adverse impacts by erosion by installing and maintaining MMs/BMPs, including:
   a) Installation of runon control features on the upgradient side of the emergency landfill to divert offsite storm water from the emergency landfill.
   b) Installation of an effective runoff collection and conveyance ditch.
   c) Grading and maintenance of the final cover to eliminate ponding of water over the emergency landfill.
   d) Installation and maintenance of erosion control measures on the cover of the emergency landfill (*e.g.*, install straw mulch and/or a vegetative cover).
   e) Installation of a deer fence around the perimeter of the emergency landfill to discourage access by digging of carnivores.
4. Owners/operators of emergency landfills not on regulated facilities must post at least one clearly visible sign (in English) listing the following minimum information: a) clearly identify the area as an emergency landfill for animal and agricultural wastes, b) a warning against trespass, c) a description of the reason for the emergency landfill (e.g., Exotic Newcastle, Avian Flu, etc.), the type(s) of waste buried at the site (e.g., types of carcasses, egg wastes, manure, etc.), and d) the name and telephone number of the current property owner. The facility owner/operator must post additional signs as necessary (in languages other than English) to more effectively communicate the minimum contact information (listed above) to the local community. The sign(s) shall be maintained as required to keep them legible and shall remain in place while the emergency landfill remains on site.
5. Owners/operators of emergency landfills not on regulated facilities must submit Notice of Termination to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The Notice of Termination must contain the name and contact information of the owner/operator the property where the temporary waste pile facility was located, facility address and contact information, description of waste that was temporarily stored/staged in the temporary waste management unit, the final waste disposal location, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "*I certify*

under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

6. Owners/operators of emergency landfills not on regulated facilities must submit a RoWD to the San Diego Water Board and apply for WDRs (using Form 200). The RoWD and application for WDRs must be provided to the San Diego Water Board within 6 months of creating the emergency landfill for disposal of disaster related mass mortality wastes. At a minimum, the RoWD shall include the following information:
   a) A short description of the emergency conditions that made the emergency landfill necessary.
   b) The identity, physical address, mailing address and telephone number of the current land owner.
   c) Photographs taken to document the location of the emergency landfill, practices used for placement of wastes and soil layers, and the appearance of the emergency landfill after installation of the final cover.
   d) A map showing the location and perimeter of the emergency landfill, its location relative to local topographical, geographical, biological, and cultural features (e.g. roads, streams, etc.), and provide Geographical Information System (GIS) data as available.
   e) A simple cross section of the emergency landfill and a description of the construction (depth, thickness of layers and final cover).
   f) An estimate of the amount of wastes (*e.g.*, in pounds or tons) discharged into the emergency landfill.
   g) A description of measures taken to ensure that wastes and waste constituents do not migrate outside the emergency landfill.
   h) Any other site-specific or discharger related information requested by the San Diego Water Board.

CONDITIONAL WAIVER NO. 11 – AERIALLY DISCHARGED WASTES OVER LAND

Conditional Waiver No. 11 is for discharges of wastes that have been discharged aerially over land, which may be a source of pollutants that can adversely affect the quality of waters of the state.

The following types of discharge not regulated or authorized under waste discharge requirements (WDRs) may be eligible for Conditional Waiver No. 11:

- Discharges of wastes related to fireworks displays over land
- Other wastes discharged aerially over land that may adversely affect the quality of the waters of the state, but determined to be "low threat" by the San Diego Water Board

In order to be eligible for Conditional Waiver No. 11, discharges must comply with certain conditions to be protective of water quality. Waiver conditions applicable to wastes discharged aerially over land include the following:

11.I.A. General Waiver Conditions for Aerially Discharged Wastes Over Land

11.II.A. Specific Waiver Conditions for Discharges of Waste Related to Fireworks Displays Over Land

Wastes discharged aerially over land that comply with the general and specific waiver conditions in Conditional Waiver No. 11 are not expected to pose a threat to the quality of waters of the state.

11.I.A. General Waiver Conditions for Aerially Discharged Wastes Over Land

1. Aerially discharged wastes cannot be discharged directly over and/or into surface waters of the state (including ephemeral streams and vernal pools).
2. Aerially discharged wastes must not cause or threaten to cause a condition of contamination, pollution, or nuisance.
3. Aerially discharged wastes must not impact the quality of groundwater in any water wells or surface water in any drinking water reservoirs.
4. Dischargers must comply with any local, state, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses from authorized local agencies.
5. Discharger must submit a Notice of Intent or technical and/or monitoring program reports when directed by the San Diego Water Board.

