

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

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[TENTATIVE] RESOLUTION R5-2023-XXXX



RESOLUTION INFORMATION

Resolution: Waiver of Waste Discharge Requirements (WDRs), Reports of Waste Discharge (RWDs), and/or Water Recycling Requirements (WRRs) for Specific Types of Discharge Within the Central Valley Region (Low Threat Waiver)

Status: Tentative

Program: Non-15

Region 5 Offices: Sacramento (Rancho Cordova), Fresno, and Redding

Counties: Modoc, Shasta, Lassen, Plumas, Butte, Glenn, Colusa, Lake, Sutter, Yuba, Sierra, Nevada, Placer, Yolo, Napa, Solano, Sacramento, El Dorado, Amador, Calaveras, San Joaquin, Contra Costa, Stanislaus, Tuolumne, Merced, Mariposa, Madera, Kings, Fresno, Tulare, Kern

Prior Resolution: R5-2018-0085

CERTIFICATION

I, PATRICK PULUPA, Executive Officer, hereby certify that the following is a full, true, and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on XX December 2023.

PATRICK PULUPA,
Executive Officer

FINDINGS

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

REGULATORY BACKGROUND

1. Water Code section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of waters of the state, other than into a community sewer system, shall file with the appropriate Regional Water Quality Control Board (Regional Water Board) a report of waste discharge (RWD) containing such information and data as may be required.
2. The Central Valley Water Board has a statutory obligation, pursuant to Water Code section 13263, to prescribe waste discharge requirements (WDRs) for discharges of waste that may affect waters of the state, except where the Central Valley Water Board finds that a waiver of WDRs for a specific type of discharge is not against the public interest, as described in Water Code section 13269.
3. Water Code sections 13260(b) and 13269 authorize the Central Valley Water Board to waive WDRs and RWD, respectively, for specific types of discharge where such a waiver is not against the public interest, is conditional, and may be terminated by the Central Valley Water Board at any time.
4. Historically, the Central Valley Water Board, in accordance with Water Code section 13269, waived WDRs for emergency use of treated wastewater as set forth in Resolution 77-69 and for 23 other types of discharges to land that posed a low threat to water quality as set forth in Resolution 82-036.
5. In 1999, California Senate Bill 390 amended Water Code section 13269, causing all existing waivers to expire on 1 January 2003 and requiring that all new waivers adopted after that date for a specific discharge or type of discharge automatically expire after five years, unless the Regional Water Board that issued the waiver reviews the terms of the waiver at a public hearing and determines that the waiver is consistent with any applicable state or regional water quality control plans and remains in the public interest. As required by Water Code section 13269, Resolutions 77-69 and 82-036 expired on 1 January 2003.
6. On 31 January 2003, the Central Valley Water Board adopted Resolution R5-2003-0008, *Approving Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge Within the Central Valley Region* (Low Threat Waiver). The Low Threat Waiver waived WDRs and in some cases RWDs for several discharge categories that pose a low threat to water quality, and which were previously waived by Resolutions 77-069 and 82-036. The Low Threat Waiver was renewed by the Central Valley Water Board again in 2008, 2013, and 2018.

7. As required by Water Code section 13269, the Central Valley Water Board last renewed the Low Threat Waiver on 7 December 2018, adopting Resolution R5-2018-0085. Resolution R5-2018-0085 has been in effect for five years and expires on 7 December 2023.

APPLICABILITY

8. In accordance with Water Code section 13269, the Central Valley Water Board has reviewed the previously issued waivers set forth in Resolution R5-2018-0085 and determined that the continued waivers of WDRs, RWDs, and/or Water Recycling Requirements (WRRs) for the following types of discharges are in the public interest and pose a low threat to the quality of waters of the state and, therefore, should be renewed (see Attachment A, Table 1 for more details):
 - Air conditioner, cooling, and elevated temperature waters;
 - Fresh water well drilling muds and boring wastes;
 - Disposal of dredge material to land;
 - Inert solid waste disposal sites;
 - Test pumping of fresh water wells;
 - Swimming pool discharges;
 - Construction dewatering operations;
 - Hydrostatic testing;
 - Agricultural commodity wastes;
 - Disposal of residual wastes to land as a soil amendment;
 - Recycled water for construction projects and dust control;
 - Small short-term sand and gravel operations;
 - Discharge to land from backwashing and/or flushing of water treatment systems;
and
 - Short-term or intermittent vehicle and equipment washing.
9. This Resolution includes the waiver for discharges of residual wastewater from reverse osmosis (RO) systems. RO systems can often be installed to produce high-quality potable drinking water for individual residences and small communities. When a sanitary sewer collection system is not available, backwash from RO systems may be discharged to an onsite wastewater treatment system (OWTS or septic system). Backwash water from RO systems (RO concentrate) may contain concentrated wastes (e.g., nitrates, salts, and various minerals or metals) that could pose a threat to water quality if not properly managed. If properly managed, discharges of RO concentrate to OWTS do not pose a significant threat to water quality because:

