

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

WAIVER OF WASTE DISCHARGE REQUIREMENTS
(WAIVER POLICY)

November 1, 2002

Many types of waste discharges do not cause or have the potential to cause significant impacts to the quality of the waters of the state. Although these discharges are subject to regulation pursuant to the California Water Code, regulation via waste discharge requirements is not an efficient use of resources. Under authority of the California Water Code the Regional Board has conditionally waived regulation of a number of specific types of waste discharges. These waivers are collectively known as the Regional Board's "Waiver Policy". On September 11, 2002 the Regional Board adopted a resolution reissuing their Waiver Policy. The re-issued Waiver Policy is a part of the Regional Board's Basin Plan, becomes effective January 1, 2003, and is reproduced as Attachment 1 to this document. The Waiver Policy indicates the types of discharges for which waste discharge requirements have been waived, the conditions that apply to each waiver and the waiver category (Category 1 or Category 2) to which each discharge has been assigned.

Discharges in have been determined to pose a greater potential threat to water quality than those in Category 2. Category 1 discharges require enrollment to be covered by the Waiver Policy. The purpose of the enrollment is to provide the Regional Board with data on the Category 1 discharges and facilitate determination of compliance with waiver conditions. Wherever possible, existing programs by the Regional Board or other public agencies are used to fulfill the enrollment requirements. The table provided below summarizes the requirements for enrollment for each type of Category 1 discharge. The number shown at the left of the listing for each type of discharge refers to the corresponding entry in Table 4-4 of the Waiver Policy.

There is no application or enrollment process for Category 2 discharges. These discharges are covered by the Waiver Policy without the need for any action on the part of the discharger.

Enrollment Requirements for Category 1 Waivers			
No.	Type of Waste Discharge	Enrollment Requirement	Regional Board Unit Contact
1	Conventional septic tank/subsurface disposal systems for residential units.	Approval of the system design by the county environmental health agency having jurisdiction where the system is/will be constructed. Approval will usually be in the form of a Parcel Map or Tentative Map recordation or other documentation of discretionary approval of a proposed land use utilizing conventional septic tank/subsurface disposal systems for residential units.	Watershed Unit (North or South as appropriate for facility location)
2	Conventional septic tank/subsurface disposal systems for commercial/industrial establishments.	Approval of the system design by the county environmental health agency having jurisdiction where the system is/will be constructed. Approval will usually be by issuance of a Use Permit or other documentation of discretionary approval of a proposed land use utilizing conventional septic tank/subsurface disposal systems for commercial/industrial establishments.	Watershed Unit (North or South as appropriate for facility location)

Enrollment Requirements for Category 1 Waivers			
No.	Type of Waste Discharge	Enrollment Requirement	Regional Board Unit Contact
3	Alternative individual sewerage systems.	Approval of the system design by the county environmental health agency having jurisdiction where the system is/will be constructed. Approval will usually be in the form of a Parcel Map or Tentative Map recordation or issuance of a Use Permit or other documentation of discretionary approval of a proposed land use utilizing alternative individual sewerage systems.	Watershed Unit (North or South as appropriate for facility location)
4	Conventional septic tank/subsurface disposal systems for campgrounds.	Approval of the system design by the county environmental health agency having jurisdiction where the system is/will be constructed. Approval will usually be by issuance of a Use Permit or other documentation of discretionary approval of a proposed land use utilizing conventional septic tank/subsurface disposal systems for commercial/industrial establishments.	Watershed Unit (North or South as appropriate for facility location)
7	Animal feeding operations for the following species in the numbers indicated: Slaughter and feeder cattle (300 to 1000 animals) Swine (750 to 2500 animals) Horses (150 to 500 animals) Sheep or lambs (3000 to 10,000 animals) Turkeys (16,500 to 55,000 animals) Laying hens or broilers (9000 to 30,000 animals) Ducks (1500 to 5000 animals) Mixed species (cumulative total of 300 to 1000 animal units, as defined in 40 CFR 122, Appendix B).	Completion of the enrollment form contained in Attachment 2 (Waiver of Waste Discharge Requirements Enrollment Form) and submission to the Regional Board.	Industrial Compliance Unit
11	Sand and gravel mining operations.	Either: <ul style="list-style-type: none"> • Receipt of a Federal Clean Water Act Section 401 Water Quality Certification issued by the Regional Board or the Regional Board's Executive Officer; or • Written acknowledgment, signed by the Regional Board's Executive Officer, of coverage under an U.S. Army Corps of Engineers Nationwide Permit that has been certified by the State Water Resources Control Board. 	Watershed Unit (North or South as appropriate for facility location)
13	Dredging project wastes.	Either: <ul style="list-style-type: none"> • Receipt of a Federal Clean Water Act Section 401 Water Quality Certification issued by the Regional Board or the Regional Board's Executive Officer; or • Written acknowledgment, signed by the Regional Board's Executive Officer, of coverage under an U.S. Army Corps of Engineers Nationwide Permit that has been certified by the State Water Resources Control Board. 	Watershed Unit (North or South as appropriate for facility location)
15	Manure composting and soil amendment operations.	Completion of the enrollment form contained in Attachment 2 (Waiver of Waste Discharge Requirements Enrollment Form) and submission to the Regional Board.	Watershed Unit (North or South as appropriate for facility location)
16	Solid waste disposal facilities accepting only inert wastes.	Completion of the enrollment form contained in Attachment 2 (Waiver of Waste Discharge Requirements Enrollment Form) and submission to the Regional Board.	Land Discharge Unit

