

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2005-0011

GENERAL WASTE DISCHARGE REQUIREMENTS

AND

WATER QUALITY CERTIFICATION

FOR

DISCHARGES RELATED TO SAND AND GRAVEL MINING, EXCAVATION, AND
PROCESSING ACTIVITIES, INCLUDING ASPHALT AND CONCRETE OPERATIONS,
ON NON-FEDERAL LANDS IN THE NORTH COAST REGION

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds that:

1. California has largely relied upon its authority under Section 401 of the federal Clean Water Act (CWA) (33 U.S.C. § 1341) to regulate discharges of dredge or fill material (e.g. aggregate extraction, excavation, grading, side casting, etc.) to California waters. CWA Section 401 requires every applicant for a federal permit or license for an activity, that may result in a discharge of pollutants to a water of the United States, to obtain Certification that the proposed activity will comply with State water quality standards before certain federal licenses or permits may be issued. Permits subject to CWA Section 401 include permits for discharge of dredge or fill materials (CWA Section 404 permits) issued by the U.S. Army Corps of Engineers (ACOE).
2. Article 4, Chapter 4, Division 7 of the California Water Code (CWC), commencing with Section 13260(a), requires that any person discharging or proposing to discharge waste, other than to a community sewer system, that could affect the quality of the waters of the State¹, file a report of waste discharge (ROWD) containing such information and data as may be required by the Regional Water Board. Pursuant to Article 4, Regional Water Boards are required to prescribe waste discharge requirements (WDRs) for any proposed or existing discharge unless WDRs are waived pursuant to CWC Section 13269.
3. CWC Section 13263(a) requires that WDRs be prescribed as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. Such WDRs must implement any relevant water quality control plans, taking into consideration beneficial uses to be protected, the water quality objectives reasonably required for those purposes, other waste discharges, the need to prevent nuisance, and the provisions of CWC Section 13241.
4. CWC Section 13263(i) authorizes the Regional Water Board to prescribe general WDRs for a category of discharge if the discharge is produced by the same or similar operations, the discharges involve the same or similar types of waste, the discharges require the same or similar treatment standards, and the discharges are more appropriately regulated under general WDRs than individual WDRs.
5. Discharges from many sand and gravel (aggregate) mining and excavation facilities are produced by similar operations, involve similar types of waste, and require similar

¹ "Waters of the State" as defined in CWC Section 13050(e)

treatment standards. Sand and gravel mining and excavation activities include, but are not limited to, use of heavy equipment for aggregate mining, excavation, and transportation, temporary stockpiling of aggregate materials, aggregate washing and wash water disposal to land, and construction of temporary cofferdams and stream crossings.

6. Concrete plants are commonly associated with sand and gravel processing facilities. The exterior of concrete trucks are often washed after loading, and concrete mixing drums must be washed out between loads or at the end of the day to prevent residual concrete from setting in the drum. Wastewater generated by concrete operations and washing activities has a high pH (typically 10-12). Admixtures used in concrete production may also introduce constituents of concern into the wastewater. These General WDRs do not authorize discharges of process wastewater associated with concrete plants and washing activities. Concrete wash water and residual concrete solids must be fully contained in a system that prevents discharge to surface water and ground water. A lined containment system such as lined basin, sump, or tank that prevents the discharge of concrete wash water to surface water and ground water shall be required at facilities covered by these General WDRs that also produce concrete. Process wastewater from concrete operations may be treated in the containment system to settle or separate out solids and the resulting wastewater may be reused for concrete production or washing activities as long as the reused water is also fully contained. Lined containment systems require periodic cleaning to remove accumulated solids and restore capacity. Removed wet concrete waste solids may not be placed on the ground without cover and without lined containment of runoff or leachate. Dry concrete solids may be placed on the site for reuse without cover or lined containment provided adequate Best Management Practices (BMPs) are implemented to prevent impacts to water quality.
7. Asphalt plants are commonly associated with sand and gravel processing facilities. Particulate emissions from asphalt equipment are primarily controlled with two types of air pollution control equipment. A bag house removes dust particles in a dry state, and a minor amount of water may be added to the collected dry material to make it more manageable. There is typically no wastewater discharge from bag house systems. Wet scrubbers use water to control particulate emissions. Water sprayers remove particulates from the air and create process wastewater. These General WDRs do not authorize discharges of process wastewater associated with asphalt production. Any discharge from asphalt processing equipment and any residual solids must be fully contained in a system that prevents discharge to surface water and ground water. A lined containment system such as a lined basin, sump, or tank that prevents the discharge of process water to surface water and ground water is required at facilities covered by these General WDRs that also produce asphalt. Process wastewater from asphalt operations may be treated in the containment system to settle or separate out solids and the resulting water may be reused for particulate emissions control. Lined containment systems require periodic cleaning to remove accumulated solids and restore capacity in the containment system. Removed waste solids may not be placed on the ground without cover and without lined containment of runoff or leachate.
8. Determinations of whether sand and gravel mining and excavation activities should be covered by these General WDRs, waiver of WDRs, individual WDRs, or individual water quality certification will be made on a case-by-case basis based on the effects of the