11.II.A. Specific Waiver Conditions for Discharges of Waste Related to Fireworks Displays Over Land

1. No more than one fireworks display may be conducted from a launch site or within 1.0 mile of another launch site within a 48-hour period.[22] If the organizer will have more than one fireworks display within a 48-hour period, the organizer must file a Notice of Intent containing information about the fireworks to be used, location of launch area and nearby water bodies and groundwater basins, surrounding land

[22] This condition is intended to alleviate spatial and temporal accumulation of fireworks-related chemical contaminants.

uses, planned period of and frequency of discharge, copies of any permits obtained from other public agencies, and measures that will be taken to minimize or eliminate the discharge of pollutants that might affect surface water and groundwater quality. Sufficient information must be submitted before the discharge may begin.

2. All fireworks-related debris must be cleaned up from land surface areas.
3. Launch areas and deposition areas of fireworks displays may not be located within areas designated as Zone A for groundwater source area protection, as defined by the California Department of Public Health's Drinking Water Source Assessment Protection Program. This condition may be waived if the owner or operator of a groundwater drinking water source, through a permit, specifically allows the fireworks display launch area and/or deposition area within an area designated as Zone A for groundwater source area protection.
4. Launch areas and deposition areas of fireworks displays may not be located within areas designated as Zone A for surface water source protection, as defined by the California Department of Public Health's Drinking Water Source Assessment Protection Program. This condition may be waived if the owner or operator of a surface water source reservoir or intake structure, through a permit, specifically allows the fireworks display launch area and/or deposition area within an area designated as Zone A for surface water protection.
5. The fireworks display must be permitted by all relevant public agencies that require permits for fireworks displays (e.g., fire departments, municipal governments, law enforcement, water supply agencies). Copies of any permits must be available on site for inspection.
6. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring

ATTACHMENT A TO RESOLUTION NO. R9-2007-0104

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

NOTICE OF INTENT

TO COMPLY WITH
CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS
FOR SPECIFIC TYPES OF DISCHARGE WITHIN
THE SAN DIEGO REGION

I. PROPERTY/FACILITY INFORMATION

Property/Facility Name:			
Property/Facility Contact:			
Property/Facility Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):		Hydrologic Area/Subarea:	

II. PROPERTY/FACILITY OWNER INFORMATION

Property/Facility Owner Name:			
Property/Facility Owner Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

III. PROPERTY/FACILITY OPERATOR INFORMATION

Property/Facility Operator Name:			
Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

IV. CONDITONAL WAIVER FOR NOTICE OF INTENT

Mark (☒) the conditional waiver proposed for the discharge:

- ☐ Conditional Waiver 1 - Discharges from on-site disposal systems
- ☐ Conditional Waiver 2 - "Low threat" discharges to land
- ☐ Conditional Waiver 3 - Discharges from animal operations
- ☐ Conditional Waiver 4 - Discharges from agricultural and nursery operations
- ☐ Conditional Waiver 5 - Discharges from silvicultural operations
- ☐ Conditional Waiver 6 - Discharges of dredged or fill materials nearby or within surface waters
- ☐ Conditional Waiver 7 - Discharges of recycled water to land
- ☐ Conditional Waiver 8 - Discharges/disposal of solid wastes to land
- ☐ Conditional Waiver 9 - Discharges/disposal of slurries to land
- ☐ Conditional Waiver 10 - Discharges of emergency/ disaster related wastes
- ☐ Conditional Waiver 11 - Aerially discharged wastes

SAMPLE

V. DESCRIPTION OF DISCHARGE

Describe the discharge (i.e., source(s) of discharge, pollutants of concern, period and frequency, etc.). Use additional pages as needed. Provide a map of the property/facility if necessary.

VI. DESCRIPTION OF MANAGEMENT MEASURES AND BEST MANAGEMENT PRACTICES

Describe what management measures (MMs) and best management practices (BMPS) will be implemented to minimize or eliminate the discharge of pollutants to waters of the state. Use additional pages as needed. Provide a map of the property/facility showing locations of MMs/BMPs if necessary.

VII. ADDITIONAL INFORMATION

Please provide additional information, as needed or required, about the discharge and/or how the discharger intends to comply with the waiver conditions of the conditional waiver. Use additional pages as needed.