Enrollment Requirements for Category 1 Waivers			
No.	Type of Waste Discharge	Enrollment Requirement	Regional Board Unit Contact
17	Stream channel alterations.	Either: <ul style="list-style-type: none"> • Receipt of a Federal Clean Water Act Section 401 Water Quality Certification issued by the Regional Board or the Regional Board's Executive Officer; or • Written acknowledgment, signed by the Regional Board's Executive Officer, of coverage under an U.S. Army Corps of Engineers Nationwide Permit that has been certified by the State Water Resources Control Board. 	Watershed Unit (North or South as appropriate for facility location)
19	Nursery irrigation return water.	Submission of the form "Application for License to Sell Nursery Stock" (64-029) to the California Department of Food and Agriculture.	Watershed Unit (North or South as appropriate for facility location)
20	Short-term use of reclaimed wastewater.	Submission of a written request for a waiver containing the information specified in Condition No. 2 in Appendix D of the Waiver Policy.	Publicly Owned Treatment Works Unit
23	Temporary discharge of specified contaminated soils.	Completion of the enrollment form contained in Attachment 3 (Temporary Waste Pile Waiver Certification) and submission to the Regional Board.	Land Discharge Unit
26	Permanent reclaimed water projects.	Submission of a Report of Waste Discharge containing the information specified in Conditions Nos. 1 and 4 in Appendix D of the Waiver Policy.	Publicly Owned Treatment Works Unit

ATTACHMENT 1

REGIONAL BOARD WAIVER POLICY

ADOPTED SEPTEMBER 11, 2002

EFFECTIVE JANUARY 1, 2003

WASTE DISCHARGE REQUIREMENT WAIVER POLICY

The Regional Board may waive issuance of waste discharge requirements for a specific discharge or types of discharge pursuant to California Water Code Section 13269 if such waiver is determined not to be against the public interest.

The waiver of adoption of waste discharge requirements is not applicable to discharges subject to NPDES permit regulation. The federal Clean Water Act does not provide for a waiver of the need to obtain an NPDES permit for point source discharges of pollutants to surface waters.

Amendments to California Water Code Section 13269, effective January 1, 2003 provided that waivers may not exceed five years duration and must be conditional. Under these amendments the regional boards were required to:

- Renew waivers every five years;
- Review the terms, conditions and effectiveness of each type of waiver included in their waiver policies at a public hearing;
- Determine if general or individual waste discharge requirements should be issued for ongoing discharges where waivers have been terminated; and,
- Require compliance with waiver conditions.

The waiver of waste discharge requirements is conditional and may be terminated at any time by the Regional Board for any specific discharge or any specific type of discharge.

The Regional Board has determined that a waiver of adoption of waste discharge requirements for a specific type of discharge would not be against the public interest under one or more of the following circumstances:

- The type of discharge is effectively regulated by other public agencies; or
- The type of discharge does not adversely affect the quality of the beneficial uses of the waters of the state; or
- The type of discharge is not readily amenable to regulation through adoption of waste discharge requirements but warrants Regional Board oversight to insure compliance with mandated conditions.