- a. The RO system does not introduce any additional chemicals or minerals to that present in the raw source water;
 - b. The RO concentrate recombines with domestic wastewater prior to disposal, causing only minimal net increases in salts and minerals to the discharge; and
 - c. A properly functioning OWTS can significantly reduce nitrate concentrations in the RO concentrate through denitrification.¹
10. In 2003, the State Water Resources Control Board (State Water Board) adopted Water Quality Order 2003-0003-DWQ, *Statewide General WDRs for Discharges to Land With a Low Threat to Water Quality* (Statewide General Order) to regulate low threat discharges to land that were previously regulated under waivers that expired on 1 January 2003. The Statewide General Order does not supersede the Regional Water Boards' authority to issue individual WDRs or waivers for these types of discharges (Statewide General Order, Finding 9). However, several categories covered by the Statewide General Order are nearly identical to those covered by the Low Threat Waiver. For the following categories of discharge that are also covered by the Statewide General Order, the application of the Low Threat Waiver is limited to those discharges that represent the very lowest threat to water quality: (a) discharges of drilling muds and boring wastes, (b) inert solid waste disposal sites, (c) test pumping of fresh water wells, (d) swimming pool discharges, (e) construction dewatering, and (f) hydrostatic testing.
11. This waiver of WDRs, and in some cases RWDs and/or WRRs, for discharges that will cause no or insignificant impairment to water quality and that pose little risk of creating a condition of public nuisance is in the public interest, as these waivers will reduce the costs of conducting activities that produce innocuous or small amounts of waste, impose conditions necessary to ensure protection of the environment, and allow Central Valley Water Board staff to direct resources towards addressing waste discharges with a greater potential to degrade water quality or create nuisance conditions.
12. The waivers of RWDs for specific discharge categories do not preclude the Executive Officer from requesting a RWD for a specific project or type of discharge.

¹ RO drinking water pilot projects for Monterey County conducted by the University of California Los Angeles. Details and correspondence can be found on Geotracker:
(1) [Bluerock View](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000012707)
(https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000012707)
(2) [Pryor Farms](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000012702)
(https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000012702)
(3) [Santa Teresa](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000012978)
(https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000012978)

ANTIDEGRADATION POLICY

13. State Water Board Resolution 68-16, *Policy with Respect to Maintaining High Quality Waters of the State* (Antidegradation Policy), requires the Central Valley Water Board, in regulating discharges of waste, to maintain high quality waters of the state unless it is demonstrated that any degradation in quality 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 applicable water quality objectives. Any discharge(s) to high quality waters must be subject to requirements that will result in the best practicable treatment or control (BPTC) necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with the maximum benefit to the people of the State will be maintained.
14. This Low Threat Waiver is consistent with the Antidegradation Policy in that the waiver is in the best interest of the people of the State, authorizes no degradation of water quality, imposes conditions to prevent nuisance conditions and/or impacts to water quality, and will not result in water quality less than that prescribed in state and regional water quality control policies or unreasonably affect present and anticipated beneficial uses.

SALT AND NITRATE CONTROL PROGRAMS

15. On 31 May 2018, the Central Valley Water Board adopted Basin Plan amendments incorporating new programs (i.e., Salt and Nitrate Control Programs) to address ongoing salt and nitrate accumulation in the Central Valley (Resolution R5-2018-0034). The Basin Plan amendments became effective on 17 January 2020 and were revised by the Central Valley Water Board in 2020 with [Resolution R5-2020-0057](#).

(https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/resolutions/r5-2020-0057_res.pdf)
16. Given the limited nature and/or duration of discharges allowed under the Low Threat Waiver there is limited potential for the discharge(s) to contribute or add to salt or nitrate concentrations in surface waters and/or groundwaters within the Central Valley Region. Therefore, discharges covered by the Low Threat Waiver are considered in compliance with the Salt and Nitrate Control Programs.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

17. The waiver of WDRs and, in some cases, RWDs for several discharge categories covered by the Low Threat Waiver, were previously waived under Resolution 82-036. As the lead agency under the California Environmental Quality Act (CEQA) (Cal. Code Regs., tit. 14, §15162), the Central Valley Water Board determined that the adoption of Resolution 82-036, waiving WDRs for specified categories of discharge to land that pose a low threat to water quality would not cause a significant environmental impact, and, on 23 December 1981, approved a Negative Declaration (ND) for the project.

18. In 2018 the Central Valley Water Board determined that inclusion of the new discharge categories for discharges from water treatment systems (system flushing and filter backwash) and short-term or intermittent vehicle and equipment washing under the conditions allowed by the Low Threat Waiver would not result in a substantial change in the overall project or pose any new or significant environmental impacts (Cal. Code Regs., tit. 14, § 15162). In addition, the Board found that the inclusion of these two discharge categories in the Low Threat Waiver met the “common sense” rule in that the two categories as proposed would be exempt from CEQA since it could be seen with certainty that discharges under these new categories, with the conditions imposed, would not impose in any significant changes or effects to the environment (Cal. Code Regs., tit. 14 § 15061(b)(3)).
19. A lead agency is only required to prepare a new or subsequent CEQA document if there is a substantial change in the project that could cause new or significant environmental effects or result in a substantial increase in the severity of previously identified effects (Pub. Resource Code § 21166; Cal. Code Regs. tit. 14, §15162). The Central Valley Water Board has determined that its clarification that the discharge category for filter backwash and system flushing from water treatment systems to include discharges of RO concentrate to an OWTS would not result in a substantial change in the overall project evaluated in the 1981 ND or pose any new or potentially significant environmental impacts. (Cal. Code Regs., tit. 14, § 15162.)
20. The adoption of this Resolution is a regulatory action taken by the Central Valley Water Board, which sets specific restrictions and conditions on discharges of waste to land to protect waters of the state and does not confer any planning or building authority. New or expanding facilities that might be covered by this waiver are still subject to local agency approvals, permits, and potential project level CEQA review.

OTHER CONSIDERATIONS

21. Pursuant to Water Code section 13263(g), discharge is a privilege not a right, and adoption of this Resolution and coverage under the Low Threat Waiver does not create a vested right to continue the discharge.
22. In accordance with Water Code section 189.7, the Central Valley Water Board notified representatives of disadvantaged and tribal communities throughout the Central Valley Region of its intent to renew the Low Threat Waiver. Pursuant to Water Code section 13149.2 the Central Valley Water Board reviewed readily available information and information raised by interested persons concerning anticipated water quality impacts to disadvantaged or tribal communities resulting from adoption of this Resolution. As discussed in previous findings the Central Valley Water Board does not anticipate any water quality impacts resulting from the continuation of the Low Threat Waiver for specific types of discharge within the Central Valley Region.
23. All the above information, as well as the information contained in **Attachment A** (Conditions of Discharge for Specific Categories Covered by the Low Threat Waiver)

and the accompanying **Information Sheet** (incorporated herein) was considered by the Central Valley Water Board in the renewal of the Low Threat Waiver.