VIII. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature (Owner or Authorized Representative)	Date
Print Name	Title
Telephone Number	Email

EXAMPLE

ATTACHMENT A TO RESOLUTION NO. R9-2007-0104

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

TEMPORARY WASTE PILE CERTIFICATION
[SECTION A]

I. TEMPORARY WASTE PILE GENERATOR INFORMATION

Generator Name:			
Generator Contact and Title:			
Generator Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

II. WASTE INFORMATION

Local Oversight Program Case No.:		San Diego Water Board File No.:	
Waste Type: (check all that apply)	☐ Gasoline	☐ Diesel	☐ Other Petroleum Hydrocarbons
	☐ Other Impacted Dredged Spoils		☐ Other:

Contaminant Concentrations *(Used additional pages as needed)*:

Mean	Mean+80%CI	Mean	Mean+80%CI	Mean	Mean+80%CI	Mean	Mean+80%CI
Mean	Mean+80%CI	Mean	Mean+80%CI	Mean	Mean+80%CI	Mean	Mean+80%CI
Mean	Mean+80%CI	Mean	Mean+80%CI	Mean	Mean+80%CI	Mean	Mean+80%CI

Waste Pile Quantity (yd^3):

Description of Containment Method:

III. TEMPORARY WASTE PILE SITE INFORMATION

Site Property Owner Name:			
Site Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):		Hydrologic Area/Subarea:	

IV. PROPERTY OWNER ACKNOWLEDGMENT

I hereby acknowledge receipt of the waste soil described in section II and that I have reviewed any associated reports. By signing this form I acknowledge that the Generator of this waste has certified that all 8.II.D waiver conditions have been met.

Signature (Owner or Authorized Representative) — Date

Print Name — Title

V. GENERATOR CERTIFICATION

I hereby certify that the information provided regarding soil characterization is a complete and accurate representation of the subject soil, and that the soil is not hazardous waste as defined by California Code of Regulations Title 22 and by the U.S. Environmental Protection Agency (Code of Federal Regulations Title 40), and that all 8.II.D waiver conditions have been met.

Generator Signature — Date

Print Name — Title

SAMPLE

ATTACHMENT A TO RESOLUTION NO. R9-2007-0104

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

TEMPORARY WASTE PILE CERTIFICATION
[SECTION B]
and
NOTICE OF TERMINATION

EXAMPLE

I. FINAL WASTE DISPOSAL INFORMATION

Final Disposition of Waste:	☐ Off-site/Landfill Disposal ☐ Off-site Reuse/Disposal	☐ On-site Reuse/Disposal ☐ Other: _____	
Property Owner/Discharger Name:			
Property Owner/Discharger Contact and Title:			
Property Owner/Discharger Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):		Hydrologic Area/Subarea:	
Date(s) Waste Disposed:			
Quantity of Waste Disposed: (in cubic yards for each disposal date)			
Disposal Location(s): (for each disposal date)			

II. FINAL DISPOSAL CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature (Owner or Authorized Representative)	Date
Print Name	Title

ATTACHMENT A TO RESOLUTION NO. R9-2007-0104

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

INERT WASTE CERTIFICATION

I. INERT WASTE SOIL GENERATOR INFORMATION

Generator Name:			
Generator Contact and Title:			
Generator Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

II. INERT WASTE SOIL EXPORT SITE INFORMATION

Export Site Property Owner Name:			
Export Site Address:			
City:	County:	State:	Zip:
Local Oversight Program Case No.:			
San Diego Water Board File No.:			

III. EXPORTED INERT WASTE SOIL INFORMATION *(Use additional pages as needed.)*

Date(s) Inert Waste Soil Exported:
Quantities of Inert Waste Soil Exported: (in cubic yards for each date of export)
☐ Mark the box (☒) if the inert waste soil was temporarily stockpiled prior to export. If the box is marked, please provide a copy of the Temporary Waste Pile Certification Section A form as required under 8.II.D waiver conditions.
Provide a map of the export site showing the location of the nearby surface water bodies and/or water wells, excavation(s), stockpile(s), samples collected for characterization. Include approximate extent and depths of excavation(s), extent and height of stockpile(s), and depth of samples collected.

IV. DESCRIPTION OF EXPORT SITE BEST MANAGEMENT PRACTICES

Describe what management measures (MMs) and best management practices (BMPS) were implemented at the export site to minimize or eliminate the discharge of pollutants to waters of the state. Use additional pages as needed. Provide a map of the property/facility showing locations of MMs/BMPs if necessary.