On September 11, 2002, the Regional Board conditionally waived adoption of waste discharge requirements for certain specific types of discharges described in Table 4-4. This waiver took effect on January 1, 2003 and expires on January 1, 2008, except for discharges for which Table 4-4 specifies an earlier expiration date.

The following general conditions apply to all discharges described in Table 4-4:

- The discharge shall not create a nuisance as defined in the California Water Code; and
- The discharge shall not cause a violation of any applicable water quality standard; and
- The discharge of any substance in concentrations toxic to animal or plant life is prohibited.

In addition, the discharges must satisfy the specific conditions described in Table 4-4.

The discharges in Table 4-4 have been assigned to either Category 1 or Category 2, for purpose of Regional Board oversight for determination of compliance with waiver conditions. Discharges covered by Category 1 waivers pose a greater potential threat to water quality than those in Category 2.

For Category 1 waivers, waste discharge requirements for a specific discharge shall be considered waived only after enrollment in accord with procedures established by the Regional Board. For most of the discharges in Category 1, programs administered by the Regional Board or other public agencies will provide the information necessary to satisfy the enrollment requirements. No additional enrollment procedures will be necessary for these discharges.

An enrollment process has been established for the remaining discharges. Dischargers may contact the Regional Board office to determine if enrollment is necessary for a specific discharge. The Regional Board will determine compliance with Category 1 waiver conditions using a program that includes on-site inspections and/or review of the records of other public agencies that regulate these discharges.

For Category 2 waivers, enrollment is not necessary. The Regional Board will assess compliance with Category 2 waiver conditions by means of surveys or other indirect methods.

Revised Table 4-4 (Revised 2/5/03)

Attachment A to Resolution No. R09-2003-0060

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
1. Conventional septic tank/subsurface disposal systems for residential units.	Subject to the conditions set forth in the <i>Basin Plan, Chapter 4, (Implementation)</i> section entitled <i>Guidelines for New Community and Individual Sewerage Facilities</i> , and where systems are not constructed within areas designated as Zone A as defined by the California Department of Health Services' <i>Drinking Water Source Assessment and Protection Program</i> . This waiver applies until six months after the State Water Resources Control Board adopts statewide criteria for on-site disposal systems pursuant to AB 885.	1	<i>Basin Plan, Chapter 4 (Implementation)</i> section entitled <i>Guidelines for New Community and Individual Sewerage Facilities, Drinking Water Source Assessment and Protection Program</i> , California Department of Health Services (DHS). AB 885 requires that the State Water Resources Control Board develop statewide criteria for on-site disposal systems by January 1, 2004.
2. Conventional septic tank/subsurface disposal systems for commercial/industrial establishments.	Subject to the conditions set forth in the <i>Basin Plan, Chapter 4, (Implementation)</i> section entitled <i>Guidelines for New Community and Individual Sewerage Facilities</i> , and where systems are not constructed within areas designated as Zone A as defined by the California Department of Health Services' <i>Drinking Water Source Assessment and Protection Program</i> . This waiver applies until six months after the State Water Resources Control Board adopts statewide criteria for on-site disposal systems pursuant to AB 885.	1	<i>Basin Plan, Chapter 4 (Implementation)</i> section entitled <i>Guidelines for New Community and Individual Sewerage Facilities, Drinking Water Source Assessment and Protection Program</i> , California Department of Health Services (DHS). AB 885 requires that the State Water Resources Control Board develop statewide criteria for on-site disposal systems by January 1, 2004.
3. Alternative individual sewerage systems.	Subject to the conditions set forth in the <i>Basin Plan, Chapter 4, (Implementation)</i> section entitled <i>Guidelines for New Community and Individual Sewerage Facilities</i> , and where systems are not constructed within areas designated as Zone A as defined by the California Department of Health Services' <i>Drinking Water Source Assessment and Protection Program</i> . This waiver applies until six months after the State Water Resources Control Board adopts statewide criteria for on-site disposal systems pursuant to AB 885.	1	<i>Basin Plan, Chapter 4 (Implementation)</i> section entitled <i>Guidelines for New Community and Individual Sewerage Facilities, Drinking Water Source Assessment and Protection Program</i> , California Department of Health Services (DHS). AB 885 requires that the State Water Resources Control Board develop statewide criteria for on-site disposal systems by January 1, 2004.