24. The Central Valley Water Board conducted a public hearing and considered all testimony and evidence concerning this matter.

IT IS HEREBY RESOLVED THAT:

1. In accordance with Water Code section 13269, the Central Valley Water Board adopts the *Waiver of Waste Discharge Requirements, Reports of Waste Discharge, and/or Water Recycling Requirements for Specific Types of Discharge Within the Central Valley Region* (Low Threat Waiver), waiving the requirements to obtain WDRs, WRRs, and/or, in some cases, to submit a RWD and filing fee, for discharge types that fulfill the conditions set forth in **Attachment A** of this Resolution.
2. Discharges that result from emergency work or emergency projects as described under Water Code section 13269(c) are not affected by this action.
3. Discharge of wastes to wetlands, surface waters, drainage courses, or biologically or culturally sensitive areas is prohibited.
4. The Low Threat Waiver is not against the public interest, provided that dischargers subject to such waiver:
 - a. Comply with the conditions set forth in the Low Threat Waiver;
 - b. Comply with applicable State and Central Valley Water Board plans and policies; and
 - c. File with the Central Valley Water Board a RWD and filing fee, when required.
5. For those discharges requiring submittal of a RWD, the discharger must submit:
 - a. A Form 200;
 - b. Technical information consistent with the guidance provided in **Attachment B** provided herein; and
 - c. The applicable filing fee specified in California Code of Regulations, title 23, section 2200, for a threat to water quality and complexity of "3C".
6. It is not necessary at this time to adopt individual or general WDRs for waste discharges related to the categories of discharges specified in **Attachment A** that are conducted in accordance with the conditions specified therein because these types of discharges are considered to pose a low threat to water quality and Central Valley Water Board resources should focus on higher threat discharges.
7. Pursuant to Water Code section 13269, this action waiving the issuance of WDRs or WRRs for certain specific types of discharges: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits that may be required by other local or governmental agencies, and (e) does not

preclude the Central Valley Water Board from administering enforcement remedies (including civil liability) pursuant to the Water Code.

8. The Executive Officer or Central Valley Water Board may terminate the applicability of the Low Threat Waiver as to any type of discharge or individual discharger at any time when such termination is in the public interest, or the activity could affect the quality or beneficial uses of waters of the state.
9. This Low Threat Waiver shall expire on XX December 2028, unless terminated or renewed by the Central Valley Water Board.

ENFORCEMENT

If, in the opinion of the Executive Officer, a discharger fails to comply with the provisions of this Resolution, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Resolution may result in the assessment of Administrative Civil Liability of up to \$1,000 per violation per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350, and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

ADMINISTRATIVE REVIEW

Any person aggrieved by this Central Valley Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after the date of this Resolution; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of [the law and regulations applicable to filing petitions](#) are available on the Internet (at the address below) and will be provided upon request.

(http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

ATTACHMENTS

- Attachment A – Conditions of Discharge for Specific Categories Covered by the Low Threat Waiver
- Attachment B – Technical Guidance for Submitting a Report of Waste Discharge
- Information Sheet

ATTACHMENT A

CONDITIONS OF DISCHARGE FOR SPECIFIC CATEGORIES COVERED BY THE LOW THREAT WAIVER

Subject to the following general conditions, a person need not obtain waste discharge requirements (WDRs) or water recycling requirements (WRRs) for activities and/or types of waste discharge identified herein if: (1) the discharge is of very low complexity and poses a very low threat to water quality, and (2) the person complies with all discharge-specific conditions and exclusions, as set forth in this attachment and in Table 1 below.

1. Unless a report of waste discharge (RWD) is required by Table 1 below, or otherwise requested by the Executive Officer, coverage under the Low Threat Waiver shall be effective immediately.
2. If a RWD is required or otherwise requested by the Executive Officer, coverage under the Low Threat Waiver shall be contingent on the Executive Officer's issuance of a Notice of Applicability (NOA) under resolution R5-2023-XXXX, pursuant to the following procedures.
 - a. For new discharges, the discharger shall submit a RWD and filing fee. (See **Attachment B** for RWD and filing fee requirements.)
 - b. For existing discharges subject to a NOA issued prior to 1 January 2023, the discharger(s) shall submit a new RWD and filing fee no later than **15 March 2024**.
 - c. For existing discharges subject to a NOA issued on or after 1 January 2023, the discharger(s) shall submit a written affirmation of its intent to comply with the general conditions and discharge-specific conditions and exclusions set forth herein no later than **15 March 2024** (a new RWD and filing fee will not be required for coverage).
3. For discharge types also covered by State Water Resources Control Board (State Water Board) Order 2003-0003-DWQ (Statewide General Order), coverage under the Low Threat Waiver shall be contingent on submission of sufficient information to demonstrate that such discharges are of sufficiently low threat to water quality and sufficiently short duration so as to justify a waiver of RWD submission and WDRs. Discharges subject to this further contingency are those associated with:
 - a. Non-contact cooling water discharges;
 - b. Well drilling muds and boring wastes;
 - c. Inert solid waste disposal sites;
 - d. Test pumping of freshwater wells;
 - e. Swimming pool discharges;
 - f. Construction dewatering; and
 - g. Hydrostatic testing.