operation as documented in biological and geomorphological studies, NOAA Fisheries biological opinions, U.S. Army Corps of Engineers decision documents, other agency permits, and Lake or Streambed Alteration Agreements. In general, however, the Regional Water Board finds that discharges associated with sand and gravel mining and excavation operations are best regulated under these General WDRs.

9. These proposed General WDRs are not applicable to sand and gravel mining and excavation operations within the Russian River Hydrologic Unit. Operations in the Russian River are typically large in scale. The Russian River is also listed as impaired for temperature and sediment and flows in the Russian River are partly controlled by dam releases. The river is currently being evaluated for alternative flow regimes. The “low flow” scenario that is part of that flow evaluation could potentially affect sand and gravel mining operations in the Russian River.
10. These General WDRs do not cover sand and gravel mining activities that affect existing wetlands or result in loss of wetlands. For certification of those activities, the discharger shall apply for and obtain individual water quality certification and WDRs.
11. These General WDRs do not authorize process wastewater discharges other than wastewater generated by aggregate washing activities. These General WDRs authorize the discharge of water used for dust suppression and wastewater generated by sand and gravel washing activities, provided the runoff from dust suppression and aggregate wash wastewater does not directly discharge into surface waters, does not adversely affect the beneficial uses of surface waters, aggregate wash water discharges are to a percolation basin with the sole purpose of removing solids (fines, silt and clay) from wastewater generated by aggregate washing activities, the source of fresh water used for aggregate washing activities is demonstrated to be of equal quality or better quality than the groundwater underlying the percolation basin, and no chemicals or additives are added to the water used for aggregate washing activities. Percolation basins used for the purpose of gravel washing and authorized by these General WDRs are located above ordinary high water² or are managed as seasonal percolation basins where the accumulated solids are removed from the percolation basin and moved to an appropriate location for disposal, storage, or reuse prior to any threat of inundation of the percolation basin by surface waters or by October 1st each year at the latest. The area occupied by any seasonal percolation basin must be restored to pre-existing slopes and contours prior to inundation by high stream flows.
12. These General WDRs do not authorize storm water discharges. The discharger may be required to obtain additional permits from the Regional Water Board or State Water Resources Control Board, such as an individual National Pollution Discharge Elimination System (NPDES) permit and/or NPDES General Permit No. CSA000001 for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (General Industrial Storm Water Permit). This Order does not relieve the discharger from

² Definition from 33CFR328.3(e) That line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

responsibility to obtain other necessary local, state, and federal permits to construct facilities necessary for compliance with this Order, nor does this Order prevent imposition of additional standards, requirements, or conditions by any other regulatory agency.