EXAMPLE

V. INERT WASTE SOIL CHARACTERIZATION

Name of Certified Analytical Laboratory:			
Certified Analytical Laboratory Contact:			
Certified Analytical Laboratory Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Number of samples collected for characterization:			
☐ Mark the box (☒) to confirm that no samples collected to characterize waste soil as inert contained detectable concentrations of constituents other than Title 22 metals, as required by waiver condition 8.II.F.1.j.			

Title 22 Metals Contaminant of Concern	EPA Approved Analytical Method	90% UCL Concentration (mg/kg)*

Use additional pages if there are additional contaminants of concern. Attach copy of laboratory analytical report.

* If molybdenum, silver, and/or zinc exceed the Tier 2 SSLs, then the waiver does not apply and a Report of Waste Discharge (RoWD) must be submitted to the San Diego Water Board.

VI. ENROLLMENT FOR REUSE OF TIER 1 or TIER 2 INERT WASTE SOIL

Mark the box (☒) next to the tier that the inert waste soil has been characterized, as supported with data provided in section V.

☐ **Tier 1** (Complete section X) Management of Tier 1 inert waste soils must comply with waiver conditions 8.II.F.1 and 8.II.F.2.	☐ **Tier 2** (Complete sections VII through X) Management of Tier 2 inert waste soils must comply with waiver conditions 8.II.F.1 and 8.II.F.3.

VII. TIER 2 INERT WASTE SOIL IMPORT SITE INFORMATION

Import Site Property Owner Name:			
Import Site Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):		Hydrologic Area/Subarea:	
Provide a map of the import site showing the location of the nearby surface water bodies and/or water wells, and approximate depth to groundwater.			

EXAMPLE

VIII. DESCRIPTION OF IMPORT SITE BEST MANAGEMENT PRACTICES

Describe what management measures (MMs) and best management practices (BMPS) were implemented at the import site to minimize or eliminate the discharge of pollutants to waters of the state. Use additional pages as needed. Provide a map of the property/facility showing locations of MMs/BMPs if necessary.

IX. PROPERTY OWNER ACKNOWLEDGMENT

Mark all the boxes (☒) to acknowledge that the applicable Tier 2 inert waste soil waiver conditions have been or will be met:

- ☐ Import site is designated for commercial or industrial land use.
- ☐ Inert waste soil placed at least 5 feet above highest historically known or anticipated level of groundwater.
- ☐ Soil that separates inert waste soil from groundwater has clay content greater than 5 percent and/or in situ permeability of less than 10^{-5} cm/sec.
- ☐ Inert waste soil placed at least 100 feet from the nearest surface water body.
- ☐ Inert waste soil is protected against 100-year peak storm flows as defined by the county flood control agency.
- ☐ Inert waste soil covered by either: 1) engineered materials (e.g. used as road base, fill beneath buildings, bridge abutments), or 2) not less than 2 feet of noncontaminated, clean fill. The cover has a permeability of no more than 10^{-5} cm/sec.
- ☐ Placement of a cover on the inert waste soils completed within 30 days of discharging the final load of inert waste soils at the import site.

I acknowledge the receipt or planned receipt of the waste soil described in sections V and VI and that the soil will be managed pursuant to the restrictions set forth in waiver conditions 8.II.F.3.

Signature (Owner or Authorized Representative) _____ Date _____

Print Name _____ Title _____

X. GENERATOR AND CONSULTANT CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Print Name (Generator)	Print Name (Consultant)
Signature (Generator)	Signature (Consultant)
Title (Generator)	Title and Professional Registration No. (Consultant)
Date	Date

SAMPLE

ATTACHMENT A TO RESOLUTION NO. R9-2007-0104

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ATTACHMENT A TO RESOLUTION NO. R9-2007-0104

~~APPENDIX D~~

~~CONDITION(S) FOR CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS OF ITEMS IN TABLE 4-4~~

~~*CONDITIONS FOR ITEM 21. SHORT-TERM USE OF RECLAIMED WATER:*~~

~~1. Short-term water reclamation projects are projects that last one year or less. Short-term projects can include temporary use of reclaimed water for dust control, soil compaction, green belt irrigation, or any other temporary reuse project authorized by the Executive Officer, for which no permanent physical reclaimed water facilities or structures are installed; and~~

~~2. The reclaimed water producer must submit a written request for a waiver to the Regional Board. This request must include written notification from the local health department or the State Department of Health Services that the proposed project complies with all local and State health requirements for reclaimed water use and Title 22, Division 4, Chapter 3, Reclamation Criteria, Articles 1 - 10. This written notification shall also specify any monitoring required to demonstrate compliance with Title 22, Division 4, Chapter 3, Articles 2, 3, 4, 5, and 5.1. A new written request for a waiver must be submitted to the Regional Board if the temporary project exceeds one year. New written requests must be received 60 days prior to expiration of the one year project. If no new request is received the short-term project must cease immediately.~~