4. Coverage under the Low Threat Waiver is strictly limited to waste discharges and associated activities that do not:
 - a. Create or threaten to create a condition of contamination, nuisance, and/or pollution, as defined in Water Code section 13050, or otherwise degrade the quality of waters of the state;
 - b. Contain “hazardous waste” (see Cal. Code of Regs., tit. 22, § 66261.1 et seq.) or “designated wastes” (Wat. Code, § 13173);
 - c. Result in discharge of waste to wetlands, surface waters, drainage courses, or biologically or culturally sensitive areas; and
 - d. Involve the discharge of any waste not specifically authorized in the Low Threat Waiver that could affect quality of waters of the state.

5. To remain covered under the Low Threat Waiver, dischargers shall:
 - a. Provide Central Valley Water Board staff with reasonable access onto the affected property to inspect and confirm the discharger’s compliance with the conditions herein;
 - b. Submit timely technical and monitoring reports as required by the Executive Officer pursuant to Water Code section 13267 or other applicable authority(s);
 - c. Comply with all federal, state, and local laws and regulations pertaining to the activities and discharge; and
 - d. Immediately notify Central Valley Water Board staff as soon as they or their agents learn that they have not complied, are not complying, cannot comply, or will not comply with any condition(s) herein, and, within two weeks, follow-up with written notification regarding (i) the nature, time, and cause of non-compliance, (ii) measures taken to prevent recurrence, and (iii) timeline for any corrective actions.

6. In the event that an enforcement action is commenced in response to a violation, or any condition set forth herein, the necessity of halting or reducing activities as a means of compliance shall not be used as a defense.

7. Notwithstanding timely written notification of non-compliance (as provided above), non-compliance with any condition herein shall constitute grounds for termination of coverage under the Low Threat Waiver, subject to the Executive Officer’s discretion.

Table 1. Discharge-Specific Conditions and Requirements

Type of Waste Discharge (see 1 below)	RWD and Filing Fee Required (see 2 and 3 below)	Conditions
1. Air conditioner, cooling, and elevated temperature waters discharged to land	Contact or Recurring Non-Contact Yes	<ul style="list-style-type: none"> • Waste constituent concentrations comparable to uppermost underlying groundwater (e.g., electrical conductivity < 500 µmhos/cm over source water). • Biochemical oxygen demand (BOD) must be consistently less than 30 mg/L without treatment and, if impounded, must be less than 10 lbs/acre/day. • If additives are used, provide Material Safety Data Sheets (MSDS) and include analysis for metals in the RWD if metal containing algaecides are used.
	Non-Contact No	<ul style="list-style-type: none"> • One-time or limited seasonal discharge. • Discharge is of good quality and contains no additives including metal-containing algaecides. • Waste constituent concentrations comparable to uppermost underling groundwater (e.g., electrical conductivity < 500 µmhos/cm over source water).
2. Fresh water well drilling muds and boring wastes	No	<ul style="list-style-type: none"> • Drilling operations are in uncontaminated soils. • Drilling mud must be considered non-hazardous and contain no halogenated solvents. • Sump must be greater than five feet above local groundwater level and located at least 100 feet from the nearest surface water. • Buried drilling muds must first be dried and the site restored to pre-sump conditions and covered with one foot of clean soil. • Excludes drilling muds and boring wastes associated with oil and gas operations.

[TENTATIVE] RESOLUTION R5-2023-XXXX
 WAIVER OF RWDs AND/OR WDRs FOR SPECIFIC TYPES OF
 DISCHARGE WITHIN THE CENTRAL VALLEY REGION
ATTACHMENT A

Type of Waste Discharge (see 1 below)	RWD and Filing Fee Required (see 2 and 3 below)	Conditions
3. Disposal of dredge material to land	Yes	<ul style="list-style-type: none"> • If the dredge material may contain constituents that are potentially hazardous or at concentrations that could impair beneficial uses of receiving water, the RWD must provide a chemical analysis of the fines (silt and clay) portion of the substrate material and provide a written waste management plan describing Best Management Practices (BMPs) that will be employed to prevent excess erosion and prevent runoff from the emplaced sediments. • Excludes disposal of dredge material from mining operations
4. Inert solid waste disposal sites	No	<ul style="list-style-type: none"> • Short-term, one-time disposal of no more than a few months. • Wastes must be insoluble, without decomposable solids, and contain no “free liquids”. • Site must be well constructed, managed to restrict access, and outside of natural or manmade drainage courses. • Excludes tires, semi-solid wastes, dewatered sludge, liquid wastes, ash, fresh concrete solids, and any waste deemed by the Executive Officer to have the potential to degrade groundwater, even if classified as inert by California Code of Regulations, title 27.
5. Test pumping of freshwater wells	No	<ul style="list-style-type: none"> • One-time discharge from testing or development of an individual domestic or irrigation supply well or periodic discharge of purge water from monitoring wells as part of a compliance monitoring program. • The discharge shall remain on the property where the test is being conducted unless there is a signed use agreement. • The discharge is conducted in a manner such as to not cause nuisance conditions or threaten discharge to surface waters. • Excludes discharge from wells associated with a cleanup or remediation project unless conducted under an approved management plan.