13. Facilities that capture storm water in evaporation and/or percolation basins or otherwise do not discharge storm water to surface waters may not be required to obtain coverage under the General Industrial Storm Water Permit. Facilities covered by these General WDRs are still required to reduce or prevent pollutants in storm water runoff through the development and implementation of BMPs. Facilities conducting industrial activities or operations that do not discharge storm water but would otherwise require coverage by the General Industrial Storm Water Permit must prepare and implement a facility specific Pollution Prevention Plan (PPP). The objectives of a PPP are similar to the Storm Water Pollution Prevention Plan (SWPPP) required by the General Industrial Storm Water Permit with respect to the goal of reducing or preventing pollutants in runoff. When a PPP is required, the PPP shall identify and describe the sources of pollutants at the facility and ensure implementation of appropriate BMPs to reduce or prevent pollutants that could affect the quality of runoff that will be contained onsite by evaporation basins or percolation basins.
14. Pursuant to the Water Quality Control Plan for the North Coast Region (Basin Plan), including State Water Resources Control Board (State Water Board) Resolution No. 88-63, the existing and potential beneficial uses of waters potentially affected by the proposed activity include:
 - a. Municipal and Domestic Supply (MUN)
 - b. Agricultural Supply (AGR)
 - c. Industrial Service Supply (IND)
 - d. Industrial Process Supply (PROC)
 - e. Groundwater Recharge (GWR)
 - f. Freshwater Replenishment (FRSH)
 - g. Navigation (NAV)
 - h. Hydropower Generation (POW)
 - i. Water Contact Recreation (REC-1)
 - j. Noncontact Water Recreation (REC-2)
 - k. Commercial and Sport Fishing (COMM)
 - l. Aquaculture (AQUA)
 - m. Warm Freshwater Habitat (WARM)
 - n. Cold Freshwater Habitat (COLD)
 - o. Estuarine Habitat (EST)
 - p. Marine Habitat (MAR)
 - q. Wildlife habitat (WILD)
 - r. Preservation of Areas of Special Biological Significance (BIOL)
 - s. Rare, Threatened, or Endangered Species (RARE)
 - t. Migration of Aquatic Organisms (MIGR)
 - u. Spawning, Reproduction, and/or Early Development (SPWN)
 - v. Shellfish Harvesting (SHELL)
15. The Basin Plan contains water quality objectives, prohibitions, and policies developed to protect the above-listed beneficial uses of water. Economic considerations were

considered as required by law during the development of these objectives, prohibitions, and policies. Prohibitions, provisions, policies, and other specifications contained in this Order implement the Basin Plan and the Porter-Cologne Water Quality Control Act. Compliance with applicable water quality objectives, prohibitions, and policies will protect the beneficial uses listed in Finding 14 above.

16. Discharges and ground disturbance activities within a riparian area or an area in proximity to a water body can affect the quality of the water if they directly or indirectly result in a discharge to the water; are associated with a change in the nature of vegetation that could affect water quality; or change the hydrologic or geomorphologic characteristics of the water body during some flow conditions.
17. Discharges associated with sand and gravel mining and excavation activities can directly or indirectly destabilize the channel or bed of a receiving water by changing geomorphic parameters, including hydrologic characteristics, sediment characteristics, or stream grade. Such destabilization diminishes the ability of the water body to support designated beneficial uses. Quantification and mitigation of such impacts may require detailed project-specific analyses.
18. Anthropogenic discharges of sediment can result in significant impairment to beneficial uses. Many water bodies in the North Coast Region are listed as impaired due to either sediment and/or temperature (Section 303(d) of the Clean Water Act). Federal regulations require that a total maximum daily load (TMDL) be established for 303(d) listed water bodies for each pollutant of concern. TMDLs for many North Coast water bodies have been or are scheduled to be completed. WDRs will help meet sediment and temperature TMDLs by controlling waste discharges. Discharges cannot cause or contribute to water quality or beneficial use impairment. Future TMDL implementation strategies may result in more stringent sediment control requirements for dischargers.
19. Regional Water Board staff are currently drafting *The Sediment Waste Discharge Prohibitions* and *The Action Plan for the Control of Sediment Waste Discharges*. These documents establish regionwide prohibitions and policy for the control of sediment waste in order to attain and maintain sediment-related water quality objectives, protect present and future beneficial water uses, protect public health, and prevent nuisance. These Prohibitions are applicable to all anthropogenic sources of sediment-waste discharge in the North Coast Region regardless of the type of activity that generates the waste. Once adopted, *The Sediment Waste Discharge Prohibitions* may impose new or different requirements concerning the discharge or threatened discharge of sediment waste. Therefore, sand and gravel mining and excavation dischargers may encounter increased requirements in the future.
20. Executive Order W-59-93, dated August 23, 1993, establishes a California Wetlands Conservation Policy including an objective to ensure no overall net loss of and a long-term net gain in the quantity, quality, and permanence of wetland acreage and value in California (“No Net Loss Policy”).