Revised Table 4-4 (Revised 2/5/03)

Attachment A to Resolution No. R09-2003-0060

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
4. Conventional septic tank/subsurface disposal systems for campgrounds.	Where no facilities are provided which would enable recreational vehicles to connect with the campground sewerage system, and where systems are not constructed within areas designated as Zone A as defined by the California Department of Health Services' <i>Drinking Water Source Assessment and Protection Program</i> .	1	<i>Basin Plan, Chapter 4 (Implementation)</i> section entitled <i>Guidelines for New Community and Individual Sewerage Facilities, Drinking Water Source Assessment and Protection Program</i> , California Department of Health Services (DHS).
5. Construction and test pumping of water wells.	Where the well water pumped is uncontaminated; and where the well was not constructed for and is not to be used in ground water cleanup operations.	2	
6. Air conditioner condensate.		2	
7. Animal feeding operations for the following species in the numbers indicated: 300 to 999 veal calves; 300 to 999 cattle other than mature dairy cows or veal calves (including, but not limited to heifers, steers, bulls and cow/calf pairs); 750 to 2,499 swine each weighing 55 pounds or more; 3,000 to 9,999 swine each weighing less than 55 pounds;	Where the facility is operated and maintained in conformance with the regulations cited in Sections 22562 through 22565, Division 2, Title 27 of the California Code of Regulations, and where pollutants are not discharged (1) to waters of the United States through a man-made ditch, flushing system or other similar man-made device; or, (2) directly into waters of 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. Where the facility has not been designated as a Confined Animal Feeding Operation pursuant to United States Environmental Protection Agency Administered Permit Programs: NPDES, 40 CFR 122.23 as revised December 15, 2002.	1	United States Environmental Protection Agency Administered Permit Programs: NPDES, 40 CFR 122.23 as revised December 15, 2002, and United States Environmental Protection Agency <i>Guide Manual on NPDES Regulations for Concentrated Animal Feeding Operations</i> .

Revised Table 4-4 (Revised 2/5/03)

Attachment A to Resolution No. R09-2003-0060

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
<p>150 to 499 horses; 3,000 to 9,999 sheep or lambs; 16,500 to 54,999 turkeys; 9,000 to 29,999 laying hens or broilers (if a liquid manure handling system is used); 37,500 to 124,999 chickens (other than laying hens, if the operation does not use a liquid manure handling system); 25,000 to 81,999 laying hens_(if the operation does not use a liquid manure handling system); 10,000 to 29,999 ducks (if the operation does not use a liquid manure handling system); 1,500 to 4,999 ducks (if the operation uses a liquid manure handling system).</p>			

Revised Table 4-4 (Revised 2/5/03)

Attachment A to Resolution No. R09-2003-0060

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
<p>8. Animal feeding operations for the following species in the numbers indicated:</p> <ul style="list-style-type: none"> less than 300 veal calves; less than 300 cattle other than mature dairy cows or veal calves (including, but not limited to heifers, steers, bulls and cow/calf pairs); less than 750 swine each weighing 55 pounds or more; less than 3,000 swine each weighing less than 55 pounds; less than 150 horses; less than 3,000 sheep or lambs; less than 16,500 turkeys; less than 9,000 laying hens or broilers (if a liquid manure handling system is used); less than 37,500 chickens (other than laying hens, if the operation does not use a liquid manure handling system); 	<p>Where the facility is operated and maintained in conformance with the regulations cited in Sections 22562 through 22565, Division 2, Title 27 of the California Code of Regulations, and where pollutants are not discharged (1) to waters of the United States through a man-made ditch, flushing system or other similar man-made device; or, (2) directly into waters of 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.</p> <p>Where the facility has not been designated as a Confined Animal Feeding Operation pursuant to United States Environmental Protection Agency Administered Permit Programs: NPDES, 40 CFR 122.23 as revised December 15, 2002.</p>	2	<p>United States Environmental Protection Agency Administered Permit Programs: NPDES, 40 CFR 122.23 as revised December 15, 2002, and United States Environmental Protection Agency <i>Guide Manual on NPDES Regulations for Concentrated Animal Feeding Operations</i>.</p>

Revised Table 4-4 (Revised 2/5/03)