~~*CONDITIONS FOR ITEM 19. TEMPORARY DISCHARGE OF SPECIFIED CONTAMINATED SOILS:*~~

~~a. *General Conditions for All Temporary Waste Piles*~~

~~(1) ***Required Notification of the Regional Board:*** *The discharger shall send the Regional Board a signed/completed certification report (Section A: Temporary Waste Pile Waiver Certification Form),* ***within 30 days*** *of the initial discharge of any waste piles established under this waiver. The discharger shall send the Regional Board a signed/completed certification report (Section B: Temporary Waste Pile Waiver Certification Form)* ***within 10 working days*** *of completing removal of all waste and restoring the site to its original condition.*~~

~~(2) This waiver specifically does not apply to hazardous waste, as defined in Section 66261.3, Division 4.5, Title 22 of the California Code of Regulations, or as amended.~~

~~(3) ***Prohibitions:*** *The discharge of waste shall not:*~~

~~*a. Cause the occurrence of coliform or pathogenic organisms in waters pumped from the basin;*~~

~~*b. Cause the occurrence of objectionable tastes and odors in water pumped from basin;*~~

~~*c. Cause waters pumped from the basin to foam;*~~

~~*d. Cause the presence of toxic materials in waters pumped from the basin;*~~

~~*e. Cause the pH of waters pumped from the basin to fall below 6.0 or rise above 9.0;*~~

~~*f. Cause pollution, contamination or nuisance or adversely affect beneficial uses of ground or surface waters of the hydrologic subareas established in the Basin Plan.*~~

~~*g. Cause a violation of any discharge prohibitions in the Basin Plan for the San Diego Region.*~~

~~(4) **Site Conditions:** All parcels of land/property containing a temporary discharge of solid wastes, temporary waste piles as identified in the specific conditions of this waiver, shall meet the following minimum general site conditions:~~

~~a. Runon/Runoff Protection: Surface drainage shall be diverted from the temporary waste piles. For all waste piles, the dischargers shall implement effective Best Management Practices (BMPs) to prevent surface water runon and runoff from contacting wastes and to prevent erosion and transport of wastes by surface runoff.~~

~~b. Groundwater Protection: All waste piles shall be placed at least five feet above the highest anticipated level of groundwater.~~

~~c. Surface Water Protection: All waste piles established under this waiver shall be located not less than 100 feet from any surface water identified in the Basin Plan.~~

~~d. Flood Plain Protection: All waste piles shall be protected against 100-year peak stream flows as defined by the County flood control agency.~~

~~(5) **Inspection and Maintenance:** Wastes discharged to waste piles established under this waiver, together with any containment materials used at the temporary waste pile, and any underlying geologic materials contaminated by the discharge, shall be removed within the maximum time period allowed under the applicable Special Conditions. Subsequently the site shall be restored to its original state within 30 days following the removal of all treatment facilities, related equipment, etc. and shall be disposed of or stored in accordance with applicable regulations.~~

~~(6) ***Clean Closure Required:*** Wastes discharged to waste piles established under this waiver, together with any containment materials used at the temporary waste pile, and any underlying geologic materials contaminated by the discharge, shall be removed within the~~

~~maximum time period allowed under the applicable special conditions. Subsequently, the discharger shall remove all wastes, treatment facilities, related equipment, and dispose of those items in accordance with applicable regulations. The site shall be restored to its original state within maximum time period allowed under the applicable special conditions.~~

~~(7)~~ ~~***Management of Return or Ponded Water:*** If return water or ponded water contained within the treatment or storage area of the temporary waste pile will be disposed of at a location other than to a sanitary sewer system, then the discharger shall submit written notification to the Executive Officer prior to initiating the discharge and either: 1) obtain waste discharge requirements; 2) obtain a waiver of waste discharge requirements or 3) obtain a written determination from the Regional Board Executive Officer that the disposal of the return water or ponded water is not subject to regulation by the Regional Board.~~

~~(8)~~ ~~**Property Owner Acknowledgment:** By written correspondence to the Regional Board Executive Officer, the property owner shall approve the placement of the waste (temporary waste piles) at the site.~~

