



Central Valley Regional Water Quality Control Board

15 September 2017

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NOTICE OF APPLICABILITY

WAIVER OF REPORT OF WASTE DISCHARGE AND WASTE DISCHARGE REQUIREMENTS FOR SPECIFIC TYPES OF DISCHARGES WITHIN THE CENTRAL VALLEY REGION R5-2013-0145-0084

DON PEDRO EMERGENCY SPILLWAY SEDIMENT REMOVAL PROJECT TUOLUMNE COUNTY

On 18 August 2017, the Turlock Irrigation District (Applicant) filed a Notice of Intent (NOI) requesting coverage under *Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge within the Central Valley Region*, Resolution R5-2013-0145 (Waiver). After review of the NOI and the supplemental material submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the placement of dredge materials associated with this project qualifies for enrollment under this Waiver. Per the application package, there will be no disposal of dredge materials to surface waters, all dredged material will be placed upland, and the placement of the dredged material does not threaten to degrade or impair beneficial uses of the receiving waters.

Therefore, the discharge to land, as described in the NOI, qualifies for coverage under Category 3, as described in the Waiver. You are hereby assigned R5-2013-0145-0084 for the discharge to land. Please include this number on all correspondence related to this discharge.

The in-water work associated with this project is covered under Clean Water Act, Section 401 Water Quality Certification (WDID#5B55CR00112) issued to the Turlock Irrigation District for the Don Pedro Emergency Spillway Sediment Removal Project.

A copy of the Waiver is enclosed. You can also find the Waiver on the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

The project must proceed in accordance with the conditions specified in Waiver R5-2013-0145, and with the terms of the project description specified in the RWD. Coverage under this Waiver is valid until

18 December 2018 when the waiver expires. The Waiver is no longer valid if the project as described in the NOI is modified.

PROJECT DESCRIPTION:

Spillway operations have resulted in an accumulation of rock and debris in the spillway channel. The proposed maintenance dredging will remove a maximum of 60,000 cubic yards of material from the channel. The excavation will be limited to restoring the river channel to pre-project conditions.

APPROXIMATE TIMEFRAME OF PROJECT IMPLEMENTATION:

12 September 2017 to 1 April 2018

PROJECT LOCATION:

Tuolumne River; Latitude 37° 40' 51.9": Longitude -120° 25' 46.46"

APPLICATION FEES RECEIVED:

A fee of \$2,088.00 was received on 22 August 2017 by the Central Valley Water Board. The fee amount was determined as required by Water Code section 13260(d) and California Code of Regulations, title 23, section 2200(a)(3).

If you have any questions regarding this Notice of Applicability, please contact Philip Giovannini, Environmental Scientist, at (916) 464-4812 or pgiovannini@waterboards.ca.gov

Original Signed By Adam Laputz for:

Pamela C. Creedon
Executive Officer

Enclosure: California Regional Water Quality Control Board, Central Valley Region Resolution No. R5-2013-0145, Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge within the Central Valley Region

cc: Tim Payne (Electronic copy only)
Turlock Irrigation District
tjpayne@tid.org

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

RESOLUTION R5-2013-0145

**APPROVING
WAIVER OF REPORTS OF WASTE DISCHARGE AND
WASTE DISCHARGE REQUIREMENTS
FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE
CENTRAL VALLEY REGION**

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

1. Water Code section 13260(a) requires that any person currently discharging or proposing to discharge waste that could affect the quality of the waters of the State (other than into a community sewer system) file a Report of Waste Discharge (RWD) with the appropriate Regional Water Quality Control Board that contains such information and data as may be required.
2. Pursuant to Water Code section 13263, the Central Valley Water Board has the obligation to prescribe waste discharge requirements (WDRs) for waste discharges, except where the Central Valley Water Board finds that waiving this requirement for a specific type of discharge is not against the public interest pursuant to Water Code section 13269.
3. Water Code sections 13260(b) and 13269 authorize the Central Valley Water Board to waive WDRs and RWDs, respectively, for specific types of discharge where such a waiver is not against the public interest, is conditional, and may be terminated by the Board at any time.
4. In 1999, Water Code section 13269 was amended by the California Legislature. Following these amendments, waivers automatically expire after five years, unless the 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 plan and is in the public interest.
5. In December 2008, the Central Valley Water Board adopted Resolution R5-2008-0182 (*Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge Within the Central Valley Region*), which renewed the General Waiver (i.e., Resolution R5-2003-0008), which had been in effect for five years. Resolution R5-2008-0182 waived WDRs, and in some cases RWDs, for 12 specific types of discharges to land.
6. The Central Valley Water Board, in compliance with the Water Code, has reviewed the previously-issued waivers set forth in Resolution R5-2008-0182 and has determined that waivers for the following types of discharges to land pose a low threat to the quality of