Attachment A to Resolution No. R09-2003-0060

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
less than 25,000 laying hens (if the operation does not use a liquid manure handling system); less than 10,000 ducks (if the operation does not use a liquid manure handling system); less than 1,500 ducks (if the operation uses a liquid manure handling system); any number of goats; any number of buffalo.			
9. Plant crop residues.	Where such residues are plowed into fields (as opposed to being disposed of en masse, e.g. in a pit).	2	For the purposes of this document, "plant crop residues" shall be defined as waste plant crops and nonmarketable portions of plants.
10. Storm water runoff.	Where no NPDES permit is required, and where appropriate best management practices, such as those recommended by US EPA's Risk Reduction Engineering Laboratory, are implemented to minimize the discharge of contaminants in runoff infiltrating to ground water aquifers.	2	United States Environmental Protection Agency <i>Project Summary, Potential Groundwater Contamination from Intentional and Nonintentional Stormwater Infiltration.</i>
11. Sand and gravel mining operations.	Where operations are not conducted in flowing streams; and where water quality certification pursuant to Federal Clean Water Act Section 401 has been issued.	1	This waiver does not apply to wash water or other discharges from sand and gravel processing operations.
12. Intermittent swimming pool discharges.	Where pool filter backwash is not discharged.	2	

Revised Table 4-4 (Revised 2/5/03)**Attachment A to Resolution No. R09-2003-0060**

13. Dredging project wastes.	Where the dredging project does not involve more than 5000 yd ³ of material and where water quality certification pursuant to Federal Clean Water Act Section 401 has been issued.	1	
14. Short-term construction dewatering operations.	Where there is no discharge to surface waters.	2	
15. Manure composting and soil amendment operations.	Where State Water Resources Control Board <i>Minimal Guidelines for Protection of Water Quality from Animal Wastes</i> are followed.	1	Adopted by the State Water Resources Control Board on March 1, 1973.
16. Solid waste disposal facilities accepting only inert wastes.	Where State Water Resources Control Board regulations, requirements and guidelines for disposal of such wastes are satisfied; and where Fish and Game Code Section 5650 is not violated.	1	The applicable document as of the date of adoption of the Resolution is <i>Discharges of Waste to Land</i> (CCR Title 23, Division 3, Chapter 15).
17. Stream channel alterations.	Where water quality certification pursuant to Federal Clean Water Act Section 401 has been issued.	1	
18. Agricultural irrigation return water.	Where management measures and best management practices have been implemented as described in the Plan for California's Nonpoint Source Pollution Control Program.	2	For the purposes of this document, "agriculture" shall be defined as the production of fiber and/or food (including food for animal consumption, e.g., alfalfa).
19. Nursery irrigation return water.	Where there is no discharge to waters of the U.S., and where best management practices have been implemented as described in the Plan for California's Nonpoint Source Pollution Control Program.	1	For the purposes of this document, a "nursery" shall be defined as a facility engaged in growing plants (shrubs, trees, vines, etc.) for sale.
20. Short-term use of reclaimed wastewater.	See Appendix D.	1	

Revised Table 4-4 (Revised 2/5/03)

Attachment A to Resolution No. R09-2003-0060

TYPE OF WASTE DISCHARGE	SPECIFIC CONDITION(S)	WAIVER CATEGORY	REFERENCES, REMARKS, ETC.
21. On-site drilling mud discharge.	Where discharge is to a sump with a minimum freeboard of two feet; and Where sump is not to be used for ultimate disposal of drilling mud (unless discharger demonstrates that material is nontoxic and does not contain dissolved or soluble salts in quantities which could adversely affect basin groundwater quality); and Where sump site is restored to predrilling state within 60 days of completion or abandonment of well.	2	
22. Timber harvesting.	Where harvesting occurs on National Forest System lands managed by the United States Forest Service in accordance with the practices and procedures set forth in the document entitled <i>Water Quality Management for National Forest System Lands in California</i> .	2	Management Agency Agreement between State Water Resources Control Board and the United States Forest Service (United States Department of Agriculture).
23. Temporary discharge of specified contaminated soils.	See Appendix D.	1	
24. Green waste composting facilities.	See Appendix D.	2	
25. Incidental discharges within a response area during a spill response.	The discharge must meet the definition of " <i>incidental discharge</i> " as this, and related terms are defined in the <i>Memorandum of Understanding Between the Department of Fish and Game's Office of Oil Spill Prevention and Response and the State Water Resources Control Board Relating to Discharges Associated with Response Activities Conducted Pursuant to Ch. 7.4, Division 1 of the Government Code</i> .	2	
26. Permanent reclaimed water projects.	See Appendix D.	1	