[TENTATIVE] RESOLUTION R5-2023-XXXX
 WAIVER OF RWDs AND/OR WDRs FOR SPECIFIC TYPES OF
 DISCHARGE WITHIN THE CENTRAL VALLEY REGION
ATTACHMENT A

Type of Waste Discharge (see 1 below)	RWD and Filing Fee Required (see 2 and 3 below)	Conditions
6. Swimming pool discharges	No	<ul style="list-style-type: none"> • Infrequent (e.g., once every three years). • Limited volume/duration (e.g., individual pool).
7. Construction – dewatering operations	No	<ul style="list-style-type: none"> • Limited volume and duration of no more than a few weeks. • The impoundment or use area must pose low risk of nuisance and the water must infiltrate/evaporate within 72 hours. • Discharge shall remain on-site unless there is a signed use agreement.
8. Hydrostatic testing (see 4 below)	Yes	<ul style="list-style-type: none"> • Existing non-potable pipelines. • Limited volume and duration of no more than a few weeks. • Provide data to demonstrate that all residual pollutants have been removed or are below water quality objectives. • The impoundment or use area must pose low risk of nuisance and water must infiltrate/evaporate within 72 hours. • Discharge shall remain on-site unless there is a signed use agreement.
	No	<ul style="list-style-type: none"> • Testing on new or existing lines or tanks that have only been used for or contained potable water. • Discharge shall remain on-site unless there is a signed use agreement.
9. Agricultural commodity wastes	<p style="text-align: center;">Recurring Discharge Yes</p> <p style="text-align: center;">One-time Discharge No</p>	<ul style="list-style-type: none"> • An “agricultural commodity waste” is an unprocessed product, excluding livestock, poultry, and fish, that becomes a waste as a result of culling, spoilage, or contamination. • BMPs are employed to preclude the potential for nuisance conditions. • Wastes must not be discharged in close proximity to buildings occupied by people. • Excludes discharge of processed food or processed food residuals (e.g., whey), dead animals, or animal byproducts.

[TENTATIVE] RESOLUTION R5-2023-XXXX
 WAIVER OF RWDs AND/OR WDRs FOR SPECIFIC TYPES OF
 DISCHARGE WITHIN THE CENTRAL VALLEY REGION
ATTACHMENT A

Type of Waste Discharge (see 1 below)	RWD and Filing Fee Required (see 2 and 3 below)	Conditions
10. Disposal of residual waste to land as a soil amendment	No	<ul style="list-style-type: none"> • The discharge is enrolled under an approved County Program.
11. Recycled water for construction projects and road dust control (see 5 below)	Yes	<ul style="list-style-type: none"> • Recycled water must be treated to California Code of Regulations title 22 (Title 22) standards by permitted recycled water producer. • User must certify that the discharge will conform with Title 22 restrictions and that the use has been approved by local and state health departments. • A Title 22 Engineering Report (with approval from the State Water Board, Division of Drinking Water) must be submitted with the RWD.
12. Small, short-term sand and gravel operations	Yes	<ul style="list-style-type: none"> • All wash waters are confined to land. • BMPs are employed to prevent excessive erosion or runoff conditions. • Impoundment or use area must pose a low risk of nuisance. • Excludes sand and gravel operations in stream channels or drainage courses that have the potential to discharge to surface waters.

[TENTATIVE] RESOLUTION R5-2023-XXXX
 WAIVER OF RWDs AND/OR WDRs FOR SPECIFIC TYPES OF
 DISCHARGE WITHIN THE CENTRAL VALLEY REGION
ATTACHMENT A

Type of Waste Discharge (see 1 below)	RWD and Filing Fee Required (see 2 and 3 below)	Conditions
13. Filter backwash and system flushing from water treatment systems (see 6, 7, and 8 below)	Filter Backwash Yes	<ul style="list-style-type: none"> • Backwashing is done using potable water. • Discharge is non-hazardous and will not impair beneficial uses (provide a demonstration and analytical data in the RWD to support). • Discharge is contained on-site unless there is a signed use agreement. • Impoundment or use area should pose low risk of nuisance. • Excludes disposal of high-strength concentrated wastes (e.g., ion exchange chemical regeneration) (see 6 below for more details). • Conditions on discharge of Reverse Osmosis (RO) concentrate to onsite wastewater treatment systems. (see 7 below for more details) • A monitoring and reporting program (MRP) may be issued to ensure the applicability of the discharge under the waiver.
	System flushing No	<ul style="list-style-type: none"> • Flushing is done using potable water. • No additives or metal containing algaecides are used. • Discharge is contained on-site unless there is a signed use agreement. • Impoundment or use area should pose a low risk of nuisance and water must infiltrate/evaporate within 72 hours.

[TENTATIVE] RESOLUTION R5-2023-XXXX
 WAIVER OF RWDs AND/OR WDRs FOR SPECIFIC TYPES OF
 DISCHARGE WITHIN THE CENTRAL VALLEY REGION
ATTACHMENT A

Type of Waste Discharge (see 1 below)	RWD and Filing Fee Required (see 2 and 3 below)	Conditions
14. Short-term or Intermittent vehicle and equipment washing	No	<ul style="list-style-type: none"> • Discharge is intermittent or of limited duration of no more than a couple of months. • Washing is done using potable or distilled water. • Discharge is contained on-site. • Use of BMPs to prevent erosion and contain runoff. • Impoundment or use area should pose a low risk of nuisance and water must infiltrate/evaporate within 72 hours. • Exterior wash only. Excludes washing of livestock or commodity haulers, engine parts or other equipment that may contain significant quantities of oil or grease, and vehicles/equipment used at contaminated sites.

1. Types of waste discharge listed in this table represent broad categories of discharges, which could be broadly construed to include a variety of substantively similar discharges that are consistent with a low threat to water quality.
2. Even if a discharger is not required to submit a RWD per this table, the Executive Officer may request submission of a RWD on a project-by-project basis, as deemed necessary to fully evaluate an existing or proposed discharge. The applicant should contact staff regarding the applicability of the discharge meeting the conditions of the waiver without need for a RWD.
3. For categories also covered by Statewide General Order (Order 2003-0003-DWQ), coverage under the Low Threat Waiver is restricted to those discharges that are of such good quality and of limited volume/duration that the Executive Officer determines coverage under the Statewide General Order is not necessary.
4. Dischargers of hydrostatic test water from natural gas facilities should apply for coverage under State Water Board Order 2017-0029-DWQ, *Statewide General Order for Discharges from Natural Gas Utility Construction, Operations and Maintenance Activities*.
5. Recycled water is treated domestic wastewater suitable for non-potable reuse. The only use for recycled water covered under the Low Threat Waiver is for construction projects and road dust control.
6. Filter backwash consists of potable water used to remove debris and particles trapped on water treatment filters. Discharges of high-strength concentrated wastes (e.g., chemical regeneration of ion exchange systems) are excluded from coverage under the Low Threat Waiver. A RWD is required to demonstrate that the discharge will be non-hazardous, is

comparable to or better than uppermost underlying groundwater, and will not impair beneficial uses.