waters of the State and are consistent with all applicable state or regional water quality control plans, and thus should be renewed:

- a. Conditional waiver of WDRs or Water Recycling Requirements (WRRs), but not the requirement to submit RWDs, for:
 - Disposal of dredge material to land,
 - Water recycling for construction purposes and road dust control, and
 - Small, short-term sand and gravel operations.
 - b. Conditional waiver of WDRs and in some instances the requirement to submit RWDs, for:
 - Air conditioner, cooling, and elevated temperature waters,
 - Fresh water well drilling muds/boring wastes,
 - Inert solid waste disposal,
 - Test pumping of fresh water wells,
 - Swimming pool discharges,
 - Construction dewatering discharges,
 - Hydrostatic testing,
 - Agricultural commodity wastes, and
 - Disposal of residual waste to land as a soil amendment.
7. In 2003, the State Water Resources Control Board (State Water Board) adopted Statewide General Order 2003-0003-DWQ for "low-threat" discharges to land. This Statewide General Order was adopted to handle those types of discharges that posed a low threat to water quality, but was not intended to supersede the authority of the Regional Water Quality Control Boards to issue individual WDRs or conditional waivers.
 8. A review of the Statewide General Order shows that several categories covered by the Order are nearly identical to those covered by Resolution R5-2013-0145. For those categories that are also covered by the Statewide General Order, the waiver only applies to those discharges that represent the very lowest threat to water quality. As a result, categories for discharges of drilling muds/boring wastes, inert solid waste disposal, test pumping of fresh water wells, swimming pool discharges, construction dewatering discharges, and hydrostatic testing, are restricted to those instances which represent the lowest threat to water quality.
 9. Waiver of WDRs for discharges from projects requiring Water Quality Certification was dropped from the General Waiver in 2008 since discharges from dredge and fill activities would be best regulated under Statewide General Order 2003-017-DWQ for "Jurisdictional" waters and Statewide General Order 2004-0004-DWQ for "Non-jurisdictional" waters.

10. The Central Valley Water Board reviewed the conditions for the drilling muds/boring wastes waiver category (Waiver Category No. 2), which applied to drilling muds/boring wastes from both fresh water supply wells and oil and gas operations. The Central Valley Water Board considered impacts to water quality based on increases in oil and gas drilling in the Central Valley Region over the last five years, advances in oil and gas drilling technologies (e.g., horizontal drilling and well stimulation activities), and increases in the drilling for oil and gas outside of existing oil and gas fields and determined that Waiver Category No. 2 should be renewed only for the drilling of fresh water supply wells. Discharge of drilling muds/boring wastes from oil and gas operations will be considered in a separate action to determine whether or not a waiver of RWDs and/or WDRs is appropriate.
11. The Board's waiver of the requirement to file RWDs and the Board's waiver of WDRs for discharges that will cause no or insignificant impairment to water quality and that pose little risk of creating a nuisance condition is not against the public interest, as these actions reduce the cost of activities that produce innocuous or small amounts of waste, are protective of the environment, and allow Central Valley Water Board staff to direct resources towards addressing waste discharges that have significant potential to degrade water quality or create nuisance conditions.
12. The waiver of RWDs under a discharge category does not preclude the Executive Officer from requesting a RWD for a specific project if it is necessary to perform an evaluation of the discharge.
13. The waiver of WDRs and, in some instances, RWDs for discharge categories covered under the General Waiver for low threat discharges to land, were previously waived under Resolution 82-036. As lead agency under the California Environmental Quality Act (Pub. Resources Code, section 21000 et seq.) (CEQA), the Central Valley Water Board determined that adoption of Resolution 82-036 waiving WDRs for 23 specific discharges to land would not cause a significant environmental impact and, on 23 December 1981, adopted a Negative Declaration. Pursuant to California Code of Regulations, title 14, section 15162, a subsequent environmental impact report or negative declaration is not required.
14. The conditional waiver is consistent with State Water Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality of Waters in California, because the waiver of WDRs imposes conditions to prevent impacts to water quality and authorizes no degradation of water quality, will not unreasonably affect beneficial uses of water, and will not result in water quality less than that prescribed in plans and policies.
15. The Central Valley Water Board conducted a public hearing on 5 December 2013 in Rancho Cordova, California, and considered all testimony and evidence concerning this matter.