21. This Order is consistent with the provisions of State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California." The Order does not allow degradation of water quality.
22. Title 23, Section 3833(b), of the California Code of Regulations (CCR) states that each application for a Water Quality Certification shall be accompanied by a fee deposit for processing the application. Title 23 CCR Section 3833 (b)(3)(B) states that the total fee, including deposit, for taking any certification action, shall be the appropriate one-time amount determined from Title 23 CCR Section 2200(a)(2). Title 23 CCR Section 3833 (b)(3)(C) states if WDRs or waiver of WDRs are to be issued in conjunction and simultaneously with taking action on the application for water quality certification, or the Project is going to be regulated through general WDRs, or general waiver thereof, the applicant shall pay only one fee. Title 23 CCR Section 3833 (b)(3)(C) also states if action is taken on the application for water quality certification, but WDRs or waiver of WDRs are later issued for the same or revised activity, the applicant shall pay a new fee for the subsequent WDRs.
23. Applications for water quality certification for one-time projects, or projects that do not involve annual discharges of dredge and fill material associated with sand and gravel extraction activities, may be issued individual WDRs or individual water quality certification and shall pay the appropriate one-time amount determined from Title 23 CCR Section 2200(a)(2).
24. CWC Section 13260(d)(1) requires that each person for whom WDRs have been prescribed pursuant to CWC Section 13263 shall submit an annual fee according to a reasonable fee schedule established by the State Water Board. Therefore, applications for water quality certification for discharges of dredge and fill material that are determined by the Executive Officer to be eligible for coverage under these General WDRs are required to submit an annual fee according to the fee schedule established by the State Water Board for persons issued WDRs³ for discharges to land that are based on the discharge's fee rating according to the Title 23 CCR Section 2200(a) and the threat to water quality and complexity of the discharge as defined in accordance with the definitions contained in Title 23 CCR Section 2200(a)(1). In the absence of these General WDRs, the appropriate one-time fee would be required with each application for water quality certification or WDRs. Since discharges covered by these General WDRs are typically conducted annually or year round, discharges covered by these General WDRs will be charged an annual fee.
25. The threat to water quality (TTWQ) and complexity (CPLX) rating for activities eligible for coverage by these General WDRs is "3C". Category "C" includes those discharges having no waste treatment systems (no physical, no chemical, or no biological treatment system) or discharges that must comply with BMPs, discharges having passive waste treatment and disposal systems, or discharges having waste storage systems with land disposal. Discharges of waste associated with concrete and asphalt production to surface water and ground water are prohibited by these General WDRs. Discharges associated with sand and gravel extraction and processing activities do not typically require treatment

³ Waste Discharge Requirements are those discharges of waste to land that are regulated through WDRs issued pursuant to CWC Section 13263 and that do not implement the requirements of Title 27 of CCR.

- systems and typically require compliance with BMPs. Threat to water quality category “3” includes those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with categories “1” and “2”. The appropriate annual fee for these General WDRs shall be based on threat to water quality category “3” and complexity category “C”.
26. Consistent with the CEQA Guidelines’ Class 7 Exemption, these General WDRs are an action taken by a regulatory agency “to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.” (14 CCR § 15307.) Similarly, consistent with Class 8, these General WDRs are an action taken by a regulatory agency “to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.” (14 CCR § 15308.)
 27. Despite the Class 7 and Class 8 exemption eligibility, out of an abundance of caution, the Regional Water Board, acting as the lead agency for this Project under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), has completed an Initial Study in accordance with Title 14, CCR Section 15063 and prepared a Negative Declaration in accordance with CEQA and the CEQA Guidelines (Title 14, CCR Section 15000 et seq.). The Negative Declaration concludes that the adoption of these General WDRs for sand and gravel mining and excavation activities pursuant to Order No. R1-2005-0011 will not have a significant impact on the environment. Copies of the proposed Negative Declaration were transmitted to all agencies and persons known to be interested in this matter according to the applicable provisions of CEQA.
 28. The Regional Water Board conducted a public hearing on June 21, 2005, in Santa Rosa, California and considered all evidence concerning this matter and adopted the Negative Declaration, a copy of which is attached hereto, and this Order, *General WDRs for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Production, On Non-Federal Lands in the North Coast Region*.
 29. The Regional Water Board, based on the testimony received at the aforementioned hearing, and the Negative Declaration determine that the adoption of these General WDRs for sand and gravel mining and excavation activities in accordance with Order No. R1-2005-0011 will be consistent with the Basin Plan, Porter-Cologne Water Quality Control Act, federal and state law, will be in the public interest, and will not have a significant impact on the environment.
 30. The Regional Water Board, in accordance with CEQA and State Guidelines, determines that there will be no significant adverse environmental impacts, individually, or cumulatively from this Order provided that there is compliance with its prohibitions, provisions, criteria, and conditions.
 31. Sand and gravel mining and excavation activities covered under these General WDRs must, as a precondition, have achieved compliance with CEQA.