7. Discharge of RO concentrate to an onsite wastewater treatment system (OWTS or septic system) may be allowed, if:
 - a. The OWTS design flow is less than 10,000 gallons per day (gpd) and the ratio of RO concentrate to the combined flow does not exceed 50 percent.
 - b. Bypass of the OWTS or overflow of the RO concentrate is prohibited.
 - c. The RO concentrate originates from a domestic or municipal drinking water system. RO concentrate from non-municipal (i.e., industrial or agricultural) water systems are excluded.
 - d. The OWTS system is properly maintained.
 - e. Discharge of RO concentrate will not cause an adverse impact to the OWTS system. Compliance must be demonstrated as part of the RWD.
 - f. The RO treatment system and OWTS receiving the RO concentrate complies with all local ordinances.
 - g. The OWTS complies with either the applicable Local Agency Management Program (LAMP) or WDRs issued for the OWTS.
8. Water system flushing consists of periodic flushing of water treatment system components and piping with fresh water to remove debris and sediment collected in the system during routine maintenance or replacement.

ATTACHMENT B

TECHNICAL GUIDANCE FOR SUBMITTING A REPORT OF WASTE DISCHARGE

In accordance with Resolution R5-2023-XXXX, *Waiver of Waste Discharge Requirements, Reports of Waste Discharge, and/or Water Recycling Requirements for Specific Types of Discharge Within the Central Valley Region* (Low Threat Waiver), there are seven categories of discharges for which reports of waste discharge (RWDs) and filing fees will still be required to obtain waiver coverage per a Notice of Applicability (NOA). See **Attachment A** for a complete list.

The information in the RWD is used by Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff to evaluate the applicability for coverage under the Low Threat Waiver. The discharger shall ensure that the information presented in the RWD is accurate.

The following outline is intended to provide general guidance regarding the information and materials that should be included in a RWD to expedite Central Valley Water Board staff's review. Dischargers are strongly encouraged to contact staff to discuss a project prior to preparing a RWD.

1. Complete a [State Form 200](#).

(https://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf)

2. Application Fee: Checks must be made payable to the State Water Resources Control Board (State Water Board). The application fee shall be based on a threat to water quality and complexity rating of "3C". Information concerning [applicable fees](#) can be found on the Central Valley Water Boards website.

(https://www.waterboards.ca.gov/resources/fees/water_quality/)

3. Facility information including:
 - a. Facility/project name;
 - b. Existing, new or expanding facility;
 - c. County, street address, and major cross streets;
 - d. Assessor's Parcel Number (APN) and Township, Range, and Section; and
 - e. Site Map (showing discharge area, Facility structures, surface water features, supply wells, etc.).
4. Discharge Category (i.e., one of the following):

Table 1. Discharge Categories Requiring a RWD

Air Conditioner, Cooling, and Elevated Temperature Waters discharged to land (contact and recurring non-contact discharges only)
Disposal of Dredged Material to Land

Hydrostatic Testing (of non-potable systems)
Agricultural Commodity Wastes (recurring discharges only)
Recycled Water for Construction Projects and Road Dust Control
Small, Short-Term Sand and Gravel Operations
Discharges of Filter Backwash

5. Discharge Characteristics:

- a. Volume of discharge in gallons/tons per day (measured or estimated);
- b. Frequency and duration of the discharge;
- c. Describe disposal method (e.g., leachfield, pond, irrigation, etc.);
- d. Identify any treatment technologies utilized at the Facility (e.g., screening, aeration, disinfection, oil/water separator, etc.);
- e. Wastewater characterization (analysis of wastewater quality including, at a minimum, pH, electrical conductivity, biochemical oxygen demand [BOD], total nitrogen, and any additional constituents of concern). Contact Central Valley Water Board staff to identify any additional sampling requirements;
- f. Solids handling (if any); and
- g. Best Management Practices (BMPs) used to manage and control the discharge.

6. For **discharges to land not owned or controlled by the discharger**, provide a copy of the signed use agreement(s) and contact information for the property owner(s).

7. For **discharges of filter backwash**, analytical data provided as part of the wastewater characterization must include all constituents of concern for the site and demonstrate that the discharge is non-hazardous, of comparable or better quality than uppermost underlying groundwater, and will not affect beneficial uses. Discharger must demonstrate that the constituent(s) the filter is designed to remove is not leaching into the backwash water at concentrations that pose a threat to groundwater. For new filter systems with no historical data from similar type systems this might mean the discharger must tank the initial discharge of backwash water for sampling prior to discharge.

8. For **discharges of reverse osmosis (RO) concentrate to an OWTS or septic**, the RWD must include an engineering analysis prepared by a California registered engineer to demonstrate that the discharge will make up less than 50 percent of the flow and that the concentration of constituents in the discharge is non-hazardous and will not disrupt or damage the internal treatment processes and/or the disposal area.