THEREFORE BE IT RESOLVED, that in accordance with Water Code section 13269, the Central Valley Water Board adopts the "*Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge*" as set forth in Attachment A, hereafter informally referred to as the "General Waiver," and that;

1. The Central Valley Water Board waives the requirement to obtain WDRs and/or WRRs, and for some instances the requirement to submit a RWD and filing fee, for discharge types that fulfill the conditions set forth in Attachment A of this Order.
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 sensitive areas, is prohibited.
4. Based on the testimony received at the aforementioned hearing, and the above-noted findings, the General Waiver is not against the public interest provided dischargers subject to such waiver:
 - (a) comply with the conditions for waiver of waste discharge requirements as set forth in the General Waiver;
 - (b) file with the Central Valley Water Board a Report of Waste Discharge and filing fee when required as part of the General Waiver; and
 - (c) comply with applicable State and Central Valley Water Board plans and policies.
5. For those discharges requiring submittal of a RWD, the discharger must submit the fee specified in California Code of Regulations, title 23, section 2200, for a threat to water quality and complexity of "3C".
6. Based on the above-noted findings, it is not necessary at this time to adopt individual or general waste discharge requirements for the discharge of wastes related to the types of discharges identified in Attachment A and that are conducted in accordance with the conditions specified in the General Waiver as these types of discharges are considered to be of low threat to water quality and Central Valley Water Board resources should focus on higher threat discharges.
7. For the seven categories in the General Waiver that are also covered by Statewide General Order 2003-0003-DWQ for low threat discharges to land, this waiver shall only apply to those discharges that are of such good quality and of limited volume/duration that coverage under the Statewide General Order for low threat discharges is not necessary. Specifically:

- Non-contact cooling water discharges;
 - Fresh water well drilling muds/boring wastes;
 - Inert solid waste disposal;
 - Test pumping of fresh water wells;
 - Swimming pool discharges;
 - Construction dewatering discharges; and
 - Hydrostatic testing.
8. The discharge of any waste not specifically regulated by the General Waiver is prohibited unless the discharger complies with Water Code section 13260(a) and the Central Valley Water Board either issues WDRs pursuant to Water Code section 13263 or an individual waiver pursuant to Water Code section 13269, or the time frames specified in Water Code section 13264(a) have elapsed.
 9. This General Waiver shall not create a vested right to discharge. All discharges authorized under this General Waiver shall be considered a privilege, as provided for in Water Code section 13263.
 10. Pursuant to Water Code section 13269, this action waiving the issuance of WDRs 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 which 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.
 11. The Executive Officer or Central Valley Water Board may terminate the applicability of the General Waiver described herein 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 the waters of the State.
 12. The Central Valley Water Board may review the General Waiver at any time and may modify or terminate the General Waiver in its entirety, as applicable for a specific type of discharge, or for individual dischargers, as is appropriate.
 13. This General Waiver shall expire on 5 December 2018, unless terminated or renewed by the Central Valley Water Board.

If any person discharging a waste that falls within the scope of the waiver fails to comply with the conditions of the waiver, 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 the conditions of the waiver may result in the assessment of Administrative Civil Liability of up to \$10,000 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.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order 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 may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 5 December 2013.