32. The Executive Officer or Regional Water Board may terminate the applicability of this Order to any sand and gravel mining and excavation activities at any time when such termination is in the public interest and/or the activities could have a significant adverse affect on the quality or beneficial uses of the waters of the state.
33. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the proposed discharge.

THEREFORE, the Regional Water Board hereby approves and adopts the Negative Declaration and Initial Study prepared on this Order and directs the Executive Officer to file all appropriate notices; and

IT IS HEREBY ORDERED that all dischargers seeking coverage under Order No. R1-2005-0011 shall comply with the terms of this Order as set out below:

A. ELIGIBILITY

IT IS HEREBY ORDERED that only discharges meeting the following criteria shall be enrolled under these General WDRs:

1. This Order sets out the General WDRs and Water Quality Certification for sand and gravel mining and excavation activities conducted on non-Federal lands in the North Coast Region with the exception of discharges within the Russian River Hydrologic Unit. Projects that do not qualify or are denied coverage under these General WDRs are required to submit an application for water quality certification and ROWD to obtain a waiver of WDRs, individual WDRs, or individual water quality certification.
2. The discharge shall not cause, in combination with other discharges, a significant adverse cumulative effect on water quality or beneficial uses of waters of the state.
3. The discharge shall not substantially adversely impact, directly or through habitat modification, any plants or animals identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations; or by the California Department of Fish and Game, the U.S. Fish and Wildlife Service, or the National Marine Fisheries Service (National Oceanic and Atmospheric Administration Fisheries). The Project shall not substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number of or restrict the range of an endangered, rare or threatened species. In this context, the term “substantially” refers to determinations given by CDFG, USFWS, or NOAA in biological opinions.
4. The discharge shall not adversely impact any significant historical or archeological resource, shall not directly or indirectly destroy any unique paleontological resource or site or unique geologic feature, shall not disturb any human remains, and shall not eliminate important examples of the major periods of California history or prehistory.

5. The discharge, as mitigated, shall not cause significant adverse environmental impacts.

B. APPLICATION REQUIREMENTS

1. Dischargers shall seek coverage under these General WDRs by filing: (1) a complete report of waste discharge (ROWD) including the Regional Water Board's application for Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects); (2) CEQA document(s) prepared for the Project; (3) an annual fee pursuant to Title 23 CCR Section 2200(a) and Findings 23 through 26; and (4) any other additional information requested by the Regional Water Board to evaluate the proposed dredge or fill discharge. Dischargers may submit one application/ROWD for multiple gravel extraction and processing sites and may obtain coverage for multiple sites under one authorization of this Order if all the sites are located within the same hydrologic area⁴. A complete application typically includes but is not limited to information related to the amount of material excavated, method(s) of sand and gravel removal, locations of stream crossings, work schedules, areas of temporary and permanent impacts, locations of material stockpiles, gravel washing activities, asphalt production activities, concrete production activities, fueling operations, and BMPs.
2. The application shall comply with the signatory requirements contained in **G. PROVISIONS 17**.
3. A discharge shall not be enrolled under these General WDRs unless the Executive Officer finds that the discharge meets all eligibility criteria.
4. The application shall include any geomorphologic or erosion studies and biological assessments that have been completed for the Project area. Regional Water Board staff may determine that further study or additional monitoring is needed for the Project site to assure beneficial uses are being protected.
5. Coverage under these General WDRs shall not take effect until: (1) the discharger's application is determined to be complete, (2) a description of the Project has been noticed on the Regional Water Board's website for a 21-day public comment period, (3) the discharger has prepared a PPP or SWPPP when industrial activities conducted at the facility require one of these plans as described in Finding 15, and (4) the discharger has received written notification from the Executive Officer stating that coverage under this order is appropriate. The Executive Officer shall not issue this notification upon finding that coverage of the Project in question under this Order has caused or will likely cause significant public controversy.
6. A determination by the Executive Officer that a specific discharge is appropriately covered under these General WDRs creates no vested right to continued future