9. For **discharges of recycled water for construction projects or road dust control**, provide copies of the Title 22 Engineering Report and approval letter from the State Water Board's Division of Drinking Water (DDW).
10. Provide copies of existing documents prepared in accordance with the California Environmental Quality Act (CEQA).
 - a. Existing facilities may qualify for exemptions (see, e.g., Cal. Code Regs., tit. 14, §§ 15301 (ongoing existing projects), 15303 (replacement or reconstruction of existing utility systems), 15303 (new construction or conversion of small structures).
 - b. For new or expanding facilities, a CEQA evaluation will likely be conducted during the planning stage by the local planning agency (e.g., city, county, or other local public agency). A copy of the CEQA evaluation shall be submitted with the RWD and should include the Initial Study or Site Plan Review, a list of any mitigation measures, and a Notice of Determination. In some cases, the local planning agency may determine that the project, including the waste discharge, is exempt from CEQA review. In such cases, a copy of the Notice of Exemption, or other relevant correspondence issued by the public agency shall be submitted.
11. The RWD and any other information requested by the Central Valley Water Board shall be signed as follows:
 - a. For a corporation: by a principal executive officer of at least the level of senior vice-president or a duly authorized representative of that person.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor or duly authorized representative of that person.
 - c. For a municipality or public agency: by either a principal executive officer or ranking elected or appointed official or a duly authorized representative of that person.

12. Certification

Any person signing the RWD or technical report should include the following certification statement:

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 the qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons 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.

INFORMATION SHEET

INTRODUCTION

Water Code section 13263 requires that the Regional Water Boards prescribe waste discharge requirements for discharges of waste that may affect waters of the state. However, some discharges may have little or no effect on water quality or beneficial uses. Due to limited resources, it is in the best interest of the public and the Regional Water Boards not to regulate low-risk discharges that have an insignificant potential to affect water quality or create nuisance conditions. Water Code section 13269 allows the Regional Water Boards to waive waste discharge requirements (WDRs) in these cases if such a waiver:

1. Is consistent with all applicable state or regional water quality control plans; and
2. Is in the public interest.

In 1999, Senate Bill 390 amended Water Code section 13269, causing all existing waivers to expire in 2003 and required review and renewal of any new waivers, at a minimum, of once every five years.

REGULATORY HISTORY

In January 2003 the Central Valley Regional Water Quality Control Board (Central Valley Water Board) first adopted a waiver of waste discharge requirements (WDRs) and in some cases reports of waste discharge (RWDs) and/or water recycling requirements (WRRs) for certain specific types of discharge to land within the Central Valley Region that posed a low threat to water quality (hereafter Low Threat Waiver). The Low Threat Waiver was renewed in 2008, 2013, and 2018.

On 4 December 2008, the Central Valley Water Board adopted Resolution R5-2008-0182, which renewed the 2003 Waiver. Resolution R5-2008-0182 added the discharge for small short-term sand and gravel operations originally waived by Resolution 82-036.

On 5 December 2013, the Central Valley Water Board adopted Resolution R5-2013-0145, which renewed the 2008. Due to changes in the oil and gas industry, Resolution R5-2013-0145 excluded discharges of drilling muds and boring wastes associated with oil and gas operations.

On 7 December 2018 the Central Valley Water Board adopted Resolution R5-2018-0085, which renewed the 2013 Waiver and expanded the coverage to include discharges to land from flushing and backwashing of water treatment systems, and discharges from short-term or intermittent equipment and vehicle washing.

DISCUSSION

The Central Valley Water Board, in compliance with Water Code section 13269, reviewed the previously issued waivers set forth in Resolution R5-2018-0085 (expires 7 December 2023) to determine if the waiver for specific types of discharge that pose a low threat to water quality should be renewed. Based on the review the Central Valley Water Board proposes to renew the waiver of WDRs and in some cases the RWD for the waiver categories covered by Resolution R5-2018-0085.

WAIVER CATEGORIES

The following sections include a brief description of the individual categories/types of discharge covered by the Low Threat Waiver.

Air Conditioner, Cooling, and Elevated Temperature Waters

Wastewater generated from air conditioning, cooling, ice making, or refrigeration systems are collectively referred to as cooling waters. This category also includes discharges of elevated temperature waters such as retort water generated during canning operations. This category includes contact and non-contact wastewater. Non-contact wastewater refers to wastewater that does not come in contact with any raw, intermediate, waste, or finished product. Additives, such as metal containing algicides may be used and should be addressed in the RWD.

Fresh Water Well Drilling Muds and Boring Wastes

Drilling muds and boring wastes are generated as part of a subsurface investigation, well installation, or underground pipe installation and consists of formation sediment, water, and drilling muds. Drilling muds typically consist of bentonite clays or formation fines mixed with water or a non-toxic mineral oil. This category is also covered by Statewide General Order 2003-0003-DWQ. Coverage under the Low Threat Waiver excludes land application of drilling muds and boring wastes from operations conducted in contaminated soils or associated with oil and gas wells.

Minor Dredging Operations

This category covers discharge of dredge material from small scale dredging projects such as bridge replacement and/or construction projects where pilings and abutments must be placed in a stream channel or to restore or increase storage capacity in water storage reservoirs. Minor dredging operations are generally of short duration. As a condition of the waiver, the dredged material must be nontoxic and discharged to land where it will not erode or deposit sediment into any surface waters or storm drain. The waiver category covers only the disposal of dredge material. In-stream dredging operations still require Federal and/or State permits.

Inert Solid Waste Disposal Sites

"Inert wastes" are defined in Title 27 Section 20230(a) as "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". This category is also covered by Statewide General Order 2003-0003-DWQ.

Test Pumping of Fresh Water Wells

Many public and private well owners periodically discharge potable or relatively contaminant-free water generated when a well is developed or maintained, or periodic discharges of purge water from monitoring wells in instances where there is no threat to water quality or nuisance. Water quality concerns from this type of discharge are generally suspended material, turbidity, and chlorine, which are primarily a concern to surface water. High volume discharges have the potential to impact adjacent property owners or surface waters and best management practices (BMPs) such as berms or setbacks should be employed to prevent excessive erosion or runoff. This category is also covered by Statewide General Order 2003-0003-DWQ.