APPENDIX D

CONDITION(S) FOR CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS OF ITEMS IN TABLE 4-4

CONDITIONS FOR ITEM 20. SHORT-TERM USE OF RECLAIMED WATER:

1. Short-term water reclamation projects are projects that last one year or less. Short-term projects can include temporary use of reclaimed water for dust control, soil compaction, green belt irrigation, or any other temporary reuse project authorized by the Executive Officer, for which no permanent physical reclaimed water facilities or structures are installed; and
2. The reclaimed water producer must submit a written request for a waiver to the Regional Board. This request must include written notification from the local health department or the State Department of Health Services that the proposed project complies with all local and State health requirements for reclaimed water use and Title 22, Division 4, Chapter 3, Reclamation Criteria, Articles 1 - 10. This written notification shall also specify any monitoring required to demonstrate compliance with Title 22, Division 4, Chapter 3, Articles 2, 3, 4, 5, and 5.1. A new written request for a waiver must be submitted to the Regional Board if the temporary project exceeds one year. New written requests must be received 60 days prior to expiration of the one year project. If no new request is received the short-term project must cease immediately.

CONDITIONS FOR ITEM 23. TEMPORARY DISCHARGE OF SPECIFIED CONTAMINATED SOILS:

a. General Conditions for All Temporary Waste Piles

- (1) **Required Notification of the Regional Board:** The discharger shall send the Regional Board a signed/completed certification report (Section A: Temporary Waste Pile Waiver Certification Form), **within 30 days** of the initial discharge of any waste piles established under this waiver. The discharger shall send the Regional Board a signed/completed certification report (Section B: Temporary Waste Pile Waiver Certification Form) **within 10 working days** of completing removal of all waste and restoring the site to its original condition.
- (2) This waiver specifically does not apply to hazardous waste, as defined in Section 66261.3, Division 4.5, Title 22 of the California Code of Regulations, or as amended.
- (3) **Prohibitions:** The discharge of waste shall not:
 - a. Cause the occurrence of coliform or pathogenic organisms in waters pumped from the basin;
 - b. Cause the occurrence of objectionable tastes and odors in water pumped from basin;
 - c. Cause waters pumped from the basin to foam;
 - d. Cause the presence of toxic materials in waters pumped from the basin;

- e. Cause the pH of waters pumped from the basin to fall below 6.0 or rise above 9.0;
 - f. Cause pollution, contamination or nuisance or adversely affect beneficial uses of ground or surface waters of the hydrologic subareas established in the Basin Plan.
 - g. Cause a violation of any discharge prohibitions in the Basin Plan for the San Diego Region.
- (4) **Site Conditions:** All parcels of land/property containing a temporary discharge of solid wastes, temporary waste piles as identified in the specific conditions of this waiver, shall meet the following minimum general site conditions:
- a. Runon/Runoff Protection: Surface drainage shall be diverted from the temporary waste piles. For all waste piles, the dischargers shall implement effective Best Management Practices (BMPs) to prevent surface water runon and runoff from contacting wastes and to prevent erosion and transport of wastes by surface runoff.
 - b. Groundwater Protection: All waste piles shall be placed at least five feet above the highest anticipated level of groundwater.
 - c. Surface Water Protection: All waste piles established under this waiver shall be located not less than 100 feet from any surface water identified in the Basin Plan.
 - d. Flood Plain Protection: All waste piles shall be protected against 100-year peak stream flows as defined by the County flood control agency.
- (5) **Inspection and Maintenance:** Wastes discharged to waste piles established under this waiver, together with any containment materials used at the temporary waste pile, and any underlying geologic materials contaminated by the discharge, shall be removed within the maximum time period allowed under the applicable Special Conditions. Subsequently the site shall be restored to its original state within 30 days following the removal of all treatment facilities, related equipment, etc. and shall be disposed of or stored in accordance with applicable regulations.
- (6) **Clean Closure Required:** Wastes discharged to waste piles established under this waiver, together with any containment materials used at the temporary waste pile, and any underlying geologic materials contaminated by the discharge, shall be removed within the maximum time period allowed under the applicable special conditions. Subsequently, the discharger shall remove all wastes, treatment facilities, related equipment, and dispose of those items in accordance with applicable regulations. The site shall be restored to its original state within maximum time period allowed under the applicable special conditions.
- (7) **Management of Return or Poned Water:** If return water or ponded water contained within the treatment or storage area of the temporary waste pile will be disposed of at a location other than to a sanitary sewer system, then the discharger shall submit written notification to the Executive Officer prior to initiating the discharge and either: 1) obtain waste discharge requirements; 2) obtain a waiver of waste discharge requirements or 3) obtain a written determination from the Regional Board Executive Officer that the disposal of the return water or ponded water is not subject to regulation by the Regional Board.