⁴ Hydrologic Area is defined by the North Coast Hydrologic Planning Area map that is contained in the Water Quality Control Plan for the North Coast Region

coverage. The Executive Officer may decide, based on good cause, to rescind coverage of a specific discharge under these General WDRs. Such a discharge may be eligible for coverage under another set of general WDRs, a waiver of WDRs, individual WDRs, individual water quality certification, and/or a NPDES permit. If the Regional Water Board decides to regulate a discharge covered by these General WDRs under another set of general WDRs, a waiver of WDRs, individual WDRs, individual water quality certification, and/or an NPDES permit, the applicability of these General WDRs to the discharge is immediately terminated on the date the coverage under the other set of general WDRs takes effect, or on the effective date of the waiver of WDRs, individual WDRs, individual water quality certification, or NPDES permit, unless an earlier termination date is set out in the rescission notice.

C. DISCHARGE PROHIBITIONS

1. Discharges of waste to waters of the state that are not otherwise authorized by WDRs issued by this Regional Water Board or the State Water Board are prohibited.
2. Discharges shall not cause or threaten to cause pollution, contamination, or nuisance as defined in CWC Section 13050.
3. Discharges shall not adversely impact human health or the environment or the beneficial uses of water set out in the Basin Plan.
4. Authorization pursuant to these General WDRs does not constitute an exemption to applicable water quality requirements.
5. Discharges are authorized only where they do not cause or contribute to a violation or exceedence of applicable water quality standards, prohibitions, or policies in the Basin Plan, and are controlled through implementation of appropriate Project design and management measures for prevention and minimization of waste discharges.
6. Discharge of waste classified as “hazardous” or “designated” as defined in Title 22, section 66261 of the CCR, or CWC Section 13173 is prohibited.
7. Discharge of process wastewater or solids from aggregate washing activities to surface waters is prohibited.
8. Discharge of process wastewater from concrete production and washout activities to surface water or ground water is prohibited.
9. Discharge of process wastewater from asphalt production and associated air pollution control equipment to surface water and ground water is prohibited unless wastewater discharge is adequately analyzed, discharge does not contain pollutants, and discharge is to a percolation basin.

D. RECEIVING WATER LIMITATIONS

1. Discharges of waste shall not violate or exceed any applicable water quality objectives as these may be modified from time to time pursuant to amendments to the Water Quality Control Plan for the North Coast Region adopted by the Regional Water Board and approved by the State Water Board, and water quality control plans and policies adopted by the State Water Board.
2. The discharge shall not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels.
3. The discharge shall not cause the receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
4. The discharge shall not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.
5. The discharge shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affect beneficial uses.
6. The discharge shall not cause the receiving waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water that cause nuisance or that otherwise adversely affect beneficial uses.
7. The proposal and accompanying reports developed for Projects covered by these General WDRs shall be designed and implemented such that discharges shall not cause or contribute to a violation or an exceedence of any applicable water quality requirements and shall not cause or contribute to a violation of any of the prohibitions of these General WDRs.
8. Should it be determined by the discharger or the Regional Water Board that discharges are causing or contributing to a violation or an exceedence of an applicable water quality requirement or a violation of a General WDR prohibition (above), the discharger shall implement corrective measures immediately and notify the Regional Water Board by telephone as soon as possible but no later than 48 hours after the discharge has been discovered. Nothing in this section shall prevent the Regional Water Board from enforcing any provisions of this Order while the discharger prepares and implements corrective measures.