[TENTATIVE] RESOLUTION R5-2023-XXXX
WAIVER OF WDRs, RWDs AND/OR WRRs FOR SPECIFIC TYPES OF
DISCHARGE WITHIN THE CENTRAL VALLEY REGION
INFORMATION SHEET

IS-3

Swimming Pool Discharges

Pool water discharges are infrequent, low to high volume discharges that are relatively free of waste constituents. In urban areas pool water discharges are generally directed into the local stormwater system. Rural areas outside of a city or community generally do not have engineered stormwater systems. Direct flow of pool water onto land provides some treatment before it enters into groundwater and is preferred over surface water discharges. This category is also covered by Statewide General Order 2003-0003-DWQ.

Construction – Dewatering Operations

Construction dewatering discharges include extracted groundwater and water collected from cofferdams or diversions encountered during construction activities. These are typically one-time, non-stormwater discharges of short duration. Discharge may be to a terminal basin or used for irrigation or dust control. This category is also covered by Statewide General Order 2003-0003-DWQ.

Hydrostatic Testing

This category covers discharge to land of hydrostatic test water. Hydrostatic testing is generally a one-time activity used to demonstrate the integrity of pipelines and pressure vessels. Source waters for hydrostatic tests are local and, except for waste constituents picked up from the structure being tested is likely of better quality than underlying groundwater. The Waiver category is limited to discharges from hydrostatic testing of new vessels or pipes or those containing only potable water. This category is also covered by Statewide General Order 2003-0003-DWQ.

Agricultural Commodity Wastes

This category covers the land application of commodity wastes for agricultural use. The primary threat occurs from possible nuisance conditions as a result of decomposition. The typical mitigation is to spread the waste over a reasonable area and incorporate it into the soil as soon as possible. Typical agricultural commodity wastes are the result of culling, spoilage, or contamination. Examples include unprocessed fruit, vegetables, and raw milk. Processed food or food byproducts are not included in this type of waste (e.g., whey). In addition, the waiver excludes the application of dead animals or animal byproducts (i.e., flesh, organs, unprocessed hide, blood, bone, and marrow).

Residual Waste or Byproducts Utilized as a Soil Amendment

This category covers discharge to land of residual wastes or byproducts (i.e., “Industrial Waste”) for use as a soil amendment. The waste must contain constituents that will be utilized by the soil and benefit crops, and not contain constituents at concentrations that will degrade groundwater or pose risk of nuisance. Examples include used diatomaceous earth and dried stillage leathers from wineries, which beneficially add organic matter and nutrients to soil. Waiver category only applicable to discharges covered under an approved County Program.

Water Recycling for Construction Projects and Road Dust Control

Title 22 contains criteria for a number of uses of reclaimed water, including construction and dust suppression (i.e., Section 60307[b] states that disinfected secondary-23 recycled water may be used for backfill consolidation around non-potable piping, soil compaction, concrete

[TENTATIVE] RESOLUTION R5-2023-XXXX
WAIVER OF WDRs, RWDs AND/OR WRRs FOR SPECIFIC TYPES OF
DISCHARGE WITHIN THE CENTRAL VALLEY REGION
INFORMATION SHEET

IS-4

mixing, and dust control on roads and streets). Reclaimed water typically must be trucked to a construction site or stretch of unpaved road and the amounts used are restricted to that necessary to accomplish sound construction or minimize dust while maximizing coverage, so runoff and infiltration are unlikely. Waiver of water recycling requirements (WRRs) for construction projects and road dust suppression facilitates the reuse of reclaimed water by expediting the process. Title 22 restrictions apply to this category.

Small Short-Term Sand and Gravel Operations

Sand and gravel operations provide aggregates for construction projects. Water is used in the process to control dust, which can result in increases in silt and sediment that is eventually discharged to land or into a holding pond. Small sand and gravel operations are generally of short duration (e.g., less than one year). Water quality issues are generally from suspended sediment and turbidity, which are primarily a concern to surface water. The waiver requires the use of BMPs to prevent erosion or runoff conditions.

System flushing and filter backwash from water treatment systems

Water treatment systems (including reverse osmosis (RO) systems) are employed to filter out and remove contaminants to make water potable for drinking. Proper operation and maintenance requires periodic flushing or backwashing to remove debris and particles clogging the system. Depending on the size of the system and quality of the raw water, backwashing or flushing of the system may occur every day or only once every few months or years. Backwash water may contain concentrated contaminants (e.g., heavy metals, salinity, organic materials, etc.) collected by the filters, which could pose a threat to water quality at high concentrations. To fit under the waiver, the discharger may be required to provide a RWD, with a demonstration/analysis that the discharge is non-hazardous, comparable to or better than uppermost underlying groundwater, and will not impair beneficial uses or disrupt or damage the disposal area. Discharges of high-strength concentrated wastes (e.g., chemical regeneration of ion exchange systems) are excluded.

Short-term or Intermittent vehicle and equipment washing

This type of discharge may involve power washing to clean on-site structures, rinsing of solar panels, or wash down of vehicles and equipment to remove accumulated dirt and debris. Water quality concerns from this type of discharge are generally suspended solids, sediments, and soaps, which are primarily a concern for surface waters. The discharge of vehicle and equipment wash water can be managed to minimize the threat to water quality and potential nuisance conditions through the use of BMPs. Waiver is limited to short-term or intermittent discharges and excludes discharges from interior washing of livestock and commodity haulers that can contain materials that are high in organics and nutrients as well as engine parts or other equipment that has the potential to contain significant quantities of oil and grease.