

ITEM: 15

SUBJECT: Low Threat Waiver for Discharges of Waste to Land, Region Wide

BOARD ACTION: *Consideration of Resolution Approving Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge Within the Central Valley Region*

BACKGROUND: The Water Code allows waiver of reports of waste discharge (RWDs) and waste discharge requirements (WDRs) for specific types of discharge when not against the public interest. Certain types of discharges have been waived by the Central Valley Water Board through the years. In 1999, the Water Code was revised to terminate existing waivers by 2003 and limit the duration of new waivers to five years. In response, the Central Valley Water Board adopted Resolution R5-2003-0008, which waived WDRs or RWDs for 12 specific types of discharge.

Staff reviewed the conditions of waiver under Resolution R5-2003-0008, which expired this year. The proposed Resolution would continue to waive WDRs, and in some cases RWDs, for those discharges to land that represent the lowest threat and complexity within the following categories: Air conditioner, cooling, and elevated temperature waters; Drilling muds/Boring wastes; Disposal of dredge material to land; Inert solid waste disposal; Test pumping of fresh water wells; Swimming pool discharges; Construction dewatering discharges; Hydrostatic testing; Agricultural commodity wastes; Disposal of residual waste to land as a soil amendment; Water reclamation for construction projects and road dust control; and Small, short-term sand and gravel operations. For those categories also covered by Statewide General Order 2003-0003-DWQ for low threat discharges to land, the conditional waiver would only apply to those discharges that represent the very lowest threat to water quality.

Changes from Resolution R5-2003-008 include: (1) Addition of a category for Small short-term sand and gravel operations, which was included in a previous waiver (Resolution 82-036) but was not in Resolution R5-2003-0008; (2) The removal of a category for projects involving Water Quality Certification, which are now covered by Statewide General Orders 2003-0017-DWQ and 2004-0004-DWQ; and (3) Change to Disposal of Dredge Material to land to remove the limit of 1,000 cubic yards, added in 2003 to define “minor” dredging projects, to be replaced by determination based on site-specific conditions. In addition, the category for disposal of “Industrial Wastes Utilized for Soil Amendments” was changed to “Disposal of Residual Waste to Land as a Soil Amendment” and is limited to those discharges covered by an approved County Program. Discharges of waste that could affect the quality of waters of the

State in counties without an approved program or which do not qualify for coverage under a county program would be regulated under an individual waiver or WDRs.

Interested agencies and persons received a copy of the tentative Resolution for comment. A notice of public hearing was also published in major newspapers throughout the Region. Comments received were primarily requests for clarification of certain issues or of some of the conditions of waiver. All comments were addressed in the final proposed Resolution.

ISSUES: This Item is uncontested

RECOMMENDATION: Adopt the proposed Resolution.

Mgmt. Review _____
Legal Review _____ PEP _____

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