- (8) **Property Owner Acknowledgment:** By written correspondence to the Regional Board Executive Officer, the property owner shall approve the placement of the waste (temporary waste piles) at the site.
 - (9) **Public Notification Requirement:** The discharger shall post at least one clearly visible, sign (in english) 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. The discharger shall 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) shall be maintained as required to keep them legible and remain in place while temporary waste piles remain on site.
 - (10) All sampling and analytical procedures, including documentation of waste characterization, shall be in accordance with the indicated methods described in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, SW-846, U.S. Environmental Protection Agency (current edition). Reported concentrations levels shall be mean average, with an 80% upper confidence interval, and the total range within each constituent.
 - (11) **Obligation to Comply:** This waiver from waste discharge requirements (WDRs) does not relieve dischargers of the obligation to comply with any other applicable local, state and federal requirements.
 - (12) **Relation of this Conditional Waiver to Other Authority of the RWQCB:** This action waiving the issuance of WDRs is conditional, may be terminated for any type of discharge at any time, does not permit an illegal discharge, and does not preclude the Regional Board from administering enforcement remedies pursuant to Section 13304 of the California Water Code. Where the staff of this Regional Board considers the adoption of WDRs for a specific discharge of a type identified herein to be in the public interest, staff will draft tentative waste discharge requirements for consideration by the Regional Board.
- b. *Special Conditions Applicable to Waste Piles for Treatment or Storage of Soils Contaminated with Petroleum Hydrocarbons*
- (1) Temporary waste piles established under this waiver shall be limited to a maximum time period of four months or 90 days.
 - (2) All solid wastes discharged into temporary waste piles established under the waiver shall be derived from only one source (e.g., unauthorized release site).
 - (3) **Cover:** All waste piles shall be overlain by plastic sheeting (not less than 10 mils thick) to adequately prevent rainwater infiltration, control fugitive dust, and other nuisances.
 - (4) **Liner:** All waste piles shall be underlain by either plastic sheeting (not less than 10 mils thick) or a liner of low permeability approved by the Regional Board Executive Officer.
 - (5) In addition to the general and specific conditions stated herein, waste piles shall conform to applicable provisions in the state's Local Oversight Program (LOP) for Orange, Riverside, or San Diego Counties.

- (6) **Site Closure:** Any waste pile established under these Special Conditions for Petroleum Contaminated Soils, together with any containment materials used for the temporary waste pile and underlying geologic materials contaminated by the discharge, shall be removed and the site shall be restored to its original state within **30 days**.

c. Special Conditions Applicable to Waste Piles for Treatment or Storage of Dredge Spoils Contaminated with Heavy Metals

- (1) All temporary waste piles established under this waiver shall be limited to a maximum time period of nine months or 210 days.
- (2) **Cover:** All waste piles shall be overlain by either a plastic sheeting to adequately prevent rainwater infiltration, control fugitive dust, and other nuisances. Alternative control methods shall be subject to approval by the Regional Board Executive Officer.
- (3) **Liner:** All waste piles shall be underlain by plastic sheeting (not less than 20 mils thick) or a liner of lower permeability approved by the Regional Board Executive Officer. The liner and containment facility shall be designed to contain all solid wastes and fluids, and shall be subject to approval by the Regional Board Executive Officer.
- (4) **Containment Structures:** Materials used in containment structures shall 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.
- (5) **Site Closure:** Any waste pile established under these Special Conditions for Dredge Spoils, together with any containment materials used for the temporary waste pile and underlying geologic materials contaminated by the discharge, shall be removed and the site shall be restored to its original state within **60 days**.

