CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE ORDER No. R9-2019-0005

CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS FOR LOW THREAT DISCHARGES IN THE SAN DIEGO REGION

The Discharger, as described in the following table is subject to the waiver of waste discharge requirements as set forth in this Order:

Table A. Discharger Information

Discharger	Any person responsible for the discharge of low threat discharges which in accordance with the general and specific conditions specified in each of the waivers are unlikely to affect the quality of the waters of the State.
Dischargers regulated under this Order and the applicable waivers contained within, must be subject to application and annual fees assessed relative to their assigned threat and complexity ranking or other discharge specific conditions identified in California Code of Regulations, Title 23, section 2200.7.	

Discharges of wastes by persons from their locations in the San Diego Region are subject to the requirements set forth in this Order. Administrative information regarding this Order is contained in Table B below.

Table B: Administrative Information

This Order was adopted by the California Regional Water Quality Control Board, San Diego Region on:	TENTATIVE
This Order shall become effective on the date of adoption.	

I, David W. Gibson, Executive Officer, do hereby certify that this Order with all appendices is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on TENTATIVE.

TENTATIVE
David W. Gibson
Executive Officer

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CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS FOR LOW THREAT DISCHARGES IN THE SAN DIEGO REGION

TENTATIVE ORDER NO. R9-2019-0005

PART I GENERAL FINDINGS

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), finds that:

A. LEGAL AUTHORITY TO ISSUE WAIVERS. Water Code section 13260(a) and (c) require persons proposing to discharge waste,[1] or proposing to make a material change in the character, location, or volume of a discharge to file a report of waste discharge (ROWD) with the appropriate California Regional Water Quality Control Board (Regional Water Board). Water Code section 13264 prohibits persons from initiating any new discharge of waste or making any material changes in any discharge prior to the filing of a ROWD and being issued waste discharge requirements (WDRs) by the appropriate Regional Water Board.

Under authority of Water Code 13263(d), the San Diego Water Board may prescribe WDRs although no ROWD has been filed.

Pursuant to Water Code section 13269(a)(1), the San Diego Water Board may waive the provisions of sections 13260(a) and (c), or 13264(a) for a specific discharge or type of discharge, if it determines the waiver is consistent with the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) and is in the interest of the public. Water Code section 13269(a)(2) stipulates a waiver may not exceed five years in duration but may be renewed by the San Diego Water Board. Waivers must be conditional and may be terminated at any time by, the State Water Resources Control Board (State Water Board), or the San Diego Water Board.

In accordance with the Basin Plan, Chapter 4, a waiver of WDRs would not be against the public interest if either of the following circumstances apply to the discharges in that category:

1. The type of discharge does not adversely affect the quality[2] or the beneficial uses[3] of the waters of the State.[4]

2. The type of discharge is not readily amenable to regulation through the adoption of individual WDRs but warrants San Diego Water Board oversight to ensure compliance with mandated conditions.

Water Code section 13269 does not authorize the San Diego Water Board to issue waivers of WDRs for waste discharges subject to federal regulations[5] implementing

[1] The term "waste" is as defined in Water Code section 13050(d).
[2] The term "quality of the water" is as defined in Water Code section 13050(g). [3] The term "beneficial uses" is as defined in Water Code section 13050(f). [4] The term "waters of the State" is as defined in Water Code section 13050(e).
[3] The term "beneficial uses" is as defined in Water Code section 13050(f). [4] The term "waters of the State" is as defined in Water Code section 13050(e).
[4] The term "waters of the State" is as defined in Water Code section 13050(e).
[5] Water Code section 13370 et seq.

the federal Clean Water Act and the federal National Pollutant Discharge Elimination System (NPDES) regulations.

B. **PURPOSE**. The purpose of this Order is to revise and renew several waivers adopted by the San Diego Water Board under Order No. R9-2014-0041, which expires on June 26, 2019.

C. **DISCHARGER.** As the term applies in this Order, a "Discharger" is any person or persons that discharge, have the potential to discharge, or propose to discharge waste that could directly or indirectly affect the quality and/or beneficial uses of the waters of the State.

D. **DISCHARGE LOCATION.** All discharges subject to this Order are located within the boundaries of the San Diego Region.

E. **WASTE DISCHARGES SUBJECT TO THIS ORDER.** Where specified in this Order, for a specific type of waste discharge or discharge classification (waiver), the filing of a ROWD is required. For the purposes of this Order, a completed Notice of Intent (NOI) may serve as the Dischargers' ROWD.[6] Except discharge types nos. 5, 6, and 12 listed below, discharges requiring the submittal of an NOI must receive a notice of enrollment prior to initiating the discharge. Discharges which do not exceed certain qualifying criteria specified in each specific waiver, are not required to file an NOI. The San Diego Water Board has considered the types of discharges listed below and determined each to be in the public interest. Those types of discharges marked with an asterisk are required to submit an NOI or ROWD as specified in the particular waiver's conditions:

1. Discharges from on-site graywater disposal systems; *
2. Discharges of recycle water to land from permanent projects; *
3. Discharges of air conditioner condensate and non-contact cooling water to land*;
4. Discharges from swimming pools; *
5. Discharges from construction and test pumping of water wells to land; *
6. Discharges from short-term construction dewatering operations to land; *
7. Discharges from flushing water lines to land;
8. Discharges from washing vehicles, pavement, buildings, etc. to land; *
9. Discharges from irrigated lawns and landscaping using groundwater or municipal supply water to land;
10. Discharges from structural infiltration-based best management practices to land;
11. Discharges from foundation drains, crawl space pumps, and footing drains to land;
12. Discharges from utility vaults and underground structures to land; *

[6] Waivers listed below with an asterisk (*) are required to submit an NOI or an ROWD as specified in the waiver conditions.

13. Discharges of winery process water to lined evaporation ponds at small wineries; *
14. Discharges of storm water runoff from silvicultural operations;
15. Discharges from timber harvesting projects;
16. Discharges from wildfire suppression and fuels management activities;
17. Discharges from small animal feeding operations;
18. Discharges from medium animal feeding operations; *
19. Discharges of storm water runoff from animal operations;
20. Discharge/application of manure to soil as an amendment or mulch;
21. Discharges from grazing lands;
22. Discharges of wastewater from facilities producing less than 9,090 harvest weight kilograms per year of cold water aquatic species; *
23. Discharges of wastewater from facilities producing less than 45,454 harvest weight kilograms per year of warm water aquatic species; *
24. Discharges of drilling muds to land; *
25. Discharges of concrete grinding residues to land; *
26. Discharges of slurries from sand and gravel mining operations to land; *
27. Discharge/application of amendments and/or mulches to soil; *
28. Discharges/disposal of inert waste to solid waste disposal facilities only accepting inert wastes; *
29. Discharges of soils containing wastes to temporary waste piles; *
30. Discharges/Disposal/Reuse of soils characterized as inert from contaminated sites to land; *
31. Discharges of waste related to fireworks displays over land; *
32. Other periodic aerial discharges of wastes over land; *
33. Incidental discharges of oil and oily water within a response area during an oil spill response in marine waters; *
34. Discharges of disaster related wastes to temporary waste piles and surface impoundments; *
35. Discharges of mass mortality wastes to temporary waste piles and emergency landfills; *
36. Discharges of dredge or fill material into non-federal waters of the State; *
37. Emergency repair and protection activities in non-federal waters of the State; * and
38. Other discharges of emergency/disaster related wastes.*

Each of the discharge types listed above may originate from a single Discharger, have similar discharge sources and/or environmental settings, and have similar waiver conditions. Therefore, these types of discharges are grouped together

into 11 discharge classifications. Discharges which comply with the waiver conditions in this Order are not expected to pose a threat to the quality of waters of the State.

F. THREAT TO WATER QUALITY. Discharges from the proceeding categories can and/or do contain wastes, as defined in Water Code section 13050, that could affect the beneficial uses and quality of the waters of the State. If not properly managed, these discharges can percolate to groundwater or runoff to surface waters, adversely affecting both surface water and groundwater. Such wastes that enter or threaten to enter into waters of the State include, but may not be limited to:

1. earthen wastes (e.g., soil, silt, sand, clay, and rocks);
2. inorganic wastes (e.g., metals, salts, nutrients, etc.);
3. organic wastes (e.g., organic pesticides, hydrocarbons, etc.); and
4. biological wastes (e.g., bacteria and pathogens).

Discharges which comply with the waiver conditions in this Order are not expected to pose a threat to the quality of waters of the State.

G. ANTIDEGRADATION POLICY. This Order is consistent with the provisions of Resolution No. 68-16 "*Statement of Policy with Respect to Maintaining High Quality Waters in California*" (Antidegradation Policy). Likewise, this Order is consistent with the federal Antidegradation Policy.[8] The San Diego Water Board, in regulating the discharge of waste, must have sufficient ground to adopt findings which demonstrate that any water quality degradation resulting from this Order will:

1. be consistent with the maximum benefit to the people of the State;
2. not unreasonably affect existing and potential beneficial uses of such water; and
3. not result in water quality less than that described in the Basin Plan.

Dischargers, who enroll in these waivers are required to manage their wastes in a manner that protects beneficial uses and prevent nuisance[9] by implementing management measures (MMs) and best management practices (BMPs).

H. MONITORING. Water Code section 13269(a)(2) requires waivers be conditioned upon the performance of individual, group, or watershed-based monitoring unless the San Diego Water Board determines the discharges do not pose a significant threat to water quality. Monitoring requirements in this Order must be designed to support the development and implementation of the waiver program including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. In establishing requirements, the San Diego Water Board may consider the volume, duration, frequency, and constituents of the discharge, the extent and type of existing monitoring activities including, but not limited to, existing watershed-based compliance and effectiveness monitoring efforts, the size of the project area; and other relevant factors.

[8] Code of Federal Regulations Title 40, section 131.12.
[9] The term "nuisance" is as defined in Water Code section 13050(m).

The only waiver conditioned upon performance of monitoring is Waiver No. 7. If the waste discharges enrolled in a specific waiver are determined to pose a potential threat to water quality, the San Diego Water Board may require the Dischargers to perform monitoring to verify compliance with the waiver conditions.

The San Diego Water Board adopted *A Framework for Monitoring and Assessment in the San Diego Region*, dated November 2012, to facilitate the transition from discharge-oriented monitoring and assessment to water body-oriented monitoring and assessment in the Region. The monitoring requirements of Waiver No. 7 are consistent with the Framework.

All monitoring and reporting requirements specified in Waiver No. 7 are issued pursuant to Water Code sections 13267 and 13269; and are necessary to evaluate:

1. compliance with the terms and conditions of the Waiver No. 7;
2. effectiveness of any measures or actions taken in accordance with Waiver No. 7 and/or the San Diego Basin Plan; and
3. whether revisions of Waiver No. 7, additional regulatory programs, or enforcement actions are warranted.

Failure to submit a report in accordance with schedules established by the waivers, Monitoring and Reporting Requirements approved by the San Diego Water Board Executive Officer, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer, or failure to comply with the conditions of the waivers, may subject a Discharger to enforcement action pursuant to Water Code section 13268 and/or 13350 and/or the requirements to submit a ROWD.

The burden, including cost, of these reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

In accordance with Water Code sections 13267(b)(1) and 13269(a)(2), the San Diego Water Board has considered the burden including the costs of implementing the monitoring requirements specified in Waiver No. 7. The monitoring reports specified in Waiver No. 7 are needed to control and reduce discharges of pollutants from aquatic animal production facilities to waters of the State and/or the United States. With the required information the San Diego Water Board expects to be able to effectively evaluate compliance with the Clean Water Act 40 CFR 451 establishing Effluent Limitations Guidelines and Source Performance Standards for the Confined Aquatic Animal Production Point Source Category. The San Diego Water Board finds the required monitoring will not result in any additional economic burden for dischargers.

I. WATER QUALITY STANDARDS. The Basin Plan and relevant statewide water quality control plans (collectively Plans) establish water quality standards for the San Diego Region. These water quality standards consist of designated beneficial uses, WQOs, and the antidegradation policy. These Plans also contain implementation plans and policies for interpreting and achieving water quality standards.

The requirements of the Order implement the Basin Plan by ensuring the discharges included are maintained and monitored to prevent releases of wastes or waste constituents to waters of the State in a manner which could impair beneficial uses.

Table 2 below identifies the beneficial uses designated in the Basin Plan for groundwater and surface water in the San Diego Region.

Table 2: Beneficial Uses for Groundwater and Surface Waters

Beneficial Uses	Abbreviations
Agricultural Supply	AGR
Aquaculture	AQUA
Preservation of Biological Habitats of Special Significance	BIOL
Cold Freshwater Habitat	COLD
Commercial and Sport Fishing	COMM
Estuarine Habitat	EST
Freshwater Replenishment	FRSH
Ground Water Recharge	GWR
Industrial Process Supply	PROC
Industrial Service Supply	IND
Inland Saline Water Habitat	SAL
Marine Habitat	MAR
Migration of Aquatic Organisms	MIGR
Municipal and Domestic Supply	MUN
Navigation	NAV
Hydropower Generation	POW
Noncontact Recreation	REC2
Preservation of Rate and Endangered Species	RARE
Shellfish Harvesting	SHELL
Spawning, Reproduction, and/or Early Development	SPWN
Warm Freshwater Habitat	WARM
Water Contact Recreation	REC1
Wildlife Habitat	WILD

J. ENFORCEMENT ACTIONS. Any person in violation of any waiver condition, prohibition issued or reissued, or amended by the San Diego Water Board, may be subject to informal and formal enforcement actions, including, but not limited to, administrative civil liability under Water Code sections 13323 and 13350(d) and (e).

K. APPEAL. Any person aggrieved by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and the Calif. Code of Regs. title 23, section 2050 et seq. The State Water Board must receive the petitions by 5:00 p.m., within 30 days after the date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the State Water Board's website.[10]

[10] http://www.waterboards.ca.gov/public_notices/petitions/water_quality/

L. CALIFORNIA ENVIRONMENTAL QUALITY ACT.[11] In accordance with California Code of Regulations Title (Calif. Code Regs. title) 14, section 15000 et seq., the San Diego Water Board is the lead agency for this project and has adopted a negative declaration for the project.

M. HOMELAND SECURITY ACT. Any information provided to the San Diego Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted.

N. ANNUAL FEES. Dischargers may be required to pay an annual fee (i.e., waste discharge permit fee) established by the State Water Board in accordance with Water Code sections 13260(d)(1) and 13269(a)(4). Pursuant to Water Code section 13269(a)(4), the annual fee must be assessed in accordance with any fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23, section 2200 et seq.

The State Water Board has established fee schedules for the following waiver.

- Discharges from Animal Operations (Waiver No. 6) – Calif. Code Regs. title 23, section 2200(c).

The State Water Board has not established a fee schedule for the following waivers. When such a fee schedule is established, Dischargers will be required to pay an annual fee if enrolled in the following waivers.

- Discharges of Winery Process Water to Lined Evaporation Ponds at Small Wineries (Waiver No. 4);
- Discharges from Aquatic Animal Production Facilities (Waiver No. 7); and
- Discharges/Disposal of Solid Wastes to Land (Waiver No. 9).

O. PUBLIC PARTICIPATION. All of the findings contained within this Order, supplemental information and details in the attached Technical Report, and incorporated references were considered in establishing the following conditions, requirements, provisions, and specifications.

All known Dischargers and other interested parties and persons were notified of the intent to adopt this Order and were provided with an opportunity for a public hearing and an opportunity to submit written comments.

In a public meeting, all comments pertaining to this Order were heard and considered.

P. STRATEGIC PLAN. The issuance of this Order and the requirements herein are consistent with the goal to provide water resources protection, enhancement and restoration while balancing economic and environmental impacts as stated in the Strategic Plan of the State Water Board and the San Diego Water Board.

Q. APPLICABILITY. Order No. R9-2019-0005 supersedes the waivers adopted in Order No. R9-2014-0041 except for enforcement purposes regarding violations of Order No. R9-2014-0041. All Dischargers previously regulated by waivers in Order

[11] Codified in PRC section 21000 et seq., and promulgated in Calif. Code of Regs. title 14, Chapter 3, Division 6.

No. R9-2014-0041 and renewed in this Order are automatically enrolled under Order No. R9-2019-0005.

Order No. R9-2019-0005 does not preempt or supersede the authority of municipalities, flood control agencies, or other State or local agencies to prohibit, restrict, or control specific types of discharges subject their jurisdictions.

PART II. CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS

Waiver No. 1 – Discharges from On-site Graywater Disposal Systems

A. **Specific Findings Regarding Discharges from On-site Graywater Disposal Systems**

1. This conditional waiver for discharges from On-site Graywater Disposal Systems (On-site Graywater Disposal Waiver) is for discharges of effluent from on-site graywater[12] disposal systems which are a potential source of pollutants that can infiltrate to groundwater. Discharges of effluent from on-site graywater disposal systems eligible for this waiver cannot include industrial wastewater and must be discharged to land within the property from which the waste stream was generated.

2. Graywater consists of wash water originating from showers, bathtubs, clothes washing machines, and hand washing sinks not used for disposal of chemicals or chemical-biological ingredients. Graywater is generally subject to very little treatment or no treatment at all. On-site graywater disposal systems collect graywater and discharge it to a disposal area where it infiltrates to the subsurface. Natural processes in the soil, at the disposal area can provide treatment of the graywater as it percolates through the ground.

3. Effluent discharged from on-site graywater disposal systems can infiltrate to groundwater and pose a potential threat to water quality. On-site graywater disposal systems can discharge effluent that has potentially come in contact with human fecal matter[13], nitrogen compounds[14], phosphorus[15], or other chemicals[16]. Therefore, on-site graywater disposal systems can potentially transport and leach pathogens, nutrients, and other pollutants to underlying groundwaters, or to surface waters if the effluent surfaces and runs off the property. Effluent that comes into contact with groundwater or surface water can adversely affect water quality.

4. The use of on-site graywater disposal systems, however, will reduce the use of potable water for irrigation purposes, which, as a conservation measure, is in the public interest. On-site graywater disposal systems that are properly designed, installed, and maintained can minimize the potential impacts to water quality.

5. The design, construction, and installation requirements for on-site graywater disposal systems are provided in regulations adopted by State agencies and/or local authorized agencies. Land owners must obtain any required permits from appropriate local authorities prior to the installation and operation of an on-site graywater disposal system to ensure site conditions are appropriate for construction. Depending on the location, cities, counties,

[12] As defined in Water Code section 14876.
[13] E.g., soiled diapers washed in clothes washing machines.
[14] E.g., urine from children and adults in bathtubs and showers.
[15] E.g., laundry detergents used in clothes washing machines.
[16] E.g., cleaning chemicals washed down bathroom washbasins.

and/or other local authorized agencies may have more stringent design and installation requirements.

6. The Graywater Standard, developed by the California Department of Water Resources (DWR) and adopted by the California Building Standards Commission, pertaining to the construction, installation, or alteration of on-site graywater disposal systems, can be found in the Plumbing Code.[17] The Water Code states that an on-site graywater disposal system may be installed if the authorized local agencies having jurisdiction over the installation determines that the system complies with the Plumbing Code[18] Graywater Standards, unless exempted under the plumbing code under Chapter 16, section 1602.1.1.

7. The design, construction, and installation of on-site graywater systems are regulated and permitted by the cities, counties, and/or other authorized local agencies. The discharge of effluent from on-site graywater disposal systems is subject to regulation by the State and Regional Water Quality Control Boards in order to protect the waters of the State. In the Basin Plan, the San Diego Water Board determined a waiver would not be against the public interest if the type of discharge is effectively regulated by other public agencies. As long as the effluent that is discharged from these properly permitted on-site graywater disposal systems do not have an adverse impact on surface water or groundwater quality, the San Diego Water Board will waive the requirements to file a ROWD and adopting WDRs for these systems.

8. In order to be eligible for the On-Site Graywater Disposal Waiver, discharges must comply with both the general and specific conditions of this waiver.

9. Discharges from on-site graywater disposal systems that comply with the general and specific waiver conditions in the On-site Graywater Disposal Waiver are not expected to pose a significant threat to the quality of waters of the State.

IT IS HEREBY ORDERED, that any Discharger proposing to discharge graywater through an on-site disposal system, in order to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements.

B. **General Waiver Conditions for On-site Graywater Disposal Systems**

1. Effluent from on-site graywater disposal systems must:

   a. Not be directly or indirectly discharged to any surface waters of the State (including ephemeral streams and vernal pools);

   b. Be discharged to the underground or with covering as allowed by local agency requirements and cannot surface or pond;

   c. Not adversely affect the quality or beneficial uses of underlying groundwater;

[17] Calif. Code Regs. title 24 (also known as the California Building Standards Administrative Code) Part 5 (also known as the California Plumbing Code) Chapter 16.
[18] Water Code section 14877.2

d. Not cause or threaten to cause a condition of contamination, pollution, or nuisance;

e. Be discharged, as to maintain at least 3 feet of vertical separation between the disposal area and the highest known historical or anticipated groundwater level;

f. Be discharged so it can be contained within the designed irrigation or disposal field and not pond on the surface of the soil of runoff the site; and

g. Not adversely impact the quality or beneficial uses of groundwater in any water wells.

2. On-site graywater disposal systems must be designed and operated in accordance with applicable regulatory requirements and/or standards as provided in the Specific Waiver Conditions for on-site graywater disposal systems, section C of this waiver.

3. Graywater disposal system owners/operators must:

a. Comply with local, State, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses from authorized local agencies. If local agency approvals, permits, certifications, and/or licenses are required for a graywater system, those documents must be available on site for inspection;

b. Maintain and operate the system in accordance with the design approved by the authorized local agencies or any conditions for exemption from those requirements;

c. Allow the San Diego Water Board and/or other local regulatory agencies reasonable access to the site in order to perform inspections and conduct monitoring; and

d. Accept only domestic wastes and/or wastewater.

C. **Specific Waiver Conditions for On-site Graywater Disposal Systems**

1. Operators of an on-site graywater disposal system, proposing to discharge graywater to land, and subject to the Plumbing Code Graywater Standards must file an NOI. An NOI template is included in Attachment A of the Order.

2. An on-site graywater disposal system must comply with the permitting or waiver requirements of any city, county, or other authorized local agency, having jurisdiction over system installation. The on-site graywater system, at a minimum, must be designed and installed in accordance with to the Plumbing Code Graywater Standards.[20] If the cities, counties, and/or other authorized local agencies have additional requirements, the on-site graywater disposal system must be designed and installed in accordance with those requirements.

3. On-site graywater disposal systems proposed to be constructed in areas:

[20] Calif. Code of Regs. title 24 (also known as the California Building Standards Administrative Code) Part 5 (also known as the California Plumbing Code) Chapter 16.

a. Where groundwater water quality objectives have been exceeded, must be evaluated for potential adverse effects on groundwater quality and beneficial uses to determine if regulating the system with individual WDRs is more appropriate; or

b. Designated as Zone A, as defined by the California Department of Public Health's Drinking Water Source Assessment and Protection Program, must be constructed with an adequate setback from the drinking water supply source that will be protective of drinking water quality.

Waiver No. 2 – Discharges to Land of Recycled Water

A. **Specific Findings for Discharges to Land of Recycled Water**

1. The conditional waiver for discharges of Recycled Water to Land (Recycled Water Waiver) is for discharges of recycled water to land from short-term recycled water project,[21] not exceeding 365 days. Discharges of recycled water may contain pollutants that can adversely affect the quality of waters of the State. The application of recycled water to land may result in pollutants being concentrated in soils, which may adversely impact the quality of the waters of the State when those concentrated pollutants are leached out during rainfall events and/or overuse of irrigation water. The Recycled Water Waiver is not available, or applicable, to recycled water projects and users subject to rules and regulations established by master reclamation permits (MRPs) issued pursuant to Water Code section 13523.1, or otherwise regulated under WDRs or water reclamation requirements (WRRs), issued pursuant to Water Code sections 13260 and 13523, respectively.

2. Short term recycled water projects eligible for enrollment in the Recycled Water Waiver, are those without permanent recycled water delivery and/or distribution systems; and are not regulated or authorized under WDRs, WRRs, and/or MRPs.

3. In order to be eligible for the Recycled Water Waiver, discharges must comply with both the general and specific conditions of this waiver.

4. Discharges of recycled water to land that comply with the general and specific waiver conditions in the Recycled Water Waiver are not expected to pose a threat to the quality of waters of the State.

IT IS HEREBY ORDERED, that any Discharger proposing to discharge recycled water as part of a recycled water project, in order to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements.

B. **General Waiver Conditions for Recycled Water Projects.**

1. All windblown spray and surface runoff of recycled water not considered "incidental runoff,"[22] on to property not owned or controlled by the discharger must be prevented by implementation of MMs/BMPs consistent with the State Recycled Water Policy and amendments thereto.

2. Discharges of recycled water to land must:

   a. Not adversely affect the quality or beneficial uses of underlying groundwater;

   b. Comply with the requirements of Calif. Code Regs. title 22 section 60310(a) through (i), unless sufficient information is provided

[21] Short-term recycled water projects are those without permanent recycled water delivery and/or distribution systems.

[22] The State *Recycled Water Policy* defines and characterizes "incidental runoff" of recycled water. https://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/#proposed_wrp

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

c. Be prohibited from entering into the MS4;

d. Not be used for groundwater recharge unless sufficient information is provided to demonstrate that it will be protective of water quality and human health; and

e. Be in compliance with the performance requirements of any applicable basin-specific Salt and Nutrient Management Plan(s).

3. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.

C. **Specific Waiver Conditions for Permanent Recycled Water Projects**

1. Recycled water agencies proposing to supply and/or distribute recycled water through permanently installed facilities or structures before receiving WDRs must file a ROWD[24] pursuant to Water Code sections 13260 and 13522.5 containing the following:

a. Sufficient information for the San Diego Water Board to determine that the project will be consistent with the Basin Plan and any State Water Board recycled water policies, and will comply with all applicable recycled water regulations;

b. A letter from the California Department of Public Health (CDPH) stating that the project will comply with recycled water regulations in Calif. Code Regs. title 22, Division 4, Chapter 3, Articles 1 through 10. The letter must also specify any provisions, monitoring, and/or reporting required by the CDPH to demonstrate compliance with Calif. Code Regs. title 22, Division 4, Chapter 3, Reclamation Criteria, Articles 2, 3, 4, 5, and 5.1; and

c. A list of recycled water end users that will be regulated by the recycled water agency, and the proposed monitoring and reporting program the recycled water agency will implement to demonstrate that the end users are complying with the waiver conditions and applicable recycled water regulations.

2. The recycled water agency must submit sufficient information demonstrating that the recycled water agency, and its end users, will comply with the general and specific conditions of these waiver conditions and applicable recycled water regulations before the discharge may begin.

3. The conditional waiver issued to the recycled water agency is valid for 365 days after a completed ROWD has been submitted, or until either WDRs, Water Reclamation Requirements (WRRs) or a Master Reclamation

[24] A Report of Waste Discharge (ROWD) required to be submitted for enrollment in the Recycled Water Waiver as a "Permanent Recycled Water Project" is located on the San Diego Water Boards website at: http://www.waterboards.ca.gov/sandiego/publications_forms/forms/docs/form200m.pdf

Permit (MRP) are adopted for the project, whichever occurs first. The San Diego Water Board will adopt the project appropriate WDRs, Water Reclamation Requirements or a Master Reclamation Permit at the earliest possible opportunity.

4. Depending on the specifics of the project, the San Diego Water Board may enroll eligible recycled water projects in the Statewide General Water Reclamation Requirements in Order No. WQ 2016-0068-DDW, as amended,[25] rather than this waiver. The San Diego Water Board may also terminate enrollment in this waiver for those qualifying recycled water discharges and enroll those qualifying facilities/operations in the Statewide General Water Reclamation Requirements.

5. If the WDRs, WRRs or an MRP cannot be adopted within 365 days after the completed ROWD has been submitted, the recycled water agency must request an extension of the conditional waiver at least 60 days prior to the expiration of the previous conditional waiver. If no request for an extension is received 60 days prior to the expiration of the previous conditional waiver, the permanent recycled water project must cease the discharge of recycled water 365 days after the completed ROWD was submitted.

6. If a recycled water agency enrolled in this waiver, in accordance with the waiver conditions in section D of this waiver, proposes to significantly add to or modify the treatment process (e.g., change the disinfection or filtration processes), then the discharger must submit a new ROWD containing the information listed in section D.1 of this Recycled Waiver.

[25] Adopted by the State Water Board on June 7, 2016, at https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2016/wqo2016_0068_ddw.pdf.

Waiver No. 3– Miscellaneous "Low Threat" Discharges to Land

A. **Specific Findings for "Low Threat" Discharges to Land**

1. The conditional waiver for "Low Threat" Discharges to Land (Low Threat Discharge Waiver) is for "low threat" discharges to land, which can percolate to groundwater. "Low threat" discharges include liquid wastes containing pollutant concentrations that are not expected to adversely impact the quality of waters of the State under ambient conditions. "Low threat" discharges may include potable water or uncontaminated groundwater. Potable water and uncontaminated groundwater are not considered waste when initially discharged. However, when these waters come into contact with pollutants and transports those pollutants in surface runoff or leaches those pollutants into the soil and groundwater, it becomes a waste. "Low threat" discharges to land are not expected to contain significant concentrations of pollutants that can adversely affect the quality of underlying groundwater.

2. The following types of discharge not regulated under WDRs may be eligible for the Low Threat Discharge Waiver:

   a. Discharges to land of air conditioner condensate or non-contact cooling water;

   b. Discharges to land of water from swimming pools;

   c. Discharges to land from the construction and test pumping of water wells;

   d. Discharges to land from short-term construction dewatering operations; and

   e. "Low Threat" discharges to land and/or groundwater (discussed in, which may include the following:

      i. Discharges to land from flushing water lines;

      ii. Discharges to land from washing vehicles, pavement, buildings, etc.;

      iii. Discharges to land from irrigated lawns and landscaping using groundwater or municipal supply water;

      iv. Discharges to land from structural infiltration-based BMPs;

      v. Discharges to land of groundwater pumped from water supply wells; and

      vi. Discharges to land of groundwater from foundation drains, crawl space pumps, and footing drains.

   f. Discharges to land from utility vaults and underground structures

3. "Low threat" discharges are not expected to adversely affect the quality of groundwater. These types of discharge have similar properties, threat to water quality, and proposed waiver conditions. Therefore, these types of "low threat" discharges to land were grouped together into one discharge classification.

4. Low volumes and infrequent “low threat” discharges are not expected to adversely affect the quality of groundwater because the water would likely evapo-transpire before infiltrating to the underlying groundwater. However, excessive volumes or frequent “low threat” discharges could potentially infiltrate to underlying groundwater and adversely affect the quality of groundwater over time. With proper management, “low threat” discharges to land are not expected to pose a threat to the quality of waters of the State. Therefore, waiver conditions require proper management of “low threat” discharges to land to minimize or eliminate the discharge of pollutants to waters of the State.

5. Discharges classified as “low threat” discharges to land that comply with the conditions prescribed in this waiver will pose a low level of threat to the quality of the waters of the State. If owners/operators with “low threat” discharges are not in compliance with waiver conditions, they can be issued a Notice of Violation (NOV) and required to correct deficiencies in order to be eligible for the Low Threat Discharge Waiver. However, if the owner/operator of a “low threat” discharge violates any waiver conditions, the San Diego Water Board has the option to terminate the waiver for the discharge and begin regulating with individual WDRs and/or take other enforcement actions.

6. In order to be eligible for the Low Threat Discharge Waiver, discharges must comply with the general and applicable specific conditions of this waiver.

7. “Low threat” discharges to land that comply with the general and specific waiver conditions in the Low Threat Discharge Waiver are not expected to pose a threat to the quality of waters of the State.

IT IS HEREBY ORDERED, that any Discharger proposing to discharge miscellaneous low threat wastewaters to land, in order to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements.

B. **General Waiver Conditions for “Low Threat” Discharges of Water to Land**

1. Prevent the direct or indirect discharge of “low threat” discharges to any surface waters of the State (including ephemeral streams, vernal pools and MS4s).

2. Any products used to condition or treat “low threat” discharges prior to discharging to land must be in accordance with manufacturer’s instructions and guidelines and must reliably attenuate before infiltrating to underlying groundwater.

3. “Low threat” discharges must not:

   a. Cause or contribute to the migration of contaminants such as chlorinated solvents, hydrocarbons, or other toxic or hazardous substances to groundwater;

   b. Come in contact with any material that consists of or is contaminated with chlorinated solvents, hydrocarbons, or other toxic or hazardous substances prior to discharge to land;

c. Adversely affect the quality or beneficial uses of underlying groundwater;

d. Cause or threaten to cause a condition of contamination, pollution, or nuisance; and

e. Adversely impact the quality or beneficial uses of groundwater in any water wells.

4. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.

5. In addition to the conditions above for "Low Threat" Discharges of Water to Land, compliance with the following Specific Waiver Conditions is required.

6. For the following discharge types do not require the filing of an NOI, and do not have specific discharge conditions.

a. Discharges to land of groundwater pumped from drinking wells; and

b. Discharges to land of groundwater from foundation drains, crawl space pumps, and footing drains.

C. **Specific Waiver Conditions for "Low Threat" Discharges to Land**

1. **Discharge to Land of Air Conditioner Condensate and Non-contact Cooling Water**.

a. Discharges of air conditioner condensate and non-contact cooling water to land must not exceed an average of 1,200 gallons per day (GPD) for any continuous 365-day period, unless the discharger has filed a complete NOI, containing information about the operator, location, and planned period of and average daily volume of discharge. An NOI template is included in Attachment A of the Order. Discharges of air conditioner condensate and non-contact cooling water to land, which do not exceed the threshold specified in section C.2.a of the Low Threat Discharge Waiver, do not require the filing of an NOI prior to discharge.

b. Discharges must not contain contact cooling water.

2. **Discharges of Water to Land from Swimming Pools**.

a. Discharges of water from each swimming pool to land must not exceed 50,000 gallons during any continuous 365-day period, unless the discharger has filed a complete NOI, containing information about the swimming pool location and volume, planned period and frequency of discharge. An NOI template is included in Attachment A of the Order.

b. Discharges of water from swimming pools, which do not exceed the threshold specified in section C.2.a of the Low Threat Discharge Waiver, do not require the filing of an NOI prior to discharge.

3. **Discharges to Land from the Construction and Test Pumping of Water Wells**.

a. Discharges of groundwater, pumped from any well used in a soil and/or groundwater contamination investigation or corrective action, may not be discharged to land, unless the discharger has filed a complete NOI, containing monitoring data demonstrating the quality of the proposed discharge would not cause groundwater to exceed water quality objectives. An NOI template is included in Attachment A of the Order.

b. Discharges of groundwater, for multiple applications, pumped from wells, not used in a soil and/or groundwater contamination investigation or corrective action, over a continuous 24-hour (or longer) period must not be discharged to land, unless the discharger has filed a complete NOI. An NOI template is included in Attachment A of the Order. The NOI must include the following information:

i. Discharge location;

ii. Planned period of discharge;

iii. Frequency of discharge; and

iv. MMs/BMPs to be taken to prevent the discharge of pollutants with the potential to affect surface water and groundwater quality, and to prevent any discharges to the MS4.

Written notice of enrollment in the Waiver must be received from the San Diego Water Board prior to initiating the discharge. Discharges of groundwater from construction and test pumping of water wells which do not exceed the specified thresholds, do not require the filing of an NOI prior to the discharge.

4. **Discharges to Land from Short-Term Construction Dewatering Operations.**

a. The discharge of groundwater pumped from any well or excavation that is used in a soil and/or groundwater contamination investigation or corrective action may not be discharged to land, unless the discharger has filed a complete NOI, containing monitoring data demonstrating that the quality of the proposed discharge would not cause the groundwater to exceed water quality objectives. An NOI template is included in Attachment A of the Order.

b. For dewatering operations discharging in excess of an average of 5,000 GPD for any continuous 180-day period, the discharger must file a complete NOI, containing information about the operator, location, planned period and rate of discharge, and measures that will be taken to minimize or eliminate the discharge of pollutants that might affect groundwater quality. An NOI template is included in Attachment A of the Order. Written notice of enrollment in the Waiver must be received from the San Diego Water Board prior to initiating the discharge.

c. Discharges under this waiver from short term construction dewatering operations are prohibited from entering MS4s, and any surface waters, including, but not be limited to, ephemeral streams, or vernal pools.

5. **"Low Threat" Discharges to Land and/or Groundwater.**

a. **Discharges to Land from Flushing Water Lines.**

i. Discharges from flushing water lines having the potential to discharge to the MS4, or to affect surface water quality are not eligible for enrollment in this waiver. These discharges must be enrolled in Order No. R9-2010-0003[32] (or subsequent Orders).

b. **Discharges to Land from Washing Vehicles, Pavement, Buildings, etc. to Land.**

i. Discharges of wash water and similar intermittent discharges must not exceed an average of 1,200 GPD for any continuous 30-day period, unless the discharger has filed a complete NOI, containing information about the operator, location, and planned period of and average daily volume of discharge. An NOI template is included in Attachment A of the Order.

c. **Discharges to Land from Irrigated Lawns and Landscaping Using Groundwater or Municipal Supply Water.**

i. Products applied to lawns and landscaping at residential, commercial, industrial, and recreational facilities, must be in accordance with manufacturer's instructions and guidelines, and must reliably attenuate before infiltrating to underlying groundwater.

d. **Discharges to Land from Structural Infiltration-Based BMPs.**

i. Structural BMPs that utilizes infiltration must be installed in compliance with the design criteria of the municipalities (or co-permittees) regulated by the most recent Municipal Separate Storm Sewer System (MS4) WDRs (conforming to NPDES storm water regulations).[34]

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

[32] General Waste Discharge Requirements for Discharges of Hydrostatic Test Water and Potable Water to Surface Waters and Storm Drains or Other Conveyance Systems Within the San Diego Region.

[34] National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region (Order No. R9-2013-0001, NPDES No. CAS0109266, or any subsequent permit adopted by the San Diego Water Board.

6. **Discharges to Land from Utility Vaults and Underground Structures.**

a. Discharges to land from utility vaults and underground structures must not exceed an average of 2,500 GPD over a continuous 7-day period to a single location, unless the discharger has filed a complete NOI, containing the following information. An NOI template is included in Attachment A of the Order. Written notice of enrollment in the Waiver must be received from the San Diego Water Board prior to initiating the discharge.

i. Monitoring data demonstrating that the quality of the proposed discharge would not cause the groundwater at the disposal site to exceed water quality objectives.

ii. A map showing the following:

(1) Essential features of the distribution system for the utility's service area;

(2) Boundaries within which discharges may occur; and

(3) Areas, due to topography, activities, or other factors, having a high potential for soil erosion.

iii. A description of potential sources that may add significant amounts of pollutants to discharges from utility vaults and underground structures, and a description of the type of utility materials managed at the site, potentially exposed to vault water, either within the vault, or underground structure.

iv. Identification of structural, vegetative, and/or stabilization measures to be used to limit soil erosion, while discharging in areas which have a high potential for erosion due to topography, activities, or other factors.

v. A description of any BMPs that will be implemented to control the generation or source(s) of pollutants, or used to divert, infiltrate, reuse, or otherwise manage runoff in a manner that reduces pollutants in discharges from the site.

b. The Discharger, as the result of a situation requiring urgent action to alleviate or prevent a power or natural gas outage must:

i. provide notification to the San Diego Water Board within 48 hours; and

ii. provide an after-the fact NOI submitted within five business days.

c. The Discharger must maintain areas that may contribute pollutants to discharges so that they are kept clean and orderly. Store and contain liquid materials in such a manner that if the container is ruptured, the contents will not discharge, flow, or be washed into the storm drainage system, surface waters, or groundwater.

d. The Discharger must regularly inspect and maintain any BMPs implemented, as well as inspect and test equipment and systems

used to detect conditions that may cause breakdowns or failures resulting in discharges of pollutants to surface waters and ensure appropriate maintenance of such equipment and systems.

Waiver No. 4 – Discharges of Winery Process Water to Lined Evaporation Ponds at Small Wineries

A. **Specific Findings for Discharges of Winery Process Water to Lined Evaporation Ponds**

1. The conditional waiver for discharges of Winery Process Water to Lined Evaporation Ponds (Winery Pond Waiver) is for small wineries in the San Diego Region that utilize lined evaporation ponds for disposal of process water. For the purpose of enrollment in the Winery Pond Waiver, a “small winery” is defined as a winery with a vineyard, wine production facilities, and wine tasting rooms. Wineries that have additional ancillary facilities such as restaurants, special occasion facilities, or commercial lodging facilities are not eligible for enrollment in this waiver.

2. In order to be eligible for the Winery Pond Waiver, dischargers must comply with the general and specific conditions of this waiver.

3. Discharges of winery process water to lined evaporation ponds at small wineries that comply with the general and specific waiver conditions in the Winery Pond Waiver are not expected to pose a threat to the quality of waters of the State.

IT IS HEREBY ORDERED, that any Discharger proposing to discharge winery process water to lined evaporation ponds at small wineries, in order to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements.

B. **General Conditions for Discharges of Winery Process Water to Lined Evaporation Ponds at Small Wineries**

1. Winery process water may not be discharged to onsite evaporation ponds, unless the Discharger has submitted:

   a. A complete NOI; An NOI template is included in Attachment A of the Order, and

   b. The first annual fee if applicable. The amount of the annual fee will be determined by the San Diego Water Board, in accordance with Water Code sections 13269(a)(4) and 13260, and the fee schedule established by the State Water Board Calif. Code of Regs. title 23 section 2200.7.

2. Winery process water must:

   a. Not be discharged to the MS4, or surface waters;

   b. Be captured, treated, and/or disposed of separately from domestic wastewater; and

   c. Not contain wastes classified as "hazardous" as defined in Calif. Code Regs. title 22 section 66261.3 et seq., and Water Code section 13173.

3. Wastes and/or other wastewaters, other than winery process water must not be discharged to onsite evaporation ponds.

4. Upon adoption of the State Water Resources Control Board Statewide General Order regulating discharges of wastes from wineries, the San Diego Water Board will evaluate the projects enrolled in this waiver to determine if they should be regulated under the Statewide General Order. Once a determination has been made, the San Diego Water Board may terminate a projects enrollment in this waiver and enroll the qualifying projects in the Statewide General Order.

C. **Specific Conditions for Discharges of Winery Process Water to Lined Evaporation Ponds at Small Wineries**

1. Water-conserving devices (e.g., pressure washers, trigger-handled spray nozzles, automatic barrel cleaners, stainless steel tanks, and smooth floors) should be used to minimize process water generation.

2. The use of cleaning chemicals should be minimized. Low impact methods (e.g., ozonated process water) should be used were practicable for cleaning.

3. The use of water-softening devices, canister-type water softeners, or similar alternatives should be used to prevent the discharge of salt brine. The number of connections to the water softener should be minimized at facilities using self-regenerating water softeners. Large solids should be separated from winery process water through redundant screening and removal systems (such as screened floor drains, rotary drum screens, and/or settling basins) prior to further treatment and disposal. Lees, bentonite, and diatomaceous earth should be excluded from being discharged to onsite evaporation ponds to the extent practicable.

4. All winery process water treatment and disposal systems (including onsite evaporation ponds) must be designed to retain the maximum daily flow of wastewater and organic loading generated (generally at the peak of crush season), including flows resulting from precipitation from storm events, using MMs/BMPs to prevent unauthorized discharges to MS4s, or surface waters.

   a. At least two feet of freeboard must be maintained at all times in onsite evaporation ponds containing winery process water. Staff gauges must be installed to monitor water levels.

   b. Collected screenings and other solids removed from liquid wastes that will not and/or cannot be used agronomically, must be disposed of at a properly permitted point of disposal, and in accordance with Calif. Code Regs. title 27 division 2.

   c. Onsite evaporation ponds used for disposal of winery process water must be lined with either a relatively impermeable membrane, two feet of soil with a permeability of less than 10^{-6} centimeters per second, or an engineered alterative approved in writing by the San Diego Water Board.

Waiver No. 5 – Discharges from Silvicultural Operations

A. **Specific Findings for Discharges from Silvicultural Operations**

1. The conditional waiver for discharges from Silvicultural Operations (Silvicultural Waiver) is for discharges that originate from forest lands, which contain pollutants that can percolate to groundwater or runoff to surface waters. Discharges from forest lands include discharges resulting from timber operations and forest land management activities, and storm water runoff which can also transport pollutants from forest lands to surface waters and groundwater.
2. The following types of discharge not regulated under WDRs may be eligible for the Silvicultural Waiver:
   a. Discharges of storm water runoff;
   b. Discharges from timber harvesting projects; and
   c. Discharges from wildfire suppression and fuels management activities.
3. The US Forest Service (USFS) implements its Land Management Plan including the Design Criteria for the Southern California National Forests and Cleveland National Forest Strategy.
4. In order to be eligible for the Silvicultural Waiver, discharges must comply with both the general and specific conditions of this waiver.
5. Discharges from silvicultural operations that comply with the general and specific waiver conditions in the Silvicultural Waiver are not expected to pose a threat to the quality of the waters of the State.

IT IS HEREBY ORDERED, that any Discharger proposing to discharge from silvicultural operations, in order to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements.

B. **General Waiver Conditions for Discharges from Silvicultural Operations**

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

C. **Specific Waiver Conditions for Timber Operations on Federal Lands**

1. The US Forest Service (USFS) must maintain:

   a. A water quality program to ensure compliance with water quality objectives and discharge prohibitions in the Basin Plan; and

   b. A program to monitor the implementation and effectiveness of management measures (MMs) and/or best management practices (BMPs).

2. The USFS must provide the San Diego Water Board copies of the environmental and decision documents containing information documenting that a multi-disciplinary review of the timber harvest proposal has been conducted, and that the proposed MMs/BMPs and additional control measures will be implemented to protect water quality.

3. The USFS must submit a NOI or technical and/or monitoring program reports when directed by the San Diego Water Board.

D. **Specific Waiver Conditions for Timber Operations on Non-Federal Lands**

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

2. For timber operations approved by the CDF pursuant to a Notice of Exemption or Notice of Emergency, a copy of the notice must be provided to the San Diego Water Board.

3. For timber operations with a Timber Harvest Plan or Non-industrial Timber Management Plan (Plans) approved by the CDF, a copy of the Plans must be provided to the San Diego Water Board.

4. Owners/operators of non-federal forest lands must submit a NOI or technical and/or monitoring program reports when directed by the San Diego Water Board.

Waiver No. 6 – Discharges from Animal Operations

A. **Specific Findings for Discharges from Animal Operations**

1. The conditional waiver for discharges from Animal Operations (Animal Operations Waiver) is for discharges from animal operations to land,[47] which contain pollutants that can percolate to groundwater or runoff to surface waters. Discharges from animal operations include discharges to land resulting from animal activities and wastes, and storm water runoff which can also transport pollutants from animal operations to surface waters and groundwater.

2. Discharges from the following Animal Operations facilities are not eligible for enrollment in the Animal Operations Waiver and may be subject to individual National Pollutant Discharge Elimination System (NPDES) permit requirements, or may be required to submit an NOI for coverage under a general NPDES permit.[48]

   a. Large concentrated animal feeding operations (CAFOs);[49]

   b. Medium and small CAFOs, discharging or proposing to discharge to waters of the United States;

3. Discharges from medium CAFOs are eligible for enrollment in the Animal Operations Waiver. For the purpose of the Animal Operations Waiver, Medium CAFOs are defined in Title 40 CFR, Part 122.23(b)(6), which includes the following types and numbers of animals stabled or confined:

   a. 200 to 699 mature dairy cows, milking or dry;

   b. 300 to 999 veal calves;

   c. 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes, but is not limited to, heifers, steers, bulls, and cow/calf pairs;

   d. 750 to 2,499 swine, each weighing 55 pounds or more;

   e. 3,000 to 9,999 swine, each weighing less than 55 pounds;

   f. 150 to 499 horses;

   g. 3,000 to 9,999 sheep or lambs;

   h. 16,500 to 54,999 turkeys;

   i. 9,000 to 29,999 laying hens or broilers, if the Animal Feeding Operation (AFO) uses a liquid manure handling system;

   j. 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;

[47] For the purposes of this waiver, animal operations refers to any place where cattle, calves, sheep, swine, horses, mules, goats, or fowl are corralled, penned, tethered, or otherwise enclosed or held and where feeding is by grazing or other means for a total of 45 days or more in any 12-month period.
[48] Title 40 Code of Federal Regulations (CFR), Part 122.23.
[49] As defined by Title 40 CFR, Part 122.23(b)(4).

k. 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system;

l. 10,000 to 29,999 ducks, if the AFO uses other than a liquid manure handling system; and

m. 1,500 to 4,999 ducks, if the AFO uses a liquid manure handling system

4. Discharges from small CAFOs are eligible for enrollment in the Animal Operations Waiver. For the purpose of the Animal Operations Waiver, Small CAFOs are defined in Title 40 CFR, Part 122.23(b)(9) and do not satisfy the definition of Medium CAFOs.

5. The following types of discharge not regulated under WDRs may be eligible for the Animal Operations Waiver:

a. Discharges from small CAFOs;

b. Discharges from medium CAFOs;

c. Discharges of storm water runoff;

d. Discharge/application of manure to soil as an amendment or mulch; and

e. Discharges from grazing lands.

6. Small CAFOs and grazing lands may potentially be significant sources of pollutants unless effective management measures (MMs) and/or best management practices (BMPs) for animal wastes and activities are properly implemented.

7. In order to be eligible for the Animal Operations Waiver, discharges must comply with the general and specific conditions of this waiver.

8. Discharges from animal operations that comply with the general and specific waiver conditions in the Animal Operations Waiver are not expected to pose a threat to the quality of waters of the State.

IT IS HEREBY ORDERED, that any Discharger proposing to discharge from animal operations, in order to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements.

B. **General Conditions for Discharges from Animal Operations**

1. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.

2. Facility Design and Management

a. Animal operations must comply with any local, State, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses from authorized local agencies.

b. Animal operations must submit technical and/or monitoring program reports when directed by the San Diego Water Board.

c. Animal operations must implement MMs /BMPs to prevent the discharge of pollutants that may adversely impact the quality or beneficial uses of waters of the State. Discharges to MS4s and surface waters are prohibited. Recommended MMs/BMPs are provided in *Equestrian-Related Waste Quality Best Management Practices* available from the County of San Diego Department of Agriculture, Weights and Measures, and/or the *Field Office Technical Guide* available from the Natural Resource Conservation Service (NRCS), or other sources.

d. Animal operations must prevent direct contact between animals and surface water bodies, and MS4 facilities. Animals should not be allowed to graze directly adjacent to or within stream banks. Animal operations should maintain a buffer zone or riparian filter strip between the animals and any surface waters of the State, and MS4 facilities. The buffer zone must adequately minimize the discharge of pollutants from an animal operation. There should be no direct exposure of a surface water body to an animal.

3. Manure Management

a. Animal operations must prevent the direct or indirect discharge of animal wastes (manure, urine, soiled bedding) to any surface waters of the State, which include, but may not be limited to, ephemeral streams, vernal pools, and MS4 facilities.

b. Animal operations, other than grazing operations, must properly manage the wastes (i.e., manure, urine, soiled bedding) generated by the animals at the facility in accordance with the following:

i. Animal wastes must be collected and disposed of regularly (at least once every two weeks);

ii. Animal wastes can be stored temporarily (no longer than two weeks) on site until disposal, unless animal wastes are composted on site. The amount of animal wastes stored in a temporary storage area must not exceed the capacity of the storage area. If animal wastes exceed, or threaten to exceed the capacity of the temporary storage area, the animal wastes must be disposed of immediately;

iii. Areas adjacent to temporary storage area for animal wastes must be graded to prevent storm water and surface runoff from reaching the storage area;

iv. Temporary storage area must be on an impervious surface (e.g., concrete pad or plastic tarp) to prevent leaching of pollutants to groundwater;

v. Temporary storage areas must be protected with a roof or cover, or at a minimum be covered with plastic sheeting if precipitation is forecast within the next 24 hours, to prevent direct contact between precipitation and animal wastes;

vi. A buffer zone of at least 100 feet[50] must be maintained between the temporary storage area for animal wastes and any surface water body unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality; and

vii. If animal wastes are used as a fertilizer, soil amendment, or mulch on grazing lands, application of animal wastes to soil must comply with the conditions specified in section B.3.c of the Animal Operations Waiver.

c. Application of Manure from Animal Operations as a Fertilizer, Amendment, or Mulch to Soil

i. Fresh and/or uncomposted manure, if applied as a fertilizer, amendment, or mulch to soil, manure must be applied to the same property where the manure was generated.

ii. Dried, processed, or composted manure may be applied as a fertilizer, amendment, or mulch to soil on sites other than the property where the manure was generated. Dried, processed, or composted manure may also be applied as a fertilizer, amendment, or mulch to soil on the same property where the manure was generated. Use of dried, processed, or composted manure on or off the property where the manure was generated must comply with the waiver conditions specified in section B.3.c of the Animal Operations Waiver.

iii. Manure applied to soil, must maintain a buffer zone of at least 100 feet[51] between the manure applied to soil and any surface waters of the State, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality.

iv. Soil amendments or mulch materials applied to the soil must be applied in an amount:

(A) Reasonable for the crop or plant, soil, climate, special local situations, management system, and type of soil amendment or mulch. Application rates must take into account storm events during the wet weather season (October 1- April 30). Application rates must not allow soil amendment or mulch materials to be transported off the property in storm water runoff during the wet weather season. Resources to aid Dischargers with the calculation of appropriate soil amendment or mulch application rates are available from the NRCS,

[50] Other federal, State, or local requirements may require larger buffer zones. This condition does not excuse the discharger from complying with other applicable buffer zone requirements.

[51] Other federal, State, or local requirements may require larger buffer zones. This condition does not excuse the discharger from complying with other applicable buffer zone requirements.

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

(B) At site-specific rates appropriate to the season (i.e., dry vs. rainy).

v. Soil amendments or mulch material areas must implement MMs/BMPs to prevent runoff of pollutants to MS4, surface waters, and groundwater.

C. Specific Conditions for Dischargers from Animal Operations

1. Small CAFOs

a. Small CAFOs are eligible for enrollment in the Animal Operations Waiver without submitting a Notice of Intent (NOI).

b. Small CAFOs must not discharge any pollutants to waters of the State or the United States through any man-made conveyance, or directly to waters of the State or the United States which originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation. Non-storm water discharges to MS4s are prohibited.

c. Small CAFOs must be operated and maintained in accordance with the regulations in Calif. Code Regs. title 27 sections 22562 through 22565.

2. Medium CAFOs

a. Discharges of wastes from animal operations may not be initiated unless the Discharger has submitted:

i. A complete NOI; An NOI template is included in Attachment A of the Order, and

ii. The first annual fee if applicable. The amount of the annual fee will be determined by the San Diego Water Board, in accordance with Water Code sections 13269(a)(4) and 13260, and the fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23 section 2200.7.

b. Medium CAFOs must not discharge any pollutants to waters of the State or the United States through any man-made conveyance, or directly to waters of the State or the United States which originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation. Non-storm water discharges to MS4s are prohibited

c. Medium CAFOs must be operated and maintained in accordance with the regulations in Calif. Code Regs. title 27 sections 22562 through 22565.

d. Medium CAFO facility owners or operators must file a NOI with the San Diego Water Board containing, at a minimum, the following information:

i. Property owner name and address;

ii. Owner/operator name and address;

iii. Number and types of animals;

iv. Map of the facility showing the locations of manure stockpiles, nearby surface water bodies, and/or water wells; and

v. Description of existing and planned MMs/BMPs for the prevention of erosion and discharges of animal wastes that could affect the quality of waters of the State.

e. To be eligible for the Animal Operations Waiver, Dischargers must provide sufficient information demonstrating compliance with general and specific waiver conditions in order for the medium CAFO facility to be eligible for the Animal Operations Waiver.

3. Grazing Operations

a. Grazing operations are eligible for enrollment in the Animal Operations Waiver, without submitting a Notice of Intent (NOI). However, grazing operations violating the applicable general and/or specific waiver conditions may be subject to enforcement actions, and/or required to submit a report of waste discharge and be issued waste discharge requirements.

b. Grazing operations must manage grazing fields to allow lands to revegetate and minimize topsoil erosion.

c. Owners of pasture and range lands used for grazing, must implement MMs/BMPs to minimize or eliminate any discharge that could adversely affect the quality or beneficial uses of waters of the State.

Waiver No. 7 – Discharges from Aquatic Animal Production Facilities

A. **Specific Findings for Discharges from Aquatic Animal Production Facilities**

1. The conditional waiver for discharges from Aquatic Animal Production Facilities (Aquatic Animal Facility Waiver) is for discharges of wastewaters to waters of the State and/or the United State from aquatic animal production facilities which are at production levels less than the Confined Aquatic Animal Production (CAAP) production thresholds.[53] For the purposes of the Aquatic Animal Facility Waiver), an aquatic animal production facility means a hatchery, fish farm, aquaculture or other facility that contains, grows, or holds aquatic animals in either of two categories: cold water species or warm water species. Discharges from aquatic animal production facilities may include elevated levels of suspended solids, biochemical oxygen demand, metals, and nutrients.

2. The following types of discharges not otherwise regulated or authorized under WDRs may be eligible for the Aquatic Animal Facilities Waiver:

   a. Wastewater discharges from facilities which produce less than 9,090 harvest weight kilograms (approximately 20,000 pounds) per year of cold water aquatic animal species if the feed is less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding; [54] or

   b. Wastewater discharges from facilities which produce less than 45,454 harvest weight kilograms (approximately 100,000 pounds) per year of warm water aquatic animal species.[55]

3. To be eligible for the Aquatic Animal Production Facilities Waiver, discharges must comply with both the general and specific conditions of this waiver.

4. Discharges from aquatic animal production facilities that comply with the general and specific waiver conditions in the Aquatic Animal Production Facilities Waiver are not expected to pose a threat to the quality of waters of the State and/or the United States.

IT IS HEREBY ORDERED, that any Discharger proposing to discharge from an aquatic animal production facility, to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements.

B. **General Waiver Conditions for Aquatic Animal Production Facilities**

1. Discharges of wastewater from aquatic animal production facilities must:

   a. Not cause or threaten to cause a condition of contamination, pollution, or nuisance; and

   b. Not contain any substance, in concentrations toxic to animal or plant life.

[53] Title 40 Code of Federal Regulations (CFR) Part 122.24 and Appendix C to Title 40 CFR Part 122.
[54] Ibid.
[55] Ibid.

2. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site to perform inspections and conduct monitoring.

C. **Specific Waiver Conditions for Aquatic Animal Production Facilities**

1. Discharges eligible for enrollment in the Aquatic Animal Facilities Waiver must submit:

   a. A complete NOI; An NOI template is included in Attachment A of the Order, .and

   b. The first annual fee if applicable. The amount of the annual fee will be determined by the San Diego Water Board, in accordance with Water Code sections 13269(a)(4) and 13260, and the fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23 section 2200.7.

2. The Discharger must use efficient feed and feeding strategies to limit feed input to the minimum amount reasonably necessary to achieve cold water and/or warm water species aquatic animal production goals and sustain targeted rates of aquatic animal growth.

3. The Discharger must:

   a. Routinely inspect production systems and wastewater treatment systems to identify and promptly repair damage;

   b. Regularly conduct maintenance of production systems and wastewater systems to ensure their proper function;

   c. Ensure proper storage of drugs, pesticides, and feed in a manner designed to prevent spills and discharge to waters of the United States and/or State, and be consistent with the requirements specified in the current MS4 Permit for the San Diego Region;[57]

   d. Implement procedures for properly containing, cleaning and disposing of any spilled materials;

   e. Remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to waters of the United States/ and or State;

   f. Train all relevant personnel in spill prevention and how to respond in the event of a spill to ensure proper clean-up and disposal of spilled material; and

   g. Train all relevant personnel on proper operation and cleaning of production and wastewater treatment systems, including feeding procedures and proper use of equipment.

4. The Discharger must monitor the influent water to the aquatic animal production facility for the parameters specified in Table No. 1 below.

[57] Non-storm water discharges to MS4s are prohibited.

Table No. 1: Influent Monitoring Parameters

Parameter	Units	Sample Type	Minimum Sampling Frequency[1]
Flowrate	MGD	Continuous	Daily
pH	NTU	Grab[2]	Annual
Biochemical Oxygen Demand 5-day @ 20 ºC	mg/L	24-hr composite[3]	Annual
Temperature	ºC	Grab[2]	Annual
Settleable Solids	ml/L	Grab[2]	Annual
Total Suspended Solids	mg/L	24-hr composite[3]	Annual
Ammonia, un-ionized	mg/L	24-hr composite[3]	Annual
Total Nitrogen (as N)	mg/L	24-hr composite[3]	Annual
Total Phosphorus	mg/L	24-hr composite[3]	Annual
Total Recoverable Copper	µg/L	24-hr composite[3]	Annual
Total Recoverable Zinc	µg/L	24-hr composite[3]	Annual
Turbidity	NTU	24-hr composite[3]	Annual

1. All monitoring results are to be submitted with the annual report.
2. A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.
3. A composite sample is defined as a combination of at least eight sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a Facility over a 24-hour period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.

5. The Discharger must monitor the effluent, at a location where a representative undiluted and unaltered sampled of the discharge from the facility can be collected prior to commingling with any other waste stream or body of water. Effluent monitoring must be conducted concurrently with the applications of antifoulants (when applicable). Effluent monitoring samples must be analyzed for the parameters specified in Table 2, section C.5 of this waiver.

Table No.2 Effluent Monitoring Parameters

Parameter	Units	Sample Type	Minimum Sampling Frequency[1]
Flowrate	MGD	Continuous	Daily
pH	NTU	Grab[2]	Annual
Biochemical Oxygen Demand 5-day @ 20 ºC	mg/L	24-hr composite[3]	Annual
Temperature	ºC	Grab[2]	Annual

1. All monitoring results are to be submitted with the annual report.
2. A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.
3. A composite sample is defined as a combination of at least eight sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a Facility over a 24-hour period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically

Table No.2 Effluent Monitoring Parameters *(continued)*

Parameter	Units	Sample Type	Minimum Sampling Frequency[1]
Settleable Solids	ml/L	Grab[2]	Annual
Total Suspended Solids	mg/L	24-hr composite[3]	Annual
Ammonia, un-ionized	mg/L	24-hr composite[3]	Annual
Total Nitrogen (as N)	mg/L	24-hr composite[3]	Annual
Total Phosphorus	mg/L	24-hr composite[3]	Annual
Total Recoverable Copper	µg/L	24-hr composite[3]	Annual
Total Recoverable Zinc	µg/L	24-hr composite[3]	Annual
Turbidity	NTU	24-hr composite[3]	Annual

1. All monitoring results are to be submitted with the annual report.
2. A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.
3. A composite sample is defined as a combination of at least eight sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a Facility over a 24-hour period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically

6. The Discharger must conduct monitoring in accordance with USEPA test procedures approved in 40 CFR 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act as amended, unless other test procedures are specified in the Order or separately by the San Diego Water Board.

7. The Discharge must report with report with each sample result the applicable Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR Part 136. The Discharger must report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

   a. Sample results greater than or equal to the RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).

   b. Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported.

   c. For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words "Estimated Concentration" (may be shortened to "Est. Conc"). The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (± a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

   d. Sample results less than the laboratory's MDL shall be reported as "Not Detected." or ND.

e. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.

8. The Discharger must prepare and submit an annual report containing the following information:

   a. The total pounds of food feed used during the calendar month of maximum feeding;

   b. The species of cold and warm water fish or aquatic animals held at the Facility. For each species the total annual pounds of aquatic animal weight produced by the Facility must be reported as well as the maximum weight present during each calendar month;

   c. Failures or significant mortalities at the Facility caused by contagious diseases that could be discharged and infect aquatic life in the receiving water;

   d. Chemical names of all drugs, disinfectants, and other chemicals used at the Facility during the reporting period that could be discharged into the receiving water. This information must include the amounts and dates of application of drugs, disinfectants, and other chemicals. For drugs, disinfectants, and other chemicals used on a routine basis, the frequency of application may be reported instead of each date of application; and

   e. The annual report must include a tabulation, evaluation, and interpretation of the monitoring data and information, including interpretations and conclusions as to whether the facility operations, production levels and wastewater discharges comply with the waiver conditions described in section 14 a and b above.

9. The San Diego Water Board may add additional monitoring requirements or increase monitoring frequency as deemed necessary to ensure protection of water quality and beneficial uses in the receiving water.

10. The San Diego Water Board may require a Discharger to apply for and obtain separate WDRs or NPDES permit if it determines the discharge is a significant source of pollutants to waters of the State and/or United States.

11. The Discharger must submit the annual report to the San Diego Water Board no later than 5:00 PM on February 1st of each year (or next subsequent immediate business day, if falling on a weekend or state-observed holiday).

12. Any person signing a document under this section must 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."

Waiver No. 8 – Discharges of Slurries to Land

A. **Specific Findings for Discharges of Slurries to Land**

1. The conditional waiver for discharges of Slurries to Land (Slurry Waiver) is for discharges of slurries to land, which may be a source of pollutants that can adversely affect the quality of waters of the State. A slurry typically consists of water and some material to form a liquid mixture.
2. The following types of discharge not regulated under WDRs may be eligible for the Slurry Waiver:
   a. Discharges to land of drilling muds;
   b. Discharges to land of concrete grinding residues; and
   c. Discharges to land of slurries from sand and gravel mining operations
3. To be eligible for the Slurry Waiver, discharges must comply with both the general and specific conditions of this waiver.
4. Discharges of slurries to land that comply with the general and specific waiver conditions in the Slurry Waiver are not expected to pose a threat to the quality of waters of the State.

IT IS HEREBY ORDERED, that any Discharger proposing to discharge slurries to land, in order to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements.

B. **General Waiver Conditions for Slurries Discharged to Land**

1. Slurries discharged to lands must:
   a. Not directly or indirectly discharge into any MS4s or surface waters of the State (including ephemeral streams and vernal pools);
   b. Be contained to eliminate the potential for runoff from the site;
   c. Not contain any toxic or hazardous constituents;
   d. Not adversely affect the quality or beneficial uses of underlying groundwater; and
   e. Be removed and disposed of at an appropriate disposal facility prior to restoring the storage area or sump to pre-discharge conditions.
2. For slurries discharged to land for storage, the storage area or sump must be:
   a. Designed to be fully contained and ensure no overflow during discharge with at least 2 feet of freeboard;
   b. At least 5 feet above the highest known historical or anticipated groundwater level;
   c. Located to prevent conditions of pollution or nuisance, of any surface water body or municipal water well; and
   d. Filled in and restored to pre-discharge conditions, if no longer in use.

3. Dischargers eligible for enrollment in the Slurry Waiver must submit a NOI. An NOI template is included in Attachment A of the Order.

4. Discharger must submit a technical and/or monitoring program reports when directed by the San Diego Water Board.

5. Discharges to land of concrete grinding residues do not have specific discharge conditions.

C. **Specific Waiver Conditions for Discharges to Land of Drilling Muds**

1. Discharges of drilling mud cannot be from borings advanced for a soil or groundwater contamination investigation or cleanup.

2. Discharges of drilling muds must comply with the requirements for exemption from Calif. Code Regs. title 27, section 20090(g).

D. **Specific Waiver Conditions for Discharges to Land of Slurries from Sand and Gravel Mining Operations**

1. The Discharger must be enrolled in and in compliance with the Industrial Storm Water General Permit Order No. 2014-0057-DWQ (Industrial Storm Water General Permit) or any subsequently adopted Industrial Storm Water General Permit. Requirements contained within the Industrial Storm Water General Permit supersede all the surface water requirements set forth in these waiver conditions for Slurries Discharged to Land.

2. The Discharger must comply with any applicable requirements imposed by State and local agencies responsible for ensuring compliance with the NPDES Permit and Waste Discharge Requirements for Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region.[59]

3. Discharges must be at least 100 feet[60] away from any surface water body or municipal water well.

[59] National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region (Order No. R9-2013-0001, NPDES No. CAS0109266), or subsequent permit adopted by the San Diego Water Board.

[60] Other federal, State, or local requirements may require larger setbacks. This condition does not excuse the discharger from complying with other applicable setback requirements.

Waiver No. 9 – Discharges/Disposal to Land of Solid Wastes.

A. **Specific Findings for Discharges/Disposal to Land of Solid Wastes**

1. The conditional waiver for Discharges/Disposal to Land of Solid Wastes (Solid Waste Waiver) is for discharges of solid wastes to land which may be a source of pollutants that can adversely affect the quality of waters of the State.
2. The export of soils from sites not known to be contaminated is not subject to enrollment under the Solid Waste Waiver.
3. The following types of discharge not regulated under WDRs may be eligible for the Solid Waste Waiver:
   a. Discharges/application to land of amendments[61] and/or mulches[62];
   b. Discharges to land of soils containing wastes to temporary waste piles;
   c. Discharges/disposal to land of inert wastes to solid waste disposal facilities only accepting inert wastes; and
   d. Discharges to land for the disposal/reuse of soils characterized as inert from known contaminated sites.
4. To be eligible for the Solid Waste Waiver, discharges must comply with both the general and specific conditions of this waiver.
5. Discharges of solid wastes to land that comply with the general and specific waiver conditions in the Solid Waste Waiver are not expected to pose a threat to the quality of waters of the State.

IT IS HEREBY ORDERED, that any Discharger proposing to discharge solid wastes to land, in order to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements.

B. **General Waiver Conditions for Discharges/Disposal of Solid Wastes to Land.**

1. Discharges/Disposal of solid wastes to land must:
   a. Not be allowed to directly or indirectly enter any MS4s or surface waters of the State, including ephemeral streams and vernal pools; and
   b. Not cause or threaten to cause a condition of contamination, pollution, or nuisance.
2. Discharge operations/facilities accepting and/or discharging solid wastes to land must:

[61] For the purposes of this waiver, the term “amendments” refers to materials (e.g., compost) added to the soil to improve its nutrient, water, and air holding abilities. Soil amendments may be incorporated into the soil, or placed on top of the ground surface.

[62] For the purposes of this waiver, the term “mulches” refers to chipped and ground materials consisting of, but may not be limited to leaves, bark, straw, and pine needles. Mulches are typically applied to the ground surface for weed and erosion suppression, and water conservation efforts.

a. Comply with local, State, and federal ordinances and regulations and obtain any required permits, certifications, and/or licenses;

b. Prevent the discharge of any pollutants to MS4s and surface waters that could adversely affect the quality or beneficial uses of waters of the State; and

c. Allow the San Diego Water Board and/or other local regulatory agencies reasonable access to the site to perform inspections and conduct monitoring.

3. Discharges eligible for enrollment in the Solid Waste Waiver must submit a complete NOI, as specified in the respective specific waiver conditions. An NOI template is included in Attachment A of the Order.

4. Discharger must submit a technical and/or monitoring program reports when directed by the San Diego Water Board.

C. **Specific Waiver Conditions for Discharges/Disposal to Land of Solid Wastes**

1. Discharges/Application to Land of Amendments and/or Mulches.

a. Discharges of amendments and/or mulches to soil applied at the following locations for erosion control and soil stabilization, landscaping and water conservation efforts, are not expected to pose a threat to the quality of the water of the State and are therefore exempt from the specific waiver conditions of this waiver and are not required to file an NOI.

i. Residential properties

ii. Educational institutions

iii. Parks

iv. Hospitals

v. Prisons

vi. Community gardens

vii. Commercial, construction, industrial, and/or business parks

viii. State, county, or city roadways, and other right of ways

ix. Other government properties (e.g., courthouses, administrative offices, training facilities)

b. Discharges of amendments and mulches to soils, not specifically listed in section C.1.a of this waiver, must submit:

i. A complete NOI; An NOI template is included in Attachment A of the Order, and

ii. The first annual fee if applicable. The amount of the annual fee will be determined by the San Diego Water Board, in accordance with Water Code sections 13269(a)(4) and 13260, and the fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23 section 2200.7.

c. Discharges of amendments or mulches applied to soil cannot include any of the following additives, unless sufficient information is provided in the NOI to demonstrate that the waste does not pose a potential threat to water quality:

i. Municipal solid wastes;

ii. Sludges, including sewage sludge, water treatment sludge, and industrial sludge;

iii. Septage;

iv. Liquid wastes;

v. Oil and grease; and

vi. Hazardous, designated, and any other wastes determined by the San Diego Water Board to pose a potential threat to water quality.

d. Discharges of amendments applied to soil must comply with the requirements for exemption from Calif. Code Regs. title 27, section 20090(f).

e. Soil amendments or mulch materials eligible to be applied to soil, the amount must be reasonable for the crop or plant, soil, climate, special local situations, management system, and type of soil amendment or mulch. Application rates must take into account storm events. Application rates must not allow soil amendment or mulch materials to be transported off the property in storm water runoff during the wet weather season. Resources and assistance may be available from the Natural Resource Conservation Service (NRCS), University of California Cooperative Extension (UCCE), and other organizations. A copy of the calculations and/or estimate of the application rate must be available on site for inspection.

f. Soil amendments or mulch materials to soil must be applied at site-specific rates appropriate to the season (i.e., dry vs. rainy).

g. Soil amendments or mulch materials must implement MMs/BMPs to minimize or eliminate runoff and leachate to surface waters and groundwater.

2. Discharge to Land of Soils Containing Wastes to Temporary Waste Piles.

a. For ***any soils containing wastes*** temporarily stored in waste piles, the following conditions apply:

i. To be eligible for this waiver, the Discharger must submit the following within 30 days of the initial discharge of any waste piles:

(A) A complete NOI. An NOI template is included in Attachment A of the Order;

(B) A Temporary Waste Pile Certification form, Part 1. The Temporary Waste Pile Certification form is included in

Attachment C of the Order. The property owner must approve and acknowledge the placement of the waste at the site;

(C) The first annual fee. The amount of the annual fee will be determined by the San Diego Water Board, in accordance with Water Code sections 13269(a)(4) and 13260, and the fee schedule promulgated in Calif. Code Regs. title 23 sections 2200.7; and

(D) A complete Temporary Waste Pile Certification form, Part 2, within 10 working days of completing removal of all waste and restoring the site to its original condition. The Temporary Waste Pile Certification form is included in Attachment C of the Order.

ii. The Discharger, unless otherwise specified in the applicable conditions of this waiver, must not allow temporary waste piles to remain on a site for longer than 6 months or 180 days, whichever is longer.

iii. The temporary discharge of waste must not cause:

(A) The occurrence of coliform or pathogenic organisms in waters pumped from the hydrologic basin;

(B) The occurrence of objectionable tastes and odors in water pumped from the hydrologic basin;

(C) Waters pumped from the hydrologic basin to foam;

(D) The presence of toxic materials in waters pumped from the hydrologic basin;

(E) The pH of waters pumped from the hydrologic basin to fall below 6.0 or rise above 9.0;

(F) Pollution, contamination or nuisance or adversely affect the quality or beneficial uses of groundwater or surface waters of the hydrologic subareas established in the Basin Plan; and/or,

(G) A violation of any discharge prohibitions in the Basin Plan for the San Diego Region.

iv. The Discharger must conduct regular inspections of temporary waste piles and associated MMs/BMPs at least once per week. Corrective actions must be taken as necessary to ensure compliance with the conditions of this waiver.

v. Surface drainage must be diverted away from the temporary waste piles. For all temporary waste piles, the discharger must implement effective MMs/BMPs to prevent surface water run on and runoff from contacting wastes, and to prevent erosion and transport of wastes by surface runoff. Non-storm water discharges to MS4s are prohibited. Discharges of storm water

to MS4s containing pollutants as a result of contact with the waste piles are prohibited.

vi. Temporary waste piles must be:

(A) Placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet[68] from any surface water of the State, or any MS4 facility, unless sufficient information is provided in the NOI, to demonstrate that a proposed alternative is protective of water quality;

(B) Protected against 100-year peak stream flows as defined by the county flood control agency;

(C) Covered by plastic sheeting (not less than 10 mils thick, unless otherwise specified under the applicable Special Conditions) to adequately prevent rainwater infiltration, control fugitive dust, and prevent other nuisances; and

(D) Underlain by either plastic sheeting (not less than 10 mils thick, unless otherwise specified under the applicable conditions) or a liner of low permeability material that will prevent leachate from infiltrating to groundwater.

vii. Solid wastes discharged to temporary waste piles, together with any containment materials used at the temporary waste pile, and any underlying geologic materials impacted by the discharge, must be removed within 6 months or 180 days (whichever is longer), unless otherwise specified under the applicable Special Conditions. Subsequently, the discharger must remove all wastes, treatment facilities, and related equipment, and dispose of those items in accordance with applicable regulations. The site must be restored to its original state within 30 days after the temporary waste pile is removed, unless otherwise specified under the applicable Special Conditions.

viii. The discharger must post at least one clearly visible sign listing the following minimum information:

(A) Project name,

(B) Name and address of discharger,

(C) Brief project description, and

(D) 24-hour contact information – name, address, facsimile, and telephone number for the project for as long as the temporary waste pile remains on the site.

[68] Other federal, State, or local requirements may require larger setbacks. This condition does not excuse the discharger from complying with other applicable setback requirements.

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

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

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

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

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

v. In addition to the conditions stated herein, temporary waste piles must conform to applicable provisions of ordinances and regulations issued by the local regulatory agencies for Orange, Riverside, or San Diego Counties.

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

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

i. Dredged spoils and associated solid waste containing heavy metals discharged into temporary waste piles must be limited to a maximum time period of 270 days on a site, whichever is longer.

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

iii. Temporary waste piles must be underlain by plastic sheeting (not less than 20 mils thick) or a liner of lower permeability that will prevent leachate from infiltrating to groundwater. Sufficient information must be provided in the NOI demonstrating that the liner and containment facility has been designed to contain all solid wastes and fluids.

iv. Materials used in containment structures must have the appropriate chemical and physical properties to ensure that such structures do not fail to contain waste because of: the

stress of installation, pressure gradients, physical contact with the waste or leachate, or chemical reactions with soil and rock.

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

3. Discharges/Disposal to Land of Inert Wastes to Solid Waste Disposal Facilities Accepting Only Inert Wastes.[69]

a. Discharges/disposal to land of inert wastes to solid waste disposal facilities accepting only inert wastes, must submit:

i. A complete NOI; and

ii. The first annual fee if applicable. The amount of the annual fee will be determined by the San Diego Water Board, in accordance with Water Code sections 13269(a)(4) and 13260, and the fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23 section 2200.7.

An NOI template is included in Attachment A of the Order.

b. Inert solid waste must not contain hazardous waste, or soluble or decomposable constituents.

c. Inert solid waste cannot contain any "free liquids."[71]

d. Owner/operator of disposal facility must secure the disposal site and prevent unauthorized disposal by the public.

e. Inert solid wastes exclude any wastes determined by the San Diego Water Board to potentially have an adverse effect on the quality or beneficial uses of waters of the State, even if classified as inert waste.

4. Discharges to Land for the Disposal/Reuse of Soils Characterized as Inert from Known Contaminated Sites.[72]

a. Discharges to land for the disposal/reuse of soils characterized as inert from known contaminated sites, must submit:

i. A complete NOI,

ii. Waiver 9: Inert Waste Certification – Part 1 - Enrollment; and

iii. The first annual fee if applicable. The amount of the annual fee will be determined by the San Diego Water Board, in accordance with Water Code sections 13269(a)(4) and 13260,

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

[71], "Free liquids" defined by Calif. Code Regs. title 27 section 20164 as "liquid which readily separates from the solid portions of waste under ambient temperature and pressure."

[72] For the purposes of this waiver, a known contaminated site may contain soils characterized and determined by the discharger to be unimpacted by the release of waste. Soils that have not been impacted by the release of waste may be exported and are not subject to this waiver.

and the fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23 section 2200.7.

An NOI template is included in Attachment A of the Order. The Inert Waste Certification, Part 1 – Enrollment is included in Attachment B of the Order.

b. For ***all waste soils characterized as inert (Tier 1 or Tier 2)***, the following conditions apply:

i. Inert waste soils from known contaminated sites cannot be transported off site and discharged/disposed/reused directly or indirectly to any MS4s or surface waters of the State, including ephemeral streams and vernal pools.

ii. Inert waste soils from known contaminated sites cannot contain significant quantities of decomposable wastes, refuse, or trash.

iii. Inert waste soils from known contaminated sites cannot contain any "free liquids."[75]

iv. Inert waste soils that are discharged/disposed/reused at any site cannot have any hydrocarbon, chlorinated solvent, or other contaminant-based odor.

v. Sites that export or import soils characterized as inert from known contaminated sites for use as fill material or any other purpose must comply with any applicable federal, State, or local permitting requirements, regulations, and/or ordinances pertaining to the use of imported soil.

vi. Sites that export or import soils characterized as inert from known contaminated sites for use as fill material or any other purpose must implement MMs/BMPs to eliminate the potential for erosion and transport of sediment off the site.

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

viii. Prior to exporting soil characterized as inert from a known contaminated site, the owner/operator of the export site must file a NOI[76] with the San Diego Water Board. The NOI must:

(A) Be filed no less than 5 working days prior to the beginning of export shipments; and

(B) Include a map of the site showing the locations of excavations, borings and/or stockpiles, MMs/BMPs that

[75] "Free liquids" defined by Calif. Code Regs. title 27 section 20164 as "liquid which readily separates from the solid portions of waste under ambient temperature and pressure."

[76] A Notice of Intent required to be submitted for enrollment in the Solid Waste Waiver is located in Attachment A of Order No. R9-2019-0005 (Appendix B of this Technical Report).

will be taken to eliminate any discharge of water that has come into contact with waste soils to MS4s, and prevent discharges of waste soil that could affect surface water and groundwater quality, estimated volumes (can be a range of volumes) of inert waste soil that will be generated for use off the site, estimated number (can be a range) and locations of samples that will be collected for characterization, and name of the certified environmental analytical laboratory that will perform the analysis.

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

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

ii. Waste soil must be segregated into 2 categories:

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

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

iii. Samples must be collected from the waste soil suspected to be inert for laboratory analysis. The minimum number of samples required to characterize the soil are specified in Table No. 1 of the Solid Waste Waiver.

Table No. 1: Sample Analysis Required

Volume of Soil	Required Number of Samples Analyzed
<100 cy	4 samples
100 cy to <500 cy	4 samples, plus 1 sample for every additional 25 cy over 100 cy
500 cy to <5,000 cy	20 samples, plus 1 sample for every additional 500 cy over 500 cy
5,000 cy or more	29 samples, plus 1 sample for every additional 1,000 cy over 5,000 cy[77]

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

(A) Total concentrations of those Calif. Code Regs. title 22 metals identified as contaminants of concern for the export site. For sites identified with burn ash[78], the site must be investigated, and the burn ash must be characterized for disposal purposes according to the protocol established by the lead regulatory agency (e.g., Department of Toxic Substances Control, California Department of Resources Recycling and Recovery, or others) to identify contaminants of concern at the site. The soil outside of the area of impact of the burn ash must be tested for the total concentration of those metals identified as contaminants of concern based on the findings of the burn ash investigation technical study.

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

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

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

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

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

[78] For the purposes of the Solid Waste Waiver, “burn ash” sites are those where solid waste has been burned at low temperature and the residual burn ash pits and burn ash layers are present in soil.

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

v. For detected concentrations of constituents (as defined in section C.4.c.iv(E) of this waiver) other than Calif. Code Regs. title 22 metals, a representative number of soil samples must also be analyzed by a State-certified analytical laboratory using a zero headspace extractor and the Synthetic Precipitation Leaching Procedure (SPLP).[79] If analytical results indicate the detection of leachable concentrations of constituents, the NOI must also explain why the wastes qualify as inert waste under Calif. Code Regs. Title 27, section 20230.

vi. For detected concentrations of Calif. Code Regs. Title 22 metals, a representative number of soil samples must be analyzed by a State-certified laboratory. If analytical results indicate the detection of soluble concentrations of Calif. Code Regs. title 22 metals, the NOI must also explain why the wastes qualify as inert waste under Calif. Code Regs. title 27, section 20230.

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

i. Soil cannot contain any detectable concentrations of contaminants other than Calif. Code Regs. title 22 metals, or leachable concentrations of constituents that do qualify under the definition of “inert waste” specified in Calif. Code Regs. title 27, section 20230. If analytical results indicate leachable detectable concentrations (see sections C.4.c.v and C.4.c.vi of this waiver) of constituents the NOI must also explain why the wastes qualify as inert waste under Calif. Code Regs. title 27, section 20230.

ii. For those Calif. Code Regs. title 22 metals that have been identified as contaminants of concern for the export Site, samples must be analyzed by an SW846 method using the reporting limits set forth in Table No. 2 below. From these data, the 90 percent upper confidence level (UCL) must be determined. Prior to calculating the 90 percent UCL, the discharger must determine whether the sample set is normally, log-normally or non-normally distributed. If log-normally distributed, one must determine the 90 percent UCL on the log-normal mean. If non-normally distributed, but sufficiently symmetrical, calculate the 90 percent UCL on the median (50th percentile), instead of the mean. See USEPA SW846 Chapter 9 and the USEPA Guidance for Data Quality Assessment for a discussion of waste characterization and statistical analysis; in

[79] See USEPA SW846 methods, EPA Method 1312 (Synthetic Precipitation Leach Procedure – SPLP), available online at: http://www.epa.gov/osw/hazard/testmethods/sw846/online/.

particular the guidance on testing for normality, calculating a 90 percent UCL, and handling of non-detected values.[80]

iii. For those Calif. Code Regs. title 22 metals that have been analyzed in accordance with section C.4.d.i of this waiver, must be equal to or less than the concentrations provided in Table No. 2, section C.4.d of this waiver.

iv. An Inert Waste Certification must be filed with the San Diego Water Board by the owner/operator of the export site within 30 days following completion of export activities. The Inert Waste Certification must include the following information:

(A) Generator name and contact information;

(B) Export site location, owner name and contact information;

(C) Map of the export site showing the location of the excavation, borings, stockpiles, and/or samples collected;

(D) Approximate volume of inert waste soil exported from the site;

(E) Description of BMPs implemented to prevent discharge of waste soil off the export site during excavation and transport;

(F) Laboratory analytical data, including number of samples collected, USEPA approved analytical methods used, the 90 percent UCL of the data for the contaminants of concern, and name of certified environmental analytical laboratory that performed the analysis; and

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

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

Table No. 2: Tier 1 Soil Screening Levels

Calif. Code Regs Title 22 Metals	Inert Waste Target[a] (mg/kg)	Residential ESL[b] (mg/kg)	e-PRG[c] (mg/kg)	Background[d] Mean (mg/kg)	Tier 1 SSL[e,f] (mg/kg)
Antimony	6.0	31.29	5.0	0.60	**5.0**
Arsenic	50	0.07	9.9	3.5	**3.5**
Barium	1,000	15,305.24	283	509	**509**
Beryllium	4.0	154	10	1.28	**4.0**
Cadmium	5.0	39	4.0	0.36	**4.0**
Chromium, Total	50	NA	0.4	122	**122**
Chromium, Hexavalent	50	0.3	NA	NA	**0.3**
Cobalt	NA	23.4	20	14.9	**20**
Copper	1,300	3,128.57	60	28.7	**60**
Lead	15	80	40.5	23.9	**23.9**
Mercury	2.0	12.51	0.00051	0.26	**0.26**
Molybdenum	NA	391.07	2.0	1.3	**2.0**
Nickel	100	824.63	30	57	**57**
Selenium	50	391.07	0.21	0.058	**0.21**
Silver	NA	391.07	2.0	0.80	**2.0**
Thallium	2.0	0.78	1.0	0.56	**0.78**
Vanadium	50	393.11	2.0	112	**112**
Zinc	NA	23,464.29	8.5	149	**149**

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

b. Values taken from the San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs). Based on Residential land use, sand scenario soil type, and shallow soil exposure depth (Feb.2016 Rev.3).

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

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

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

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

e. For reuse of ***Tier 2 inert waste soils (only for commercial or industrial development purposes within the San Diego Region)***, the following conditions apply:

i. Soil should not contain any detectable concentrations of contaminants other than Calif. Code Regs. title 22 metals, or leachable concentrations of constituents that do not qualify under the definition of "inert waste" specified in Calif. Code Regs. title 27, section 20230. If analytical results indicate leachable detectable concentrations (see sections C.4.c.v and C.4.c.vi of this waiver) of constituents, the NOI must also explain why the wastes qualify as inert waste under Calif. Code Regs. title 27, section 20230.

ii. Samples must be analyzed by an SW846 method using the reporting limits set forth in Table No. 3 below. From these data, the 90 percent UCL must be determined. Prior to calculating the 90 percent UCL, the discharger must determine whether the sample set is normally, log-normally or non-normally distributed. If log-normally distributed, one must determine the 90 percent UCL on the log-normal mean. If non-normally distributed, but sufficiently symmetrical, calculate the 90 percent UCL on the median (50th percentile), instead of the mean. See USEPA SW846 Chapter 9 and the USEPA Guidance for Data Quality Assessment for a discussion of waste characterization and statistical analysis; in particular the guidance on testing for normality, calculating a 90 percent UCL, and handling of non-detected values.[81]

iii. For those Calif. Code Regs. title 22 metals that have been analyzed in accordance with section C.4.e.i of this waiver, must be equal to or less than the concentrations provided in Table No. 3, section C.4.e of this waiver.

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

Table No. 3: Tier 2 Soil Screening Levels

Pollutant	Inert Waste Target[a] (mg/kg)	Commercial /Industrial Soil ESL[b] (mg/kg)	Background[c]		TTLC[d]	Tier 2 SSL[e,f] (mg/kg)
			Max (mg/kg)	½ Max (mg/kg)		
Antimony	6.0	467.2	1.95	0.98	500	**6.0**
Arsenic	50	0.0.305	11	5.5	500	**5.5**
Barium	1,000	216,610.9	1,400	700	10,000	**1,000**
Beryllium	4.0	2,212.07	2.7	1.4	75	**4**
Cadmium	5.0	578.28	1.70	0.85	100	**5**
Chromium, Total	50	NA	1,579	790	2,500	**790**
Cobalt	NA	347	46.9	23.5	8,000	**347**
Copper	1,300	46,720	96.4	48.2	2,500	**1,300**
Lead	15	320	97.1	48.6	1,000	**49**
Mercury	2.0	186.69	0.90	0.45	20	**2**
Molybdenum	NA	5,840	9.6	4.8	3,500	**3,500***
Nickel	100	11,132.85	509	255	2,000	**255**
Selenium	50	5,839.71	0.43	0.22	100	**50**
Silver	NA	5,839.71	8.30	4.2	500	**500***
Thallium	2.0	11.68	1.10	0.55	700	**2**
Vanadium	50	5,829.11	288	144	2,400	**144**
Zinc	NA	350,400	236	118	5,000	**5,000***

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

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

b- Values taken from the San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs). Based on Commercial/Industrial land use, sand scenario soil type, and shallow soil exposure depth (Feb.2016 Rev.3).

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

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

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

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

iv. An Inert Waste Certification must be filed with the San Diego Water Board by the owner/operator of the export site within 30 days following export and placement of the soil. The Inert Waste Certification must include the following information:

(A) Generator name and contact information;

(B) Export site location, owner name and contact information;

(C) Approximate volume of inert waste soil exported from the site;

(D) Description of BMPs implemented to prevent discharges of waste soil, off the export site, during excavation and transport[82];

(E) Laboratory analytical data, including number of samples collected, EPA approved analytical methods used the 90 percent UCL of the data for the contaminants of concern, and name of certified environmental analytical laboratory performing analysis;

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

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

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

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

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

ii. Tier 2 inert waste soil must be placed at least 5 feet above the highest historically known or anticipated level of groundwater.

[82] BMPs implemented to prevent storm water from contacting waste soils.

The soil that separates the inert waste soil from groundwater must have a clay content greater than 5 percent clay material or an in-situ permeability of less than 10^{-5} cm/sec.

iii. Tier 2 inert waste must be placed at least 100 feet[83] from the nearest surface water body, and any MS4 facility.

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

v. Tier 2 inert waste must be covered by either:

(A) engineered materials such as used as road base, fill beneath buildings, bridge abutments), or

(B) not less than 2 feet of non-contaminated, clean fill.

The cover must have a permeability of no more than 10^{-5} cm/sec. Placement of a cover on the inert waste soils must be completed with 30 days of discharging the final load of inert waste soils at the import site.

[83] Other federal, State, or local requirements may require larger setbacks. This condition does not excuse the discharger from complying with other applicable setback requirements.

Waiver No. 10 – Aerially Discharged Wastes Over land

A. **Specific Findings for Aerially Discharged Wastes Over Land.**

1. This conditional waiver for Aerially Discharged Wastes Over Land (Aerial Waste Waiver) is for discharges of wastes that have been discharged aerially over land, which may be a source of pollutants that can adversely affect the quality of waters of the State.
2. The following types of discharge not regulated under WDRs may be eligible for the Aerial Waste Waiver:
   a. Discharges of wastes related to fireworks displays over land; and
   b. Other periodic aerial discharges of wastes to land.
3. To be eligible for the Aerial Waste Waiver, discharges must comply with both the general and specific conditions of the Aerial Waste Waiver.
4. Wastes discharged aerially over land that comply with both the general and specific waiver conditions in the Aerial Waste Waiver are not expected to pose a threat to the quality of waters of the State.

IT IS HEREBY ORDERED, that any Discharger proposing to aerially discharge waste over land, in order to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements

B. **General Conditions for Aerially Discharged Wastes Over Land**

1. Aerially discharged wastes cannot be discharged into any MS4s, or surface waters of the State (including ephemeral streams and vernal pools).
2. Aerially discharged wastes must not cause or threaten to cause a condition of contamination, pollution, or nuisance.
3. Aerially discharged wastes must not impact the quality of groundwater in any water wells or surface water in any drinking water reservoirs.
4. Dischargers must comply with any local, State, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses from authorized local agencies.
5. Discharger must submit a complete NOI. An NOI template is included in Attachment A of the Order.
6. Dischargers must submit technical and/or monitoring program reports when directed by the San Diego Water Board.
7. Other periodic aerial discharges of wastes to land, do not have specific discharge conditions.

C. **Specific Conditions for Discharges of Waste Related to Fireworks Displays Over Land**

1. No more than one fireworks display may be conducted from a launch site or within 1.0 mile of another launch site within a 48-hour period.[85] If the organizer will have more than one fireworks display within a 48-hour period, the organizer must file a NOI containing information about the fireworks to be used, location of launch area and nearby water bodies and groundwater basins, surrounding land uses, planned period of and frequency of discharge, copies of any permits obtained from other public agencies, and measures that will be taken to minimize or eliminate the discharge of pollutants that might affect surface water and groundwater quality. Sufficient information must be submitted before the discharge may begin.
2. All fireworks-related debris must be cleaned up from land surface areas.
3. Launch areas and deposition areas of fireworks displays may not be located within areas designated as Zone A for groundwater source area protection, as defined by the California Department of Public Health's (CDPH's) Drinking Water Source Assessment Protection (DWSAP) Program. This condition may be waived if the owner or operator of a groundwater drinking water source, through a permit, specifically allows the fireworks display launch area and/or deposition area within an area designated as Zone A for groundwater source area protection.
4. Launch areas and deposition areas of fireworks displays may not be located within areas designated as Zone A for surface water source protection, as defined by the CDPH's DWSAP Program. This condition may be waived if the owner or operator of a surface water source reservoir or intake structure, through a permit, specifically allows the fireworks display launch area and/or deposition area within an area designated as Zone A for surface water protection.
5. The fireworks display must be permitted by all relevant public agencies that require permits for fireworks displays (e.g., fire departments, municipal governments, law enforcement, water supply agencies). Copies of any permits must be available on site for inspection.
6. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site to perform inspections and conduct monitoring.

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

Waiver No. 11 – Discharges of Emergency/Disaster Related Wastes

A. **Specific Findings for Discharges of Emergency/Disaster Related Wastes**

1. This conditional waiver for Discharges of Emergency/Disaster Related Wastes (Emergency Waste Waiver) is for discharges of wastes resulting from a regional emergency or disaster and the Governor of California issues a proclamation, pursuant to Government Code sections 8625 and 8558(b), identifying a portion of the San Diego Region as being in a state of emergency. Waste streams from regional disasters may be a source of pollutants that can adversely affect the quality of waters of the State.

2. Emergency situations, as defined by the California Environmental Quality Act (CEQA), can create extraordinary conditions within any waters of the State posing imminent threats to life, health, property, the delivery of public services, and beneficial uses of waters of the State. Under CEQA,[86] an "emergency" is defined to be:

   "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. "Emergency" includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage."

3. Except as provided under Water Code section 13269, subdivision (d), and upon notification of the San Diego Water Board, Water Code section 13269, subdivision (c) provides that neither submittal of a ROWD, nor the adoption of WDRs is required for discharges resulting from certain emergency activities. The emergency activities described in Water Code section 13269, subdivision (c) are:

   a. *Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the Government Code, section 8550 et seq.;* and

   b. *Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in the Vehicle Code, section 360, except for a highway designated as an official state scenic highway pursuant to the Vehicle Code, section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide within one year of the damage. This paragraph does not exempt from this section any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.*

[86] Public Resources Code, section 21060.3.

4. The following types of discharge not regulated under WDRs may be eligible for the Emergency Waste Waiver:

   a. Incidental discharges of oil and oily water within a response area during an oil spill response in marine waters;

   b. Discharges of disaster related wastes to temporary waste piles and surface impoundments;

   c. Discharges of mass mortality wastes to temporary waste piles and emergency landfills;

   d. Emergency repair and protection activities in non-federal waters of the State;

   e. Discharges of dredge or fill material into non-federal waters of the State, under emergency conditions; and/or

   f. Other discharges of emergency/disaster related wastes.

5. These types of discharge are generated during emergency and disaster related situations, requiring expedited handling and disposal of wastes or emergency discharges of dredge or fill material into, or emergency repair and protection activities in non-federal waters of the State. Therefore, emergency/disaster related waste discharges were grouped into one discharge classification. Emergency/disaster related waste discharges or discharges of dredge or fill material into, or emergency repair and protection activities in non-federal waters of the State that comply with the waiver conditions should minimize the potential impact and should not pose a significant threat to the quality of waters of the State.

6. In the event of an emergency or disaster, significant amounts of wastes may be generated. Cleanup, management and disposal of emergency/disaster related waste can result in the discharge of multiple waste streams which can adversely affect the quality of surface water and/or groundwater. The issuance of WDRs would significantly impede the cleanup of emergency/disaster related wastes, which would likely increase the threat to public health and the environment. Therefore, in the interest of expediting the cleanup of emergency/disaster related wastes, issuing a waiver for these types of discharge would be in the public interest.

7. The issuance of waiver conditions should be developed in order for members of the public, cities, counties, local agencies and organizations, and/or the San Diego Water Board to determine if discharges of emergency/disaster related wastes are in conformance with this waiver. If dischargers are not in compliance with waiver conditions, they can be issued a Notice of Violation and required to correct deficiencies in order to be eligible for the Emergency Waste Waiver. If dischargers of emergency/disaster related wastes violate any waiver conditions, the San Diego Water Board has the option to terminate the waiver for the discharge and begin regulating the discharge with individual WDRs and/or take other enforcement actions.

8. Discharges of dredged or fill material into non-federal waters of the State[87] may be necessary for repair and protection measures associated with an emergency situation to mitigate and abate threats caused by emergencies, as defined under CEQA.[88]

9. Discharges of dredged or fill material for emergency repair and protection measures may constitute discharges of waste that could affect the quality of waters of the State. Repair and protection activities that may result in such discharges can include, but are not limited to, the cleaning of culverts and associated concrete aprons, bank or slope stabilization, removal of debris (e.g., trash, dead vegetation, structural debris, etc.), repair of transportation routes, and the construction of check dams and sediment basins. Discharges that may occur during the conduct of emergency repair and protection activities can include, but are not limited to, earth, rock, or similar inert materials and discharges of pollutants associated with construction equipment or materials.

10. Eligible discharges to non-federal waters of the State, associated with emergency repair and protection activities, in normal circumstances may be able to be permitted pursuant to *Water Quality Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges To Waters Deemed by The U.S. Army Corps of Engineers To Be Outside of Federal Jurisdiction*.[89] Notwithstanding, this Emergency Waste Waiver can be used to expedite projects required by emergency situations even though they may otherwise be eligible for enrollment in Order No. 2004-0004-DWQ.

11. In order to be eligible for the Emergency Waste Waiver, discharges must comply with both the general and specific waiver conditions of this waiver.

    a. Incidental Discharges During an Oil Spill Response;

    b. Disaster Related and Mass Mortality Wastes Disposed at Regulated Waste Disposal Facilities;

    c. Disaster Related and Mass Mortality Wastes Discharged to Temporary Waste Piles Located at Regulated Waste Disposal Facilities;

    d. Disaster Related Wastes Discharged to Temporary Waste Piles not Located at Regulated Waste Disposal Facilities;

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[87] Non-federal waters of the State include surface waters determined by the U.S. Army Corps of Engineers and/or the U.S. Environmental Protection Agency to be outside of federal jurisdiction (e.g. certain vernal pools, other isolated water bodies, and certain intermittent or ephemeral streambeds that lack a significant nexus to traditionally navigable waters).

[88] In addition, wildfires can exacerbate the risk of flooding, erosion, debris flows, and slope failures as a result of the loss of vegetated cover within a watershed. Likewise, damage from earthquakes/aftershocks, and landslides can affect vital infrastructure and threaten beneficial uses of waters of the State.

[89] For instance, the General WDRs in Water Quality Order No. 2004-0004-DWQ are restricted to dredged or fill discharges of not more than two-tenths (0.2) of an acre and 400 linear feet for fill and excavation discharges, and of not more than 50 cubic yards for dredging discharges. Projects that may be covered include land development, detention basins, disposal of dredged material, bank stabilization, revetment, channelization, and other similar projects.

e. Disaster Related Wastes Discharged to Temporary Surface Impoundments not Located at Regulated Waste Disposal Facilities;

f. Mass Mortality Wastes Discharged to Emergency Landfills not Located at Regulated Waste Disposal Facilities; and

g. Discharges of Dredge or Fill Materials into Non-Federal Waters of the State, Under Emergency Conditions.

12. Discharges of emergency/disaster related wastes that comply with both the general and specific waiver conditions in the Emergency Waste Waiver are not expected to pose a significant threat to the quality of waters of the State. Therefore, monitoring requirements for dredge and fill discharges to non-federal waters of the State associated with repair and protection activities in emergency situations are not necessary.

13. Coverage under the Emergency/Disaster Related Waste Waiver begins upon submittal of the NOI.

IT IS HEREBY ORDERED, that any Discharger proposing to discharge emergency/disaster related wastes, in order to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements

B. **General Conditions for Discharges of Emergency/Disaster Related Wastes**

1. Discharges made pursuant to the Emergency Waste Waiver cannot occur until after one of the following:

a. The Governor of California issues a proclamation, pursuant to Government Code sections 8625 and 8558(b), identifying a portion of the San Diego Region as being in a state of emergency;[90] or

b. An oil spill incident occurs in the marine waters of the San Diego Region requiring a response authorized by the Administrator of the Office of Spill Prevention and Response; or

c. A discharge occurs resulting from emergency activities that are waived of the requirements of Water Code sections 13260(a) and (c), 13263(a), and 13264(a), which are described in Water Code sections 13269(c)(1) and 13269(c)(2).

2. This waiver is only in effect temporarily and must expire under the following conditions:

a. The state of emergency declared by the Governor expires; or

b. The San Diego Water Board takes action to terminate enrollment of individual or all dischargers/Units temporarily enrolled in the waiver; or

c. Six months has elapsed since the Governor issued a declaration of the state of emergency for any portion of the San Diego Region, or

[90] The Emergency Waste Waiver is only applicable to disaster related waste streams from disaster-impacted areas.

the oil spill incident occurred, or emergency activities began, unless otherwise directed by the San Diego Water Board.