~~(9)~~ ~~**Public Notification Requirement:** The discharger shall post at least one clearly visible, sign (in english) listing the following minimum information: a.) project name, b.) name and address of discharger, c.) brief project description, and d.) 24-hour contact information – name, address, facsimile, and telephone number for the project. The discharger shall post additional signs as necessary (in languages other than english) to more effectively communicate the minimum contact information (listed above) to the local community. The sign(s) shall be maintained as required to keep them legible and remain in place while temporary waste piles remain on site.~~

~~(10)~~ ~~All sampling and analytical procedures, including documentation of waste characterization, shall be in accordance with the indicated methods described in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, SW-846, U.S. Environmental Protection Agency (current edition). Reported concentrations levels shall be mean average, with an 80% upper confidence interval, and the total range within each constituent.~~

~~(11)~~ ~~**Obligation to Comply:** This waiver from waste discharge requirements (WDRs) does not relieve dischargers of the obligation to comply with any other applicable local, state and federal requirements.~~

~~(12)~~ ~~**Relation of this Conditional Waiver to Other Authority of the RWQCB:** This action waiving the issuance of WDRs is conditional, may be terminated for any type of discharge at any time, does not permit an illegal discharge, and does not preclude the Regional Board from administering enforcement remedies pursuant to Section 13304 of the California Water Code. Where the staff of this Regional Board considers the adoption of WDRs for a specific discharge of a type identified herein to be in the public interest, staff will draft tentative waste discharge requirements for consideration by the Regional Board.~~

~~b. *Special Conditions Applicable to Waste Piles for Treatment or Storage of Soils Contaminated with Petroleum Hydrocarbons*~~

(1) Temporary waste piles established under this waiver shall be limited to a maximum time period of four months or 90 days.

(2) All solid wastes discharged into temporary waste piles established under the waiver shall be derived from only one source (e.g., unauthorized release site).

(3) **Cover:** All waste piles shall be overlain by plastic sheeting (not less than 10 mils thick) to adequately prevent rainwater infiltration, control fugitive dust, and other nuisances.

(4)All waste piles shall be underlain by either plastic sheeting (not less than 10 mils thick) or a liner of low permeability approved by the Regional Board Executive Officer.

(5) In addition to the general and specific conditions stated herein, waste piles shall conform to applicable provisions in the state's Local Oversight Program (LOP) for Orange, Riverside, or San Diego Counties.

(6) ***Site Closure:*** *Any waste pile established under these Special Conditions for Petroleum Contaminated Soils, together with any containment materials used for the temporary waste pile and underlying geologic materials contaminated by the discharge, shall be removed and the site shall be restored to its original state within* ***30 days****.*

c. *Special Conditions Applicable to Waste Piles for Treatment or Storage of Dredge Spoils Contaminated with Heavy Metals*

(1) All temporary waste piles established under this waiver shall be limited to a maximum time period of nine months or 210 days.

(2) **Cover:** All waste piles shall be overlain by either a plastic sheeting to adequately prevent rainwater infiltration, control fugitive dust, and other nuisances. Alternative control methods shall be subject to approval by the Regional Board Executive Officer.

(3) **Liner:** All waste piles shall be underlain by plastic sheeting (not less than 20 mils thick) or a liner of lower permeability approved by the Regional Board Executive Officer. The liner and containment facility shall be designed to contain all solid wastes and fluids, and shall be subject to approval by the Regional Board Executive Officer.

(4) **Containment Structures:** Materials used in containment structures shall have the appropriate chemical and physical properties to ensure that such structures do not fail to contain waste because of: the stress of installation, pressure gradients, physical contact with the waste or leachate, or chemical reactions with soil and rock.

(5) **Site Closure:** Any waste pile established under these Special Conditions for Dredge Spoils, together with any containment materials used for the temporary waste pile

~~and underlying geologic materials contaminated by the discharge, shall be removed and the site shall be restored to its original state within **60 days**.~~

~~***CONDITIONS FOR ITEM 20. COMPOSTING AND PROCESSING, MULCHING, OR GRINDING FACILITIES***~~

~~***A. APPLICABILITY***~~

~~**1. *Types of Facilities***~~

~~a. *Facilities composting Green Waste, Agricultural Waste, Food Processing Waste or Paper Waste*~~

~~b. *Facilities processing, mulching or grinding Green Waste, or Agricultural Waste*~~

~~**2. *Size of Facilities***~~

~~a. *Composting and Processing, Mulching, or Grinding Operations Less than Five Hundred (500) Cubic Yards*~~

