

Conditional Waiver No. 9 – Discharges of Slurries to Land

Conditional Waiver No. 9 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.

The following types of discharge not regulated or authorized under WDRs may be eligible for Conditional Waiver No. 9:

- Discharges of drilling muds to land
- Discharges of concrete grinding residues to land

These types of discharge have similar properties, potential threat to water quality, and waiver conditions. Therefore, these types of slurry discharges to land were grouped together into one discharge classification. Discharges of slurries to land that comply with the waiver conditions are not expected to pose a threat to the quality of waters of the state.

Slurries typically consist of water mixed with very fine-grained solids. If these slurries are discharged to land in a sump or containment area for storage, proper management measures must be taken to prevent the degradation of surface water or groundwater quality. Slurries must be properly contained to prevent them from running off to surface waters. Slurries consist of high liquid content, which can potentially infiltrate to groundwater. However, the very fine-grained materials in these types of slurries would likely seal the sump or containment area surface, which will severely reduce or eliminate any leaching potential as the water content evaporates. Slurries discharged to land, with proper management and containment, are not expected to pose a threat to the quality of waters of the state and may be eligible for a conditional waiver. Therefore, waiver conditions must require proper management and containment of slurries discharged 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 discharges of slurries to land pose a threat to the quality of the waters of the state. If dischargers of slurries 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. 9. If dischargers of slurries violate any waiver conditions, the San Diego Water Board has the option to terminate the conditional waiver for the discharge and begin regulating the discharge with individual WDRs and/or take other enforcement actions.

In order to be eligible for Conditional Waiver No. 9, discharges must comply with certain conditions to be protective of water quality. The waiver conditions applicable to discharges of slurries to land include the following:

9.I.A. General Waiver Conditions for Slurries Discharged to Land

9.II.A. Specific Waiver Conditions for Discharges of Drilling Mud to Land

Discharges of slurries to land that comply with the general and specific waiver conditions in Conditional Waiver No. 9 are not expected to pose a threat to the quality of waters of the state.

9.I.A. General Waiver Conditions for Slurries Discharged to Land

1. Prevent the direct or indirect discharge of slurries to any surface waters of the state (including ephemeral streams and vernal pools).
2. Slurries must be contained to eliminate the potential for runoff from the site.
3. If slurries are discharged to land for storage, the storage area or sump must be designed to be fully contained and ensure no overflow during discharge with at least 2 feet of freeboard.
4. The floor of the storage area or sump must be at least 5 feet above the highest known historical or anticipated groundwater level.
5. The walls of the storage area or sump must be at least 100 feet away from any surface water body or municipal water well.
6. Slurries cannot contain any toxic or hazardous constituents.
7. Slurries discharged to land must not adversely affect the quality or beneficial uses of underlying groundwater.
8. Slurries must be removed and disposed of at an appropriate disposal facility prior to restoring the storage area or sump to pre-discharge conditions.
9. The storage area or sump must be filled in and restored to pre-discharge conditions.
10. Discharger must submit a Notice of Intent or technical and/or monitoring program reports when directed by the San Diego Water Board.

9.II.A. Specific Waiver Conditions for Discharge of Drilling Muds

1. Drilling mud cannot be from borings advanced for a soil or groundwater contamination investigation.