Original signed by:

PAMELA C. CREEDON, Executive Officer

Order Attachments:

- A. Specific Discharges Covered by the General Waiver
- B. Staff Report

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

**ATTACHMENT A
CONDITIONS OF DISCHARGE**

**RESOLUTION R5-2013-0145
WAIVER OF REPORTS OF WASTE DISCHARGE AND WASTE DISCHARGE
REQUIREMENTS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION**

Each person who discharges a waste type identified herein that is of very low complexity and very low threat to water quality and who meets the conditions specified herein for that type of discharge need not obtain waste discharge requirements (WDRs) and may commence discharge forthwith of that waste type, provided:

1. The Discharger first submits, if requested by the Executive Officer or if specified below for the discharge type or situation, a filing fee and Report of Waste Discharge (RWDs) that documents that the discharge will comply with the conditions of waiver, and obtains written approval of waiver from the Executive Officer.
2. For discharge types covered by Statewide General Order 2003-0003-DWQ for low threat discharges to land, the Discharger must provide information that demonstrates that the discharge is of such low-threat/duration that waiver of WDRs and RWDs is appropriate. Specifically: (a) evaporative cooling water discharges; (b) drilling muds/boring waste discharges; (c) inert solid waste disposal; (d) test pumping of fresh water wells; (e) swimming pool discharges; (f) construction dewatering discharges; and (g) hydrostatic testing.
3. The Discharger complies with the conditions in this document specific to the type of discharge and with the following general provisions:
 - a. The discharge shall neither create nor threaten to create a condition of nuisance, as defined by Water Code section 13050.
 - b. The discharge shall neither degrade the quality of waters of the State nor create or threaten to create a condition of pollution or contamination as defined by Water Code section 13050.
 - c. The discharge shall not contain hazardous wastes, as that term is defined in California Code of Regulations, title 22 (Title 22), section 66261.1 et seq.
 - d. The discharge of any waste not specifically regulated by this waiver and that could affect the quality of the waters of the state is prohibited, unless the discharger obtains regulatory coverage under separate WDRs or certification issued by the Central Valley Water Board or the State Water Resources Control Board.
 - e. The discharger shall allow Central Valley Water Board staff reasonable access onto the affected property for the purpose of performing inspections to determine compliance with waiver conditions.

- f. Field test instruments (such as Electrical Conductivity meters) may be used provided that the operator is trained in the proper use of the instrument and each instrument is serviced and/or calibrated at the recommended frequency by the manufacturer or in accordance with manufacturer instructions.
- g. The discharger shall submit technical and monitoring reports as specified by the Executive Officer and consistent with Water Code section 13267.
- h. Discharge of waste to wetlands, surface waters, drainage courses, or biologically sensitive areas is prohibited.
- i. The discharger shall comply with all federal, state, county, and local laws and regulations pertaining to the discharge.
- j. It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce its activity in order to maintain compliance with conditions of waiver.
- k. This waiver expires on 5 December 2018. A discharger of waste subject to a RWD shall submit a new RWD and filing fee before then for consideration of renewal of the waiver, or cease discharge.

Type of Waste Discharge	RWD and Filing Fee Required ¹	Conditions
1. Air Conditioner, Cooling and Elevated Temperature Waters ³	Contact Cooling Water-Yes	<ul style="list-style-type: none"> • Waste constituent concentrations comparable to uppermost underlying groundwater (e.g., Electrical Conductivity [EC] less than 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 lb/acre/day. • If additives are used, provide the Material Safety Data Sheets (MSDS) and include an analysis for metals in the RWD, especially if metal-containing algaecides are used.
	Non-Contact Cooling Water-Yes	<ul style="list-style-type: none"> • Waste constituent concentrations comparable to underlying groundwater (e.g., EC less than 500 µmhos/cm over source water). • If additives are used, provide the appropriate MSDS and include an analysis for metals in the RWD, especially if metal-containing algaecides are used.
	Non-Contact Cooling Water-No ²	<ul style="list-style-type: none"> • Waste constituent concentrations comparable to underlying groundwater (e.g., EC less than 500 µmhos/cm over source water). • Discharge is of good quality (e.g., no additives, including metal-containing algaecides). • One time or limited seasonal discharge.

ATTACHMENT A
 WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
 WITHIN THE CENTRAL VALLEY REGION

Type of Waste Discharge	RWD and Filing Fee Required ¹	Conditions
2. Fresh Water Well Drilling Muds/Boring Wastes ³	No ²	<ul style="list-style-type: none"> • Drilling operations are in uncontaminated soils. • Drilling mud must be non-hazardous and contain no halogenated solvents. • Prior to burial, drilling muds must first be dried then the site restored to pre-sump conditions and covered with at least one foot of clean compacted soil. • Sump must be greater than 100 feet from nearest surface water and bottom of the sump must be at least 5 feet above the highest anticipated groundwater level.
3. Disposal of Dredge Material to Land	Yes	<ul style="list-style-type: none"> • If the dredged material may contain constituents that are potentially hazardous or at concentrations that could impair beneficial uses of receiving water, the discharger must provide a chemical analysis of the fine (silt and clay) portion of the substrate material and a written waste management plan (WMP) describing Best Management Practices (BMPs) which 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 ³	No ²	<ul style="list-style-type: none"> • Short-term or one time disposal of no more than a few months. • Wastes must be insoluble, without decomposable solids, and contain no "free liquids". • The site must be well constructed, managed to restrict access, and outside of natural or man-made 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 Title 27.

ATTACHMENT A
 WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
 WITHIN THE CENTRAL VALLEY REGION

Type of Waste Discharge	RWD and Filing Fee Required ¹	Conditions
5. Test Pumping of Fresh Water Wells ³	No ²	<ul style="list-style-type: none"> • One time discharge from testing or development of individual domestic or irrigation supply well or periodic discharge of purge water from a monitoring well as part of compliance monitoring program. • Discharge remains on the property where the test is being conducted, unless there is a signed use agreement. • Discharge shall not be conducted in a manner such as to cause nuisance conditions or threaten surface waters. • Excludes discharge from wells associated with a cleanup or remediation project unless conducted under an approved cleanup or remediation management plan.
6. Swimming Pool Discharges ³	No ²	<ul style="list-style-type: none"> • Infrequent (e.g., once every three years) • Single pool
7. Construction – Dewatering Discharges ³	No ²	<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.
8. Hydrostatic Testing ³	Yes	<ul style="list-style-type: none"> • 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 the water must infiltrate/evaporate within 72 hours.
	No ²	<ul style="list-style-type: none"> • Testing on existing lines or tanks used for potable water only or new lines or tanks that have only ever contained potable water.

ATTACHMENT A
 WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
 WITHIN THE CENTRAL VALLEY REGION

Type of Waste Discharge	RWD and Filing Fee Required ¹	Conditions
9. Agricultural Commodity Wastes	<p>Recurring Discharge- Yes</p> <p>One-time Discharge- No²</p>	<ul style="list-style-type: none"> • An "agricultural commodity waste" is an unprocessed product excepting 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.
10. Disposal of Residual Waste to Land as a Soil Amendment	No²	<ul style="list-style-type: none"> • The discharge is enrolled under an approved County Program.
11. Water Recycling for Construction Projects and Road Dust Control	Yes	<ul style="list-style-type: none"> • Recycled water must be treated to Title 22 standards by permitted recycled water producer. • User must certify that the discharge will conform with Title 22 restrictions and Department of Public Health Guidelines and that the use has been approved by local and State health departments.
12. Projects Requiring Water Quality Certification		<ul style="list-style-type: none"> • Not renewed
13. Small, Short-Term Sand and Gravel Operations	Yes	<ul style="list-style-type: none"> • BMPs are employed to prevent excessive erosion or runoff conditions. • Impoundment or use area must pose low risk of nuisance. • All wash waters are confined to land. • Excludes sand and gravel operations in stream channels or drainage courses that have the potential to discharge to surface waters.

ATTACHMENT A
WAVIER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION

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- 1 Does not preclude the Executive Officer from requesting a RWD for a specific project as necessary to perform an evaluation of the discharge.
- 2 Applicant should contact staff regarding applicability of the discharge meeting the conditions of the waiver without need for a RWD.
- 3 Covered by Statewide General Order No. 2003-0003-DWQ for low threat discharges to land. For those categories that are covered by both, the waiver should only apply to those discharges that represent the very lowest threat to water quality.