CONDITIONS FOR ITEM 24. COMPOSTING AND PROCESSING, MULCHING, OR GRINDING FACILITIES

A. APPLICABILITY

1. Types of Facilities

- a. *Facilities composting Green Waste, Agricultural Waste, Food Processing Waste or Paper Waste*
- b. *Facilities processing, mulching or grinding Green Waste, or Agricultural Waste*

2. Size of Facilities

- a. *Composting and Processing, Mulching, or Grinding Operations Less than Five Hundred (500) Cubic Yards*

The submittal of a report of waste discharge and the issuance of waste discharge requirements are waived for discharges from the following:

- (1) Green waste, food processing waste, agricultural waste, or paper waste composting operations that do not exceed five hundred (500) cubic yards at any given time;
- (2) Green waste or agricultural waste processing, mulching or grinding operations that do not exceed a total volume of five hundred (500) cubic yards at any given time.
- b. *Composting and Processing, Mulching, or Grinding Operations Greater than Five Hundred (500) Cubic Yards*

For dischargers who comply with the following *Reporting, Site, Operational, and General Conditions*, the issuance of waste discharge requirements are waived for discharges resulting from the following:

- (1) The storage and treatment by composting of greater than five hundred (500) cubic yards at any given time of green waste, food processing waste, agricultural waste, or paper waste, and any additives as approved by the RWQCB; or
- (2) The storage and treatment by processing, mulching, or grinding of greater than five hundred (500) cubic yards of green waste, or agricultural waste.

B. REPORTING CONDITIONS

1. *Report of Waste Discharge*

The discharger shall file a report of waste discharge that includes a technical report containing a requirement-by-requirement analysis based on acceptable engineering standards and best management practices, of how the process and physical designs of the facility will ensure compliance with the conditions listed herein. The discharger shall submit a fee pursuant to CCR Title 23, Section 2200 for a Threat to Water Quality and Complexity Rating 3-C, Chapter 15.

2. *General Industrial Storm Water Permit*

The discharger shall file either a Notice of Intent to comply with the requirements set forth in State Water Resources Control Board (SWRCB) NPDES General Permit No. CAS000001 for the discharge of storm water or submit documentation that the NPDES storm water permit requirements are not applicable to the discharger's facility.

3. *Changes in Operation*

The discharger shall notify the RWQCB of:

- a. any significant change in the nature and quantity of waste composted or processed, area of operation, or season of operation; or
- b. termination of operation.

C. SITE CONDITIONS

1. *Control and Management*

All areas upon which green waste, food processing waste, agricultural waste, or paper waste and any feedstock additives are discharged for composting or processing, mulching, grinding, storing and treating shall be designed, constructed and maintained to prevent the degradation of waters of the state. Such facility operations shall be equivalent to the water quality protection achieved through the implementation of the following measures:

a. *Precipitation*

All precipitation and surface drainage from outside the compost, process, treatment or storage areas including that collected from roofed areas, and runoff from tributary areas resulting from a 25-year, 24-hour storm shall be diverted away from the such areas.

b. *Runoff*

The discharger shall develop and implement a plan to reduce or eliminate the discharge of pollutants into surface waters including storm water. The plan shall describe measures taken to prevent contaminated process water and reduce or eliminate contaminated storm water from being discharged from the site.

c. *Water Quality Protection*

All compost, process and storage areas shall be sited where soil characteristics, distance from waste to ground water, and other factors will ensure no impairment of beneficial uses of surface waters or ground waters beneath or adjacent to the facility.

d. *Stream Flow*

The facilities shall be protected from inundation or washout by overflow from any stream channel during a 25-year peak stream flow.

e. *Surface Maintenance*

If the equipment operating near or on compost, process, storage, or treatment areas produces subsidence, cracking, or otherwise compromises any surface, the discharger shall repair any damaged areas immediately.

D. OPERATIONAL CONDITIONS

1. *Additives*

Dischargers who use additives as defined in this document shall report to the RWQCB's Executive Officer for his approval the type, and quantity of the additive. The use of additives shall comply with the *CONDITIONS* listed in this document.

2. *Discharge Specifications*

The discharge of green waste, food processing waste, agricultural waste, or paper waste for storage and treatment by composting or processing, grinding, or mulching shall not cause or threaten to cause a condition of contamination, pollution or nuisance.

3. *Maintenance*

Containment structures such as embankments, liners or surface impoundments shall be maintained in order to ensure proper performance whenever wastes are discharged.

4. *Wet Weather Preparations*

Prior to the rainy season, the discharger shall conduct a survey of the operation to ensure that the site has been graded and prepared to prevent erosion and to prevent ponding of waste water at any location not designed and operated to retain water.

5. Inspections

The discharger shall inspect compost, process, storