

## **Conditional Waiver No. 2 – “Low Threat” Discharges to Land**

Conditional Waiver No. 2 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 it comes 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.

The following types of discharge not regulated or authorized under WDRs may be eligible for Conditional Waiver No. 2:

- Discharges from the construction and test pumping of water wells to land
- Discharges of air conditioner condensate or non-contact cooling water to land
- Swimming pool discharges to land
- Discharges from short-term construction dewatering operations to land
- “Low Threat” discharges to land and/or groundwater, which may including the following:
  - Groundwater pumped from drinking water wells
  - Groundwater from foundation drains, crawl space pumps, and footing drains
  - Discharges from flushing water lines
  - Discharges from washing vehicles, pavement, buildings, etc.
  - Infiltration from residential/commercial/industrial/recreational facility landscape and lawn irrigation using groundwater or municipal supply water
  - Infiltration from structural infiltration-based best management practices (BMPs)

“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 waiver conditions. Therefore, these types of “low threat” discharges to land were grouped together into one discharge classification. Discharges that comply with the waiver conditions are not expected to pose a threat to the quality of waters of the state.

Low volumes and infrequent “low threat” discharges are not expected to adversely affect the quality of groundwater because the water would likely evapotranspire 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 must require proper management of “low threat” discharges to land to minimize or eliminate the discharge of pollutants to waters of the state.

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 any “low threat” discharges to land pose a 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 and required to correct deficiencies in order to be eligible for Conditional Waiver No. 2. 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 conditional waiver for the discharge and begin regulating with individual WDRs and/or take other enforcement actions.

In order to be eligible for Conditional Waiver No. 2, discharges must comply with certain conditions to be protective of water quality. The waiver conditions applicable to “low threat” discharges to land include the following:

- 2.I.A. General Waiver Conditions for “Low Threat” Discharges of Water to Land
- 2.II.A. Specific Waiver Conditions for Air Conditioner Condensate and Non-contact Cooling Water Discharges to Land
- 2.II.B. Specific Waiver Conditions for Swimming Pool Discharges to Land
- 2.II.C. Specific Waiver Conditions for Pumping of Groundwater from Wells to Land
- 2.II.D. Specific Waiver Conditions for Dewatering Operations Discharged to Land
- 2.II.E. Specific Waiver Conditions for Discharges from Washing Vehicles, Pavement, Buildings, etc. to Land
- 2.II.F. Specific Waiver Conditions for Discharges from Irrigated Lawns and Landscaping Using Groundwater or Municipal Supply Water
- 2.II.G. Specific Waiver Conditions for Discharges from Structural BMPs that Require Infiltration

“Low threat” discharges to land that comply with the general and specific waiver conditions in Conditional Waiver No. 2 are not expected to pose a threat to the quality of waters of the state.

**2.I.A. 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 and vernal pools).
2. “Low threat” discharges must not cause the migration of contaminants such as chlorinated solvents, hydrocarbons, or other toxic or hazardous substances to groundwater.
3. “Low threat” discharges must not 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.
4. 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.

5. "Low threat" discharges to land must not adversely affect the quality or beneficial uses of underlying groundwater.
6. "Low threat" discharges to land must not cause or threaten to cause a condition of contamination, pollution, or nuisance.
7. "Low threat" discharges to land must not adversely impact the quality or beneficial uses of groundwater in any water wells.
8. 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.
9. Discharger must submit a Notice of Intent or technical and/or monitoring program reports when directed by the San Diego Water Board.

**2.II.A. Specific Waiver Conditions for Air Conditioner Condensate and Non-contact Cooling Water Discharges to Land**

1. Discharges must not contain contact cooling water.
2. Discharges of air conditioner condensate and non-contact cooling water to land must not exceed an average of 1,200 gallons per day for any continuous 365-day period, unless the discharger has filed a Notice of Intent containing information about the operator, location, and planned period of and average daily volume of discharge.

**2.II.B. Specific Waiver Conditions for Swimming Pool Discharges to Land**

1. 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 Notice of Intent containing information about the swimming pool location and volume, planned period of and frequency of discharge.

**2.II.C. Specific Waiver Conditions for Pumping of Groundwater from Wells to Land**

1. The discharge of groundwater pumped from any well 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 Notice of Intent containing monitoring data demonstrating that the quality of the proposed discharge would not cause the groundwater at the disposal site to exceed water quality objectives.
2. For multiple applications of groundwater from wells pumped to land over a 365-day period, or a continuous 24-hour (or longer) application of groundwater from wells pumped to land within a 365-day period, the discharger must file a Notice of Intent containing information about the operator, location, planned period of and frequency of discharge, and measures that will be taken to minimize or eliminate the discharge of pollutants that might affect surface water and groundwater quality. Sufficient information demonstrating compliance with waiver conditions must be submitted before the discharge may begin.
3. Groundwater cannot originate from an area that contains any contaminated soil or groundwater.

**2.II.D. Specific Waiver Conditions for Dewatering Operations Discharged to Land**

1. 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 Notice of Intent containing monitoring data demonstrating that the quality of the proposed discharge would not cause the groundwater at the disposal site to exceed water quality objectives..
2. For dewatering operations that discharge an average of 5,000 gallons per day for any continuous 180-day period, the discharger must file a Notice of Intent 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. Sufficient information demonstrating compliance with waiver conditions must be submitted before the discharge may begin.
3. Groundwater cannot originate from an area that contains any contaminated soil or groundwater.

**2.II.E. Specific Waiver Conditions for Discharges from Washing Vehicles, Pavement, Buildings, etc. to Land**

1. Discharges of wash water and similar intermittent discharges must not exceed an average of 1,200 gallons per day for any continuous 30-day period, unless the discharger has filed a Notice of Intent containing information about the operator, location, and planned period of and average daily volume of discharge.

**2.II.F. Specific Waiver Conditions for Discharges from Irrigated Lawns and Landscaping Using Groundwater or Municipal Supply Water**

1. Products applied to lawns and landscaping must be in accordance with manufacturer's instructions and guidelines, and must reliably attenuate before infiltrating to underlying groundwater.

**2.II.G. Specific Waiver Conditions for Discharges from Structural BMPs that Require Infiltration.**

1. Installation of structural BMP that utilizes infiltration must comply with the design criteria of the municipality regulated by MS4 WDRs (NPDES storm water permit), **or**, for any discharge that exceeds an average of 1,200 gallons per day for any continuous 365-day period, the discharger must file a Notice of Intent containing documentation demonstrating that the quality of the proposed discharge from infiltration will not cause the groundwater at the disposal site to exceed water quality objectives.
2. Installation of structural BMPs that require infiltration must comply with local, state, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses from authorized local agencies.