~~The submittal of a report of waste discharge and the issuance of waste discharge requirements are waived for discharges from the following:~~

~~(1) Green waste, food processing waste, agricultural waste, or paper waste composting operations that do not exceed five hundred (500) cubic yards at any given time;~~

~~(2) Green waste or agricultural waste processing, mulching or grinding operations that do not exceed a total volume of five hundred (500) cubic yards at any given time.~~

~~b. *Composting and Processing, Mulching, or Grinding Operations Greater than Five Hundred (500) Cubic Yards*~~

~~For dischargers who comply with the following *Reporting, Site, Operational, and General Conditions*, the issuance of waste discharge requirements are waived for discharges resulting from the following:~~

~~(1) The storage and treatment by composting of greater than five hundred (500) cubic yards at any given time of green waste, food processing waste, agricultural waste, or paper waste, and any additives as approved by the RWQCB; or~~

~~(2) The storage and treatment by processing, mulching, or grinding of greater than five hundred (500) cubic yards of green waste, or agricultural waste.~~

~~B. REPORTING CONDITIONS~~

~~1. *Report of Waste Discharge*~~

~~The discharger shall file a report of waste discharge that includes a technical report containing a requirement-by-requirement analysis based on acceptable engineering standards and best management practices, of how the process and physical designs of the facility will ensure compliance with the conditions listed herein. The discharger shall submit a fee pursuant to CCR Title 23, Section 2200 for a Threat to Water Quality and Complexity Rating 3-C, Chapter 15.~~

~~2. *General Industrial Storm Water Permit*~~

~~The discharger shall file either a Notice of Intent to comply with the requirements set forth in State Water Resources Control Board (SWRCB) NPDES General Permit No. CAS000001 for the discharge of storm water or submit documentation that the NPDES storm water permit requirements are not applicable to the discharger's facility.~~

~~3. *Changes in Operation*~~

~~The discharger shall notify the RWQCB of:~~

~~a. any significant change in the nature and quantity of waste composted or processed, area of operation, or season of operation; or~~

~~b. termination of operation.~~

~~*C. SITE CONDITIONS*~~

~~1. *Control and Management*~~

~~All areas upon which green waste, food processing waste, agricultural waste, or paper waste and any feedstock~~
~~additives are discharged for composting or processing, mulching, grinding, storing and treating shall be designed,~~
~~constructed and maintained to prevent the degradation of waters of the state. Such facility operations shall be~~
~~equivalent to the water quality protection achieved through the implementation of the following measures:~~

~~a. *Precipitation*~~

~~All precipitation and surface drainage from outside the compost, process, treatment or storage areas including that collected from roofed areas, and runoff from tributary areas resulting from a 25-year, 24-hour storm shall be diverted away from the such areas.~~

~~b. *Runoff*~~

~~The discharger shall develop and implement a plan to reduce or eliminate the discharge of pollutants into~~
~~surface waters including storm water. The plan shall describe measures taken to prevent contaminated process water and reduce or eliminate contaminated storm water from being discharged from the site.~~

~~c. *Water Quality Protection*~~

~~All compost, process and storage areas shall be sited where soil characteristics, distance from waste to ground water, and other factors will ensure no impairment of beneficial uses of surface waters or ground waters beneath or adjacent to the facility.~~

~~d. *Stream Flow*~~
~~The facilities shall be protected from inundation or washout by overflow from any stream channel during a~~
~~25-year peak stream flow.~~

~~e. *Surface Maintenance*~~
~~If the equipment operating near or on compost, process, storage, or treatment areas produces subsidence, cracking, or otherwise compromises any surface, the discharger shall repair any damaged areas immediately .~~

~~*D. OPERATIONAL CONDITIONS*~~

~~**1. *Additives***~~
~~Dischargers who use additives as defined in this document shall report to the RWQCB's Executive Officer for his approval the type, and quantity of the additive. The use of additives shall comply with the *CONDITIONS* listed in this document.~~
~~**2. *Discharge Specifications***~~
~~The discharge of green waste, food processing waste, agricultural waste, or paper waste for storage and treatment by composting or processing, grinding, or mulching shall not cause or threaten to cause a condition of contamination, pollution or nuisance.~~

~~**3. *Maintenance***~~
~~Containment structures such as embankments, liners or surface impoundments shall be maintained in order to ensure proper performance whenever wastes are discharged.~~

~~**4. *Wet Weather Preparations***~~
~~Prior to the rainy season, the discharger shall conduct a survey of the operation to ensure that the site has been graded and prepared to prevent erosion and to prevent ponding of waste water at any location not designed and operated to retain water.~~