E. STANDARD CONDITIONS

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.

2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

F. ADDITIONAL CONDITIONS

1. The discharger shall operate the dredge and/or fill Project in a manner that is consistent with the information provided in the ROWD.
2. The discharge or threatened discharge of sediment waste shall be prevented through the use of all feasible and reasonable sediment control practices. If the discharge or threatened discharge of sediment waste cannot be fully prevented, the discharge or threatened discharge shall be minimized to the maximum extent possible through the use of all feasible and reasonable sediment control practices. Any discharge or threatened discharge of sediment waste remaining after attempts for prevention and minimization shall be offset using compensation actions, as approved by the Executive Officer.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to water bodies. At no time shall the discharger use vehicles or equipment that leak any substance that might impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of the bed, channel, or bank of any water of the State.
4. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rising waters or rainfall into waters of the state. When operations are completed, any excess material or debris shall be removed from the work area.
5. Permanent haul roads shall follow existing routes to the extent possible. Temporary haul roads shall avoid sensitive areas such as wetlands and riparian vegetation to the extent possible.
6. BMPs for sediment and turbidity control shall be implemented and in place prior to and during each season's extraction activities, and as necessary after extraction activities are completed each season in order to ensure that no silt or sediment enters surface waters.

7. Facilities required to prepare and implement a PPP shall retain a copy on-site and shall submit a copy to the Regional Water Board upon request. Dischargers shall review the PPP annually and update the PPP as necessary to ensure implementation of appropriate BMPs that reduce or prevent pollutants that could affect the quality of runoff. Dischargers may be required to revise the PPP or submit the PPP for the Executive Officer's approval in order to remain eligible for coverage under these General WDRs.
8. Upon completion of annual aggregate extraction activities, the gravel bar shall be left in a condition that is free-draining and free of depressions in order to reduce impacts to fish and wildlife species unless a different configuration of the gravel bar is authorized by the U.S. ACOE.
9. Accumulated solids shall be removed from aggregate wash water percolation basins and moved to an appropriate location for disposal, storage, or reuse prior to inundation by surface waters and the area occupied by aggregate wash water percolation basins must be restored to pre-existing slopes and contours prior to inundation by surface waters.

G. PROVISIONS

1. CEQA Compliance

Any Project seeking coverage under this Order shall be in compliance with CEQA prior to the Executive Officer issuing, authorizing, or otherwise approving coverage under this Order.

2. Inspection and Entry

The discharger shall allow the Regional Water Board staff entry onto the affected property, with reasonable notice, for the purposes of observing, inspecting, photographing, video taping, measuring, and/or collecting samples or other monitoring information to document compliance or noncompliance with this Order. If entry is unreasonably withheld, the Executive Officer may terminate the applicability of the Order.

The discharger shall allow Regional Water Board staff access to copy, at reasonable times, any records that must be kept under the conditions of these General WDRs.

3. Monitoring and Reporting Requirements

The discharger shall implement monitoring and reporting requirements when directed in writing by the Executive Officer.

4. Compliance with Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Act provides significant civil liabilities for any person who violates a permit prohibition, limitation, or provision. Any person who violates any permit condition of this Order may be subject to a civil liability.

5. Duty to Comply

The discharger shall comply with all of the conditions of these General WDRs. Any noncompliance constitutes a violation of the Porter-Cologne Water Quality Control Act and is grounds for enforcement action and/or removal from coverage by these General WDRs.

6. Proper Operation and Maintenance

The discharger shall at all times properly operate and maintain any facilities and systems which are installed or used by the discharger to achieve compliance with the conditions of these General WDRs.

7. Property Rights

Coverage under these General WDRs does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of Federal, State, or local laws or regulations.

8. Additional Permitting

These General WDRs do not relieve the discharger from the responsibility to obtain other necessary local, State, and federal permits, nor do these General WDRs prevent imposition of additional standards, requirements, or conditions by any other regulatory agency.

9. Duty to Provide Information

Upon written request by the Executive Officer, the discharger shall furnish the Regional Water Board, within a reasonable time, any requested information to determine compliance with these General WDRs. The discharger shall also furnish, upon request, copies of records required to be kept by these General WDRs.

10. Anticipated Noncompliance

The discharger shall give advance written notice to the Regional Water Board of any planned changes in the Project that may result in noncompliance with the requirements of these General WDRs.

11. Noncompliance

In the event the discharger is unable to comply with any of the conditions of this Order due to:

- a. breakdown of waste treatment equipment;

- b. accidents caused by human error or negligence; or
- c. other causes such as acts of nature;

the discharger shall notify the Executive Officer by telephone as soon as it or its agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

12. Severability

The provisions of these General WDRs are severable; and, if any provision of these General WDRs or the application of any provision of these General WDRs to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of these General WDRs shall not be affected thereby.

13. Reopener Clause

These General WDRs may be modified, revoked and reissued, or terminated for cause.

14. Availability

A copy of these General WDRs and any accompanying technical reports shall be available to appropriate operating personnel at all times.

15. Change in Discharge

The discharger shall promptly report to the Regional Water Board any material change in the character, location, area, and/or volume of the discharge. The discharger shall obtain confirmation from the Regional Water Board that such proposed modifications do not disqualify the discharger from coverage under these General WDRs. Confirmation or new WDRs shall be obtained before any modifications are implemented. If the Executive Officer does not disapprove the proposed change within 45 days of receiving a written report describing the proposed change, the discharge may proceed in accordance with the proposed modifications.

16. Transfers

Enrollment in these General WDRs is not transferable. A new owner of an ongoing Project must submit an application in accordance with the requirements of these General WDRs to be authorized to discharge under these General WDRs. An owner who sells property covered by these General WDRs shall inform the new owner of the duty to file an application and shall provide the new owner with a copy of these General WDRs. Failure to inform the new owner shall not release the selling owner from any potential liability for failure to comply with the terms and conditions of these General WDRs while under the discharger's control, nor will it release the buyer from

any potential liability for failure to apply for coverage under these WDRs, or other provisions of the Porter-Cologne Water Quality Control Act.

17. Signatory Requirements

All reports, notices, or other documents required by these General WDRs or requested by the Regional Water Board or State Water Board shall be signed by a person described below or by a duly authorized representative of that person.

- a. For a corporation: by a responsible corporate officer such as (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. For a partnership or sole proprietorship: by a general partner or the proprietor.
- c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official.

Any person signing a document under paragraph (a), (b), or (c) of this provision shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

18. Failure to Obtain Coverage

Dischargers who fail to obtain coverage under this Order or another applicable order will be subject to enforcement under CWC Section 13264 and other applicable law if their Project results in an unpermitted discharge of waste.

H. DISCHARGER TERMINATION OF COVERAGE

The discharger may terminate coverage under these General WDRs for a completed Project by submitting to the Regional Water Board a letter stating the Project status. The notice of Project termination shall be signed in accordance with **G. PROVISIONS 17**. The Regional Water Board will determine if termination of coverage is appropriate and notify the discharger.

I. EXPIRATION

Individual coverage by this Order expires upon completion of the sand and gravel mining and excavation activity or five years from the date coverage under these General WDRs is authorized by the Executive Officer, whichever occurs first. If the discharger wishes to continue an activity regulated by this Order after five years of coverage by this Order, the discharger shall apply for and obtain new authorization to be covered by these WDRs, or individual water quality certification. A new application including a complete ROWD must be submitted to the Regional Water Board at least 120 days in advance of the expiration date to re-enroll. New coverage by these General WDRs can be obtained for an additional period up to five years.

J. WATER QUALITY CERTIFICATION

These Waste Discharge Requirements serve to certify [23 CCR Subsection 3831(e)] that any discharge from operations regulated under this Order will comply with the applicable provisions of sections 301 (“Effluent Limitations”), 302 (“Water Quality Related Effluent Limitations”), 303 (“Water Quality Standards and Implementation Plans”), 306 (“National Standards of Performance”), and 307 (“Toxic and Pretreatment Effluent Standards”) of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant’s project description, and b) compliance with all applicable requirements of the Regional Water Board’s Water Quality Control Plan for the North Coast Region (Basin Plan).

Certification:

I, Catherine Kuhlman, Executive Officer do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on June 21, 2005.

Catherine E. Kuhlman
Executive Officer