3. Discharges of emergency/disaster related wastes to land

a. Emergency/disaster related waste management and cleanup activities must minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of the waters of the State.

b. Temporary waste piles and surface impoundments used to manage emergency/disaster related waste must: prevent the direct or indirect discharge of emergency/disaster related wastes to any MS4s, or surface waters of the State (including ephemeral streams and vernal pools).

c. Emergency/disaster related waste management operations must not be:

i. Performed in a manner that creates or contributes to a condition of pollution or nuisance;

ii. Performed in a manner that creates or contributes to conditions which violate the waste discharge prohibitions promulgated in the Basin Plan;

iii. Managed in a manner that causes corrosion, decay, or otherwise reduces or impairs the integrity of containment structures at any waste management unit;[91] and/or

iv. Managed in a manner that mixes or commingles other wastes that can produce a violent reaction (including heat, pressure, fire or explosion), that can produce toxic byproducts, or that can produce any reaction products requiring a higher level of containment, or that results in the mixture being classified as a restricted waste.[92]

d. Liquid hazardous wastes or “restricted hazardous wastes”[93] cannot be discharged to municipal solid waste (MSW) landfills, temporary waste piles, or temporary surface impoundments.

e. Temporary waste piles must be covered to adequately prevent rainwater infiltration and runoff, and control fugitive dust, vectors, odors, blowing litter and scavenging. The cover must not consist of or contain material classified as a designated waste.[94]

[91] Pursuant to Calif. Code Regs. title 27 section 20200(b)(1)
[92] Pursuant to Calif. Code Regs. title 27 section 20200(b)(2)
[93] Defined in Health and Safety Code section 25122.7
[94] Defined in Calif. Code Regs. title 27 section 20210

f. Inert wastes[95] that are suitable for reuse or recycling do not require permanent disposal at a classified waste management or disposal facility (i.e., permitted landfill).

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

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

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

iii. Emergency landfills established in accordance with the conditions of this waiver; or

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

4. Discharges of Dredge or Fill Material into, or Emergency Repair and Protection in Non-Federal Waters of the State, under Emergency Conditions.

a. Discharge activities must not:

i. Create or contribute to a condition of pollution or nuisance, as defined by Water Code section 13050;

ii. Create or contribute to conditions which violate the discharge prohibitions of the Basin Plan for the San Diego Region; and/or

iii. Result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of such a species, unless the activity is authorized by the Department of Fish and Wildlife pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.

b. Discharges must not consist of unsuitable material (e.g., asphalt, hazardous wastes,[96] nonhazardous wastes,[97] designated wastes[98] etc.) and material discharged must be free from toxic pollutants in toxic amounts.

[95] Defined in Calif. Code Regs. title 27 section 20230
[96] Wastes that are required to be managed as hazardous wastes pursuant to Calif. Code Regs. title 22, Division 4.5.
[97] Nonhazardous wastes are defined in Calif. Code Regs. title 27, section 20220.
[98] Designated wastes are defined in Water Code section 13173.

c. This waiver is limited to emergency actions that meet the CEQA definition of “emergency” (Public Resources Code section 21060.3),

d. Emergency projects exempt from the requirements of CEQA are defined by the Administrative Code (CEQA Guidelines), Calif. Code Regs. title 14, section 15269 as:

i. *Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.*

ii. *Emergency repairs to publicly or privately-owned service facilities necessary to maintain service essential to the public health, safety or welfare.*

iii. *Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.*

iv. *Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This exemption does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.*

v. *Seismic work on highways and bridges pursuant to Section 180.2 of the Streets and Highways Code, Section 180 et seq.*

5. This Order supersedes conditional waiver requirements, previously adopted on May 27, 2014, in Order No. R9-2014-0059.

C. **Specific Conditions for Discharges of Emergency/Disaster Related Wastes**

1. Incidental Discharges During an Oil Spill Response

a. Incidental discharges[99] are confined to the response area which is defined by the daily work plan approved under the Incident Command System or Unified Command Structure by the Administrator, Federal On-Scene Coordinator, or State On-Scene Coordinator.

b. Oil spill response must be in marine waters.[100]

2. Disaster Related and Mass Mortality Wastes Disposed of at Regulated Waste Disposal Facilities

a. Waste (not otherwise suitable for recycling or reuse) derived from cleanup of emergency/disaster-impacted areas in the San Diego Region and managed under provisions of this waiver must only be discharged *for permanent disposal into units that are underlain with an engineered composite liner system and a leachate collection meeting the requirements of State Water Board Resolution No. 93-62*.

b. Wastes derived from cleanup of disaster-impacted areas in the San Diego Region and discharged into regulated waste disposal facilities must be isolated, to the extent practicable, from areas of the facility that are not lined.

c. Food wastes, animal carcasses, and other putrescible wastes derived from cleanup of disaster-impacted areas in the San Diego Region must be discharged for disposal in compliance with conditions of this waiver and covered expeditiously.

d. Inert wastes contained in mixed emergency wastes derived from cleanup of disaster-impacted areas in the San Diego Region, must be separated and recycled when appropriate and practicable.

e. The discharger is responsible for accurately classifying disaster related waste streams in accordance with the applicable regulatory requirements.[101]

f. The regulated waste disposal facility owner/operator is responsible for properly identifying disaster related waste streams[102] and identifying wastes that may be suitable for use as alternative daily cover (ADC). Solid wastes that may be used as ADC at a regulated disposal facility are as follows:

i. Solid wastes that are classified as inert wastes.

ii. Solid wastes that meet the criteria for ADC as prescribed in Calif. Code Regs. title 27 sections 20690 to 20705, and

[99] "Incidental discharge" is defined as "the release of oil and/or oily water within the response area in or proximate to the area in which the oil recovery activities are taking place during and attendant to oil spill response activities. Incidental discharges include, but are not limited to, decanting of oily water; in order to conserve oil storage capacity, and the wash down of vessels, facilities, and equipment used in the response."
[100] "Marine water" defined in Government Code section 8670.3(i) as "those waters subject to tidal influence".
[101] Requirements are provided in Calif. Code Regs. title 27, title 23, Chapter 15, and/or title 22 Division 4.5.
[102] Pursuant to Calif. Code Regs. title 27 section 20200(c).

iii. Other solid wastes identified by the Local Enforcement Agency (LEA) as being suitable for use as ADC; as long as the waste could be accepted at a Class III MSW landfill without special permission from the San Diego Water Board.

g. Disposal of large numbers of animal carcasses, and other high-moisture waste streams from mass mortality (e.g., natural disaster, agricultural disease, etc.), may cause wastes to exceed moisture holding capacity at regulated MSW landfills. To limit the impacts from the additional moisture content associated with a mass mortality waste load, the owner/operator responsible for the regulated waste disposal facility should implement the following procedures:

i. Discharge high-moisture wastes (animal carcasses, animal related wastes, etc.) only in areas of the composite lined unit with a considerable thickness of other waste.

ii. Limit the thickness of the high-moisture waste stream (e.g., animal carcasses, animal related wastes, etc.) to no more than 2 feet.

iii. Cover each layer of high-moisture wastes (e.g., animal carcasses, animal related wastes, etc.) with an even thicker layer of absorbent wastes or soil.

iv. For disaster related mass mortality wastes streams that are in a liquid form (e.g. raw eggs, etc.) reduce the moisture content prior to discharge by mixing with an absorbent material (e.g., saw dust, mulch, soil, etc.).

h. Within 60 days after the expiration in this waiver (see section B of the Emergency Waste Waiver) the owner/operator of the a regulated waste disposal facility that accepted waste from disaster-impacted areas in the San Diego Region must submit an amendment to their ROWD or Joint Technical Document (JTD) describing the material change to their discharge, pertaining to the temporary acceptance, management, and disposal of waste derived from cleanup of disaster-impacted areas of the San Diego Region.

3. Disaster Related and Mass Mortality Wastes Discharged to Temporary Waste Piles Located at Regulated Waste Disposal Facilities

a. Owners/operators of regulated waste management or disposal facilities proposing to accept discharges of waste from disaster-impacted areas in the San Diego Region to a temporary waste staging area located at a regulated facility must submit a NOI within 30 days of the initial discharge of any disaster related wastes. An NOI template is included in Attachment A of the Order. The NOI must contain:

i. The name and contact information of the owner/operator of the regulated waste management or disposal facility property;

ii. The facility address and contact information;

iii. A description of the temporary waste management unit; and

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

b. Owners/operators of regulated waste management or disposal facilities must prevent surface runoff and run on from contacting wastes derived from cleanup of disaster-impacted areas in the San Diego Region and must prevent erosion and transport of soils containing disaster related wastes or waste constituents by surface runoff from all temporary waste piles. The facility owner/operator must implement management measures (MMs) and/or best management practices (BMPs) for storm water conveyance and control.

c. All wastes derived from disaster-impacted areas in the San Diego Region must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet[104] from, and at an elevation that is higher than, any surface waters of the State, or MS4s facilities.

d. All waste derived from disaster-impacted areas in the San Diego Region must be protected from flooding and inundation, in compliance with the current WDRs for the affected unit, or units, at the regulated facility.

e. Owners/operators of regulated waste management or disposal facilities must manage temporary waste piles for disaster related mass mortality wastes as follows:

i. Temporary waste piles of mass mortality wastes can only be located in areas underlain by a composite liner system (or approved engineered alternative) and a significant thickness of other types of solid wastes.

ii. Owner/operator must implement a plan to prevent wild animals (e.g., birds, mammals, reptiles, etc.) from coming into contact with mass mortality wastes (e.g., provide and maintain adequate cover for temporary waste piles).

iii. Owner/operator must ensure that all temporary waste piles containing mass mortality wastes are discharged into the

[104] Other federal, State, or local requirements may require larger setbacks. This condition does not excuse the discharger from complying with other applicable setback requirements.

landfill prior to the end of the working day, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality and human health for a given temporary waste pile.

iv. Owner/operator must ensure that all mass mortality wastes are covered with soil or other waste immediately after it is discharged into the landfill.

v. Owner/operator must ensure that any storm water runoff that comes into contact with the disaster related wastes or containing waste constituents is managed as leachate.

f. Disaster related and mass mortality wastes discharged to temporary waste piles at regulated waste management or disposal facilities temporarily enrolled in the Emergency Waste Waiver, together with any materials used to contain the temporary waste piles, must be removed from the site. The site must be restored to its original state no later than the 60 days after expiration of this waiver (see section B of the Emergency Waste Waiver), or as required by the San Diego Water Board. Alternatively, the facility owner/operator must file an amended ROWD/JTD and obtain amended WDRs from the San Diego Water Board for any waste piles that will continue to exist past the expiration date in this waiver.[105]

g. Owners/operators of regulated waste management or disposal facilities must submit a Notice of Termination (NOT) to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. An NOT template is included in Attachment D of the Order. The NOT must contain:

i. The name and contact information of the owner/operator of the regulated facility property;

ii. The facility address and contact information;

iii. A description of waste that was temporarily stored/staged in the temporary waste management unit;

iv. The final waste disposal location; and

v. A certification and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant*

[105] The Emergency Waste Waiver expires with the Governor of California lifting the declared state of emergency, or six months have elapsed since the state of emergency was declared by the Governor.

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

4. Disaster Related Wastes Discharged to Temporary Waste Piles not Located at Regulated Waste Disposal Facilities

   a. Any agency, jurisdiction or person proposing to establish a temporary waste pile not located at a regulated facility must submit a NOI to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. An NOI template is included in Attachment A of the Order. The NOI must contain:

      i. The name and contact information of the owner/operator the property where the temporary waste pile facility is located;

      ii. The facility address and contact information;

      iii. A description of temporary waste management unit; and

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

   b. Owners/operators of temporary waste piles not on regulated facilities must ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance with the following minimum prescriptive and performance standards:

      i. The bottom of a temporary waste pile must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet[107] from, and at an elevation that is higher than, any immediately adjacent surface waters of the State, or MS4s facilities.

      ii. Temporary waste piles must be protected from inundation or washout due of floods with a 100-year return frequency.

      iii. Temporary waste piles cannot be located on a known Holocene fault.

      iv. Temporary waste piles cannot be located in areas of potential rapid geologic change (*e.g.,* landslides, debris flows, flashflood areas, *etc.*).

[107] Other federal, State, or local requirements may require larger setbacks. This condition does not excuse the discharger from complying with other applicable setback requirements.

v. Temporary waste piles must be underlain by a temporary impermeable barrier (*e.g*., heavy gauge plastic) or located in an area covered by a relatively impermeable surface (*e.g.,* asphalt, concrete, *etc.*). The liner must be installed prior to establishing a temporary waste pile to protect all natural geological materials from contact with the waste and from contact with leachate.

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

vii. Temporary waste management operations that include wastes with a liquid content exceeding its moisture-holding capacity and/or containing free liquids, must comply with requirements for temporary surface impoundments (see section C.5 of the Emergency Waste Waiver).

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

c. Owners/operators of temporary waste piles not on regulated facilities must submit written notification to the San Diego Board at least 30 days prior to initiating the discharge of return water or ponded water contained within the temporary waste pile if the discharge is to a location other than a sanitary sewer system. Based on the San Diego Water Board determination, the discharger may receive: 1) WDRs; 2) a waiver of WDRs, or 3) written determination that the disposal of the return water or ponded water is not subject to regulation by the San Diego Water Board.

i. Owners/operators of temporary waste piles not on regulated facilities must post at least one clearly visible sign (in English) listing the following minimum information:

(A) Project name;

(B) Brief project description; and

(C) Operator name and phone number.

The discharger must post additional signs as necessary (in languages other than English) to more effectively communicate the minimum contact information (listed above) to the local community.

The sign(s) must be maintained as required to keep them legible and must remain in place while temporary waste piles remain on site.

d. Solid wastes discharged to temporary waste piles not at regulated waste management or disposal facilities temporarily granted a waiver, together with any materials used to contain the temporary waste piles, must be removed from the site. The site must be restored to its original state no later than the 60 days after expiration of this waiver (see section B of the Emergency Waste Waiver), or as required by the San Diego Water Board.

e. Owners/operators of temporary waste piles not on regulated facilities must submit a NOT to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. An NOT template is included in Attachment D of the Order. The NOT must contain:

i. The name and contact information of the owner/operator the property;

ii. Where the temporary waste pile facility was located;

iii. The facility address and contact information;

iv. A description of waste that was temporarily stored/staged in the temporary waste management unit;

v. The final waste disposal location; and

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

5. Disaster Related Wastes Discharged to Temporary Surface Impoundments <u>not</u> Located at Regulated Waste Disposal Facilities

a. Any agency, jurisdiction or person proposing to establish a temporary surface impoundment not located at a regulated facility must submit a NOI to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. An NOI template is included in Attachment A of the Order. The NOI must contain

i. The name and contact information of the owner/operator the property;

ii. Where the temporary surface impoundment facility is located;

iii. The facility address and contact information;

iv. A description of the temporary waste management unit; and

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

b. Owners/operators of temporary surface impoundments not on regulated facilities must ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance the following minimum prescriptive and performance standards:

i. The bottom of a temporary surface impoundment must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet[109] from, and at an elevation that is higher than, any immediately adjacent surface waters of the State, or MS4s facilities.

ii. Temporary surface impoundments must be protected from inundation or washout due of floods with a 100-year return frequency.

iii. Temporary surface impoundments cannot be located on a known Holocene fault.

iv. Temporary surface impoundments cannot be located in areas of potential rapid geologic change (*e.g.,* landslides, debris flows, flashflood areas, *etc.*).

v. Temporary surface impoundments must be underlain by a temporary impermeable barrier (*e.g*., heavy gauge plastic) or a relatively impermeable surface (*e.g.,* asphalt, concrete, *etc.*). The liner must be installed prior to establishing a temporary surface impoundment to protect all natural geological materials from contact with the waste.

vi. Berms and containment structures of temporary surface impoundments must be composed of inert materials that will not cause adverse reactions (*e.g*., corrosion, decay, or otherwise reduce or impair the integrity of the containment structure) when placed in contact with the liquid wastes stored within the temporary surface impoundment.

vii. Temporary surface impoundments must be designed, operated and maintained to ensure that liquid wastes are at least 2 feet below the top of the impoundment (measured

[109] Other federal, State, or local requirements may require larger setbacks. This condition does not excuse the discharger from complying with other applicable setback requirements.

vertically from the surface of the liquid up to the point on the surrounding lined berm or dike having the lowest elevation), and must be designed and constructed to prevent overtopping as a results of wind conditions likely to accompany precipitation conditions.

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

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

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

c. Owners/operators of temporary surface impoundments not on regulated facilities must submit written notification to the San Diego Board at least 30 days prior to initiating the discharge of return water or ponded water contained within the temporary waste pile if the discharge is to a location other than a sanitary sewer system. Based on the San Diego Water Board determination, the discharger may receive: 1) WDRs; 2) a waiver of WDRs, or 3) written determination that the disposal of the return water or ponded water is not subject to regulation by the San Diego Water Board.

d. Owners/operators of temporary surface impoundments not on regulated facilities must ensure that only disaster related waste streams are discharged into temporary surface impoundments.

e. All visible portions of synthetic liner systems in temporary surface impoundments must be inspected weekly (daily, if necessary), until all free liquid is removed from the surface impoundment as part of closure.[110] If, during the active life of the temporary surface impoundment, the wastes are removed and the bottom of the impoundment is cleaned down to the liner, an inspection must be made of the bottom of the liner, and observed defects noted prior to refilling the impoundment.

f. Owners/operators of temporary surface impoundments not on regulated facilities must post at least one clearly visible sign (in English) listing the following minimum information: a) project name, b) brief project description, and c) operator name and phone number. The facility owner/operator must post additional signs as necessary

[110] Pursuant to Calif. Code Regs. title 27 section 21400(a).

(in languages other than English) to more effectively communicate the minimum contact information (listed above) to the local community. The sign(s) must be maintained as required to keep them legible and must remain in place while temporary surface impoundments remain on site.

g. Solid wastes discharged to temporary surface impoundments not at regulated waste management or disposal facilities, together with any materials used to contain the temporary surface impoundments, must be removed from the site. The site must be restored to its original state no later than the 60 days after the expiration date in this waiver (see section B of the Emergency Waste Waiver), or as required by the San Diego Water Board.

h. Owners/operators of temporary surface impoundments not on regulated facilities must submit a NOT to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. An NOT template is included in Attachment D of the Order. The NOT must contain:

i. The name and contact information of the owner/operator the property;

ii. Where the temporary surface impoundment facility was located;

iii. The facility address and contact information;

iv. A description of waste that was temporarily stored/staged in the temporary waste management unit;

v. The final waste disposal location; and

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

6. Mass Mortality Wastes Discharged to Emergency Landfills not Located at Regulated Waste Disposal Facilities

a. Any agency, jurisdiction or person proposing to establish an emergency landfill not located at a regulated facility must submit a NOI to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. An NOI template is included in Attachment A of the Order. The NOI must contain:

i. The name and contact information of the owner/operator the property where the emergency landfill facility is located,

ii. The facility address and contact information,

iii. A description of the emergency waste management unit, and

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

b. Owners/operators of emergency landfills not on regulated facilities must ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance the following minimum prescriptive and performance standards:

i. The bottom of an emergency landfill must be placed at least 10 feet above the highest historically known or anticipated level of groundwater, and more than 500 feet from any immediately adjacent surface waters of the State, or MS4s facilities.

ii. Emergency landfills must be protected from inundation or washout due to floods with a 100-year return frequency.

iii. Emergency landfills cannot be located on a known Holocene fault.

iv. Emergency landfills cannot be located in areas of potential rapid geologic change (*e.g.,* landslides, debris flows, flashflood areas, *etc.*).

v. Emergency landfills cannot be located in areas underlain by a fractured bedrock aquifer or highly permeable soils (*e.g.,* gravels, sands, and loamy sands) or in facilities that are characterized by such deposits (*e.g.,* gravel quarry).

vi. For disaster related mass mortality wastes streams that are in a liquid form (*e.g.* raw eggs, *etc.*) the moisture content must be reduced prior to discharge by mixing with an absorbent material (*e.g.,* saw dust, mulch, soil, *etc.*).

vii. The thickness of each layer of mass mortality wastes must be limited to less than 2 feet.

viii. Lime (or another liquid abatement material) must be added to each layer to help reduce the generation of liquid by the mass mortality wastes.

ix. Each layer of lime-covered mass mortality wastes must be covered by at least 3 feet of soil before adding another layer of mass mortality wastes.

x. Mass mortality wastes must be discharged for disposal in compliance with the conditions of this waiver and covered at the end of each working day.

xi. The final layer of disaster related mass mortality wastes discharged into the emergency landfill must be overlain by a final layer of not less than 3 feet of soil; or alternatively the unit may be covered by a relatively impermeable engineered surface (*e.g.,* asphalt, concrete, *etc*.). The final soil layer must be placed in a mound configuration so that the final soil layer: 1) Overlaps the mass mortality wastes by several feet on each edge of the emergency landfill; 2) is at least 3 feet thick over all portions of the mass mortality wastes; and 3) is sloped to provide drainage that will not impair the integrity of the emergency landfill.

xii. The owner/operator should also evaluate, implement, and document other effective waste isolation and waste moisture reducing methods in conjunction with the procedures identified above.

c. The emergency landfill must be designed, constructed and operated to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, and washout. The owner/operator must protect the integrity of the final cover from adverse impacts from erosion by installing and maintaining MMs/BMPs, including:

i. Installation of run on control features on the up gradient side of the emergency landfill to divert offsite storm water from the emergency landfill.

ii. Installation of an effective runoff collection and conveyance ditch.

iii. Grading and maintenance of the final cover to eliminate ponding of water over the emergency landfill.

iv. Installation and maintenance of erosion control measures on the cover of the emergency landfill (*e.g.,* install straw mulch and/or a vegetative cover).

v. Installation of a deer fence around the perimeter of the emergency landfill to discourage access by digging of carnivores.

d. Owners/operators of emergency landfills not on regulated facilities must post at least one clearly visible sign (in English) listing the following minimum information: a) clearly identify the area as an emergency landfill for animal and agricultural wastes, b) a warning against trespass, c) a description of the reason for the emergency

landfill (e.g., Exotic Newcastle, Avian Flu, etc.), d) the type(s) of waste buried at the site (e.g., types of carcasses, egg wastes, manure, etc.), and e) the name and telephone number of the current property owner. The facility owner/operator must post additional signs as necessary (in languages other than English) to more effectively communicate the minimum contact information (listed above) to the local community. The sign(s) must be maintained as required to keep them legible and must remain in place while the emergency landfill remains on site.

e. Owners/operators of emergency landfills not on regulated facilities must submit a NOT to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. An NOT template is included in Attachment D of the Order. The NOT must contain:

   i. The name and contact information of the owner/operator of the property where the temporary emergency landfill facility was located;

   ii. The facility address and contact information;

   iii. A description of waste that was temporarily stored/staged in the temporary emergency landfill;

   iv. The final waste disposal location; and

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

f. Owners/operators of emergency landfills not on regulated facilities must submit a ROWD to the San Diego Water Board and apply for WDRs (using Form 200). The ROWD and application for WDRs must be provided to the San Diego Water Board within 6 months of creating the emergency landfill for disposal of disaster related mass mortality wastes. At a minimum, the ROWD must include the following information:

   i. A short description of the emergency conditions that made the emergency landfill necessary.

   ii. The identity, physical address, mailing address, and telephone number of the current land owner.

   iii. Photographs taken to document the location of the emergency landfill, practices used for placement of wastes and soil layers,

and the appearance of the emergency landfill after installation of the final cover.

iv. A map showing the location and perimeter of the emergency landfill, its location relative to local topographical, geographical, biological, and cultural features (e.g. roads, streams, etc.), and Geographical Information System (GIS) data if available.

v. A simple cross section of the emergency landfill and a description of the construction (depth, thickness of layers and final cover).

vi. An estimate of the amount of wastes in pounds or tons discharged into the emergency landfill.

vii. A description of measures taken to ensure that wastes and waste constituents do not migrate outside the emergency landfill.

viii. Any other site-specific or discharger related information requested by the San Diego Water Board.

7. Discharges of Dredge or Fill Material into, or Emergency Repair and Protection in Non-Federal Waters of the State, under Emergency Conditions

a. Discharge activities must be the minimum necessary to alleviate the immediate emergency, unless complete reconstruction does not result in significantly increased impacts to aquatic resources, and logistical concerns indicate such reconstruction is as expedient, considering the condition of the project site, and is limited to in-kind replacement or refurbishment. Moderate upgrading would be considered by the San Diego Water Board, if the applicant proposes to use bioremediation or other environmentally sensitive solutions.[112] The Emergency Waste Waiver may not be used to upgrade an existing structure to current standards when that activity would result in additional adverse effects on aquatic resources. Such upgrade projects are separate activities for which a ROWD is required.

b. Dischargers must make every effort to ensure materials dredge or excavated from non-federal waters of the State are not likely to be washed back into any waters of the State. When feasible, erosion and siltation controls, designed to minimize turbidity in the watercourse above background levels existing at the time of construction, must be used and maintained in effective operating condition during construction unless conditions preclude their use, or if conditions are such that the proposed work would not increase turbidity levels above the background level existing at the time of work. All exposed soil and other fills, as well as

[112] For example, it may be determined that reconstruction of a bridge crossing or a roadway damaged by flood flows is a more appropriate course of action than temporarily shoring up the facility to allow an immediate return to its use. When continued public safety is an issue, such reconstruction will remain a viable option for consideration under this waiver.

any work below bank-full stage, or high tide line, must be stabilized at the earliest practicable date to preclude additional damage to the project area through erosion or siltation.

c. To ensure the project is being or has been accomplished in compliance with the terms and conditions of this waiver, representatives from the San Diego Water Board, or its authorized representatives, must be allowed at all times, upon presentation of credentials:[113]

   i. To enter onto project premises, including all areas on which fill, or compensatory mitigation is located, or in which records are kept;

   ii. To access and copy any records required to be kept under the terms and conditions of this certification;

   iii. To Inspect any treatment equipment, monitoring equipment, or monitoring method required by this certification; and

   iv. To sample any discharge or surface water covered by the Emergency Waste Waiver for discharge of fill material.

d. Work with heavy equipment must be avoided whenever feasible. If necessary, projects requiring heavy equipment to work in wetlands must implement effective measures to minimize soil disturbance. Such measures may include, but are not limited to, the use of wide-treaded equipment, mats, or flotation devices.

e. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area. Culverts placed in streams must be installed to maintain low flow conditions.

f. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

g. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

h. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water except within the existing river plain (unless the primary purpose of the activity is to impound waters).

i. If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow must be minimized to the maximum extent practicable.

j. Any structure or fill subject to the Emergency Waste Waiver for the discharge of fill material must be maintained; including maintenance to ensure public safety, unless it is later determined by federal, State, or local agencies, that the structure is further contributing to other adverse conditions to private or public property. Corrective measures must be

[113] Pursuant to statutory authority granted under Water Code section 13267.

taken to rectify these adverse conditions, including removal and/or redesign of the original emergency corrective action, or appropriate mitigation as determined through coordination by the discharger and appropriate resource agencies. Temporary levees constructed to control flows must not be maintained beyond the current storm season (i.e., maintenance of temporary levees is not authorized after the storm season in which the need arose).

k. Notification conditions.

i. Any person proposing dredge or fill discharges to non-federal waters of the State associated with repair and protection activities resulting from emergency situations in the San Diego Region must send the San Diego Water Board a signed, completed NOI as described below. An NOI template is included in Attachment A of the Order.

(A) As early as practicable, but not later than 30 days following initiation of the discharge, in the following circumstances:

(1) A situation described in section A.1 of this waiver (Water Code section 13269(c)(1) and (2). This includes immediate work in response to a disaster when a state of emergency has been proclaimed by the Governor;

(2) A clear and imminent threat demanding immediate action exists in response to an emergency as described in section A.1 of this waiver (CEQA-defined emergencies), where prior notification to the San Diego Water Board is impractical. This can include emergencies that do not result in a state of emergency being declared by the Governor; or

(3) A repair and protection activity in response to an emergency as described in section A.1 of this waiver (CEQA-defined emergencies) would result in an insignificant or temporary (less than 120 days) discharge of inert material (e.g., sand bags or other erosion control material).

(B) As early as possible, but not later that two days prior to the initial discharge activity in all other situations.

ii. If part or all of a discharge activity that is enrolled in RGP No. 63 is determined to occur in non-federal waters of the State prior to the completion of the activity (i.e. submittal of RGP No. 63 completion report), the discharger shall submit an NOI to the San Diego Water Board within 30 days of notification of jurisdictional changes by the USACE.

iii. The discharger must send the San Diego Water Board a signed, completed NOT within 10 working days of completing the discharge activities and restoring the site to its original condition.

Sites must be restored by the expiration date of this waiver. An NOT template is included in Attachment D of the Order.

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
ORDER NO. R9-2019-0005
(ATTACHMENT A)

NOTICE OF INTENT
TO COMPLY WITH THE CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS FOR LOW THREAT DISCHARGES IN THE SAN DIEGO REGION

I. PROPERTY/FACILITY INFORMATION

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

II. PROPERTY/FACILITY OWNER INFORMATION

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

III. PROPERTY/FACILITY OPERATOR INFORMATION

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

IV. CONDITONAL WAIVER FOR NOTICE OF INTENT

Mark (☒) the waiver proposed for the discharge:

- ☐ Waiver No. 1 - Discharges from on-site graywater disposal systems
- ☐ Waiver No. 2 - Discharges of recycled water to land
- ☐ Waiver No. 3 - “Low” threat” discharges to land
- ☐ Waiver No. 4 - Discharges of winery waste to lined evaporation ponds wineries
- ☐ Waiver No. 6 - Discharges from animal operations
- ☐ Waiver No. 7 - Discharges from aquatic animal production facilities
- ☐ Waiver No. 8 - Discharges of slurries to land
- ☐ Waiver No. 9 - Discharges/disposal of solid wastes to land
- ☐ Waiver No. 10 - Aerially discharged wastes over land
- ☐ Waiver No. 11 - Discharges of emergency/disaster related wastes

V. DESCRIPTION OF DISCHARGE

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

VI. DESCRIPTION OF MANAGEMENT MEASURES/BEST MANAGEMENT PRACTICES

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

VII. ADDITIONAL INFORMATION

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

VIII. CERTIFICATION

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

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

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
ORDER NO. R9-2019-0005
(ATTACHMENT B)

WAIVER 9: INERT WASTE CERTIFICATION
[PART 1 – ENROLLMENT]

I. INERT WASTE SOIL GENERATOR INFORMATION

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

II. INERT WASTE SOIL EXPORT SITE INFORMATION

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

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

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

IV. DESCRIPTION OF EXPORT SITE BEST MANAGEMENT PRACTICES

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

V. INERT WASTE SOIL CHARACTERIZATION

Name of Certified Analytical Laboratory:			
Certified Analytical Laboratory Contact:			
Certified Analytical Laboratory Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Number of samples collected for characterization:			
☐ Mark the box (☒) to confirm that no samples collected to characterize waste soil as inert contained detectable concentrations of constituents other than Calif. Code title 22 metals.			

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

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

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

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

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

☐ **Tier 1** (Complete section X) Management of Tier 1 inert waste soils	☐ **Tier 2** (Complete sections VII - X) Management of Tier 2 inert waste soils

VII. TIER 2 INERT WASTE SOIL IMPORT SITE INFORMATION

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

VIII. DESCRIPTION OF IMPORT SITE BEST MANAGEMENT PRACTICES

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

IX. PROPERTY OWNER ACKNOWLEDGMENT

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

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

"I acknowledge the receipt or planned receipt of the waste soil described in sections V and VI and that the soil will be managed pursuant to the restrictions set forth in Solid Waste Waiver"

Signature (Owner or Authorized Representative)	Date
Print Name	Title

X. GENERATOR AND CONSULTANT CERTIFICATION

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

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

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
ORDER NO. R9-2019-0005
(ATTACHMENT B)

WAIVER 9: INERT WASTE CERTIFICATION
[PART 2 – TERMINATION]

I. FINAL WASTE DISPOSAL INFORMATION

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

II. FINAL DISPOSAL CERTIFICATION

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

Signature (Owner or Authorized Representative)	Date
Print Name	Title

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
ORDER NO. R9-2019-0005
(ATTACHMENT C)
WAIVER 9: TEMPORARY WASTE PILE CERTIFICATION
[PART 1 – GENERAL INFORMATION]

I. TEMPORARY WASTE PILE GENERATOR INFORMATION

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

II. WASTE INFORMATION

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

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

Mean	Mean+80%CL	Mean	Mean+80%CL	Mean	Mean+80%CL	Mean	Mean+80%CL
Mean	Mean+80%CL	Mean	Mean+80%CL	Mean	Mean+80%CL	Mean	Mean+80%CL
Mean	Mean+80%CL	Mean	Mean+80%CL	Mean	Mean+80%CL	Mean	Mean+80%CL

Waste Pile Quantity (yd^3).:
Description of Containment Method:

III. TEMPORARY WASTE PILE GENERATOR INFORMATION

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

IV. PROPERTY OWNER ACKNOWLEDGMENT

"I hereby acknowledge receipt of the waste soil described in section II of this Temporary Waste Pile Certification, and that I have reviewed any associated reports. By signing this form, I acknowledge that the Generator of this waste has certified that all Solid Waste Waiver conditions applicable to the temporary waste piles have been met."

Signature (Owner or Authorized Representative)	Date
Print Name	Title

V. GENERATOR CERTIFICATION

"I hereby certify that the information provided regarding soil characterization is a complete and accurate representation of the subject soil, and that the soil is not hazardous waste as defined by California Code of Regulations Title 22 and by the U.S. Environmental Protection Agency (Code of Federal Regulations Title 40), and that all Solid Waste Waiver conditions applicable to the temporary waste piles have been met."

Generator Signature	Date
Print Name	Title

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
ORDER NO. R9-2019-0005
(ATTACHMENT C)

WAIVER 9: TEMPORARY WASTE PILE CERTIFICATION
[PART 2 – FINAL DISPOSAL INFORMATION]

I. TEMPORARY WASTE PILE GENERATOR INFORMATION

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

VI. FINAL DISPOSAL CERTIFICATION

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

Signature (Owner or Authorized Representative)	Date
Print Name	Title

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
ORDER NO. R9-2019-0005
(ATTACHMENT D)

WAIVER 11:
NOTICE OF TERMINATION

I. PROPERTY/FACILITY INFORMATION

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

II. PROPERTY/FACILITY OWNER INFORMATION

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

III. DISCHARGE AND DREDGE INFORMATION

Date(s) of Discharge and Dredge Activities:				
Did any activities occur within wetlands?				
Did any activities create an impoundment? (If "yes," describe how adverse effects to aquatic system were minimized)				
Quantity of Discharge: (Indicate in acres and linear feet the extent affected and identify the effects as permanent and/or temporary for discharge.)				
	Permanent Effects		Temporary Effects	
Wetlands:	Linear feet:	Acres:	Linear feet:	Acres:
Non-wetland waters:	Linear feet:	Acres:	Linear feet:	Acres:
Quantity of Dredging (cubic yards): Provide a description of the types of materials dredged and disposal location:				

IV. COMPENSATORY MITIGATION INFORMATION

Were Temporary Fills Restored?

If "no," please describe rationale:

Was Compensatory Mitigation Provided?

If "no," please describe rationale:

If "yes," attach (1) a map clearly identifying the mitigation location areas, and (2) contact information for the owner/operator of the mitigation area property.

Also indicate below in acres and linear feet the total quantity of each water body that was created, restored, or enhance, for purposes of providing compensatory mitigation. Use additional pages if necessary.

	Created (acres/linear feet)	Restored (acres/linear feet)	Enhanced (acres/linear feet)
Wetland			
Non-Wetland			

V. COMPENSATORY MITIGATION INFORMATION

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

Signature (Owner or Authorized Representative) _____ Date _____

Print Name _____ Title _____