~~**5. *Inspections***~~
~~The discharger shall inspect compost, process, storage and treatment areas for emergence of leachate, ponding, or surface failures such as cracking or subsidence; such inspections shall be frequent enough to ensure compliance with the Conditions of this waiver. If visible leachate, ponding, cracking, or subsidence of surfaces is observed, the discharger shall immediately take necessary measures to maintain the performance standards described in *SITE CONDITIONS C.*~~

~~*E. GENERAL CONDITIONS*~~

~~**1. *Prohibitions***~~
~~The inclusion of the following wastes for treatment by composting or processing under the conditions of this~~

~~waiver are prohibited:~~
~~a. municipal solid waste;~~
~~b. sludges (including sewage sludge, water treatment sludge, and industrial sludge);~~
~~c. septage;~~
~~d. liquid wastes, unless specifically approved by the Regional Board;~~
~~e. animal waste, except manure when used as an additive;~~
~~f. oil and grease; and~~
~~g. hazardous, designated, and any other wastes determined by the Regional Board to pose a potential threat to water quality.~~

~~**2. *Entry and Inspection***~~
~~The discharger shall allow the RWQCB, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:~~
~~a. Enter upon the discharger's premises where a conditionally waived facility or activity is located or conducted, or where records must be kept under the conditions of this waiver;~~
~~b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this waiver;~~
~~c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this waiver; and~~
~~d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this waiver or as otherwise authorized by the California Water Code, any substances or parameters at any location.~~

~~*DEFINITION OF TERMS IN CONDITIONS FOR ITEM 20*~~

~~***GREEN WASTE:*** Material that consists of or contains waste from plants, including leaves, clippings, cuttings,~~
~~trimmings of grass, weeds, shrubbery, bushes, or trees, residential or community garden wastes, and untreated~~
~~wood wastes.~~

~~***FOOD PROCESSING WASTE:*** Material that consists of or contains only pre-processed and post-processed~~
~~waste derived from plants, or foods processed or produced at restaurants, hospitals and food distributors.~~

~~***AGRICULTURAL WASTE:*** Material that consists of the plant waste coming directly from an agricultural~~
~~commodity, and is the product of farms and ranches and by-products processed from these products, as defined in Division 21, Part 2, Chapter 1 Section 58619 of the Food and Agriculture Code.~~
~~Agricultural waste includes agricultural, floricultural, silvicultural, vermicultural or viticultural products.~~

~~***PAPER WASTE:*** Material that consists of nonhazardous paper and paper by-products.~~

~~***ADDITIVE:*** Material that consists of waste or products which are approved by the RWQCB's Executive Officer for mixture with feedstock or treated waste to adjust the moisture level, the carbon to nitrogen ratio, or the porosity of the wastes to create a condition favorable to the processing, or to improve the end-product. Additives may include manures, fertilizers, and chemical amendments.~~

~~***DISCHARGER:*** Any person who discharges waste which could affect the quality of waters of the state, and includes any person who owns a waste management unit or who is responsible for the operation of a waste management unit pursuant to Title 23, California Code of Regulations, Section 2601.~~

~~***CONDITIONS FOR ITEM 22. PERMANENT RECLAIMED WATER PROJECTS:***~~

1. ~~The discharger shall submit a report of waste discharge pursuant to Section 13260 or 13522.5 of the California Water Code. This report shall contain sufficient technical information from which the Regional Board can determine if the proposed discharge complies with all applicable reclamation regulations; and~~

2. ~~The proposed discharge of reclaimed water must be in compliance with the California Code of Regulations, Title 22, Division 4, Chapter 3, Articles 1 - 10; and~~

3. ~~The proposed discharge of reclaimed water must be in compliance with the Water Quality Control Plan, San Diego Basin (9); and~~

4. ~~The report of waste discharge must contain a letter from the local health department of the State Department of Health Services stating that the proposed project complies with all State and local Health requirements for the use of reclaimed water. This letter shall also specify any monitoring required to demonstrate compliance with Title 22, Division 4, Chapter 3, Reclamation Criteria, Articles 2, 3, 4, 5 and 5.1; and~~

5. ~~Temporary waiver's of waste discharge requirements remain in effect for a project until the Regional Board is able to adopt permanent requirements. The Regional Board will adopt requirements, as appropriate, at the earliest possible opportunity, and in accordance with Regional Board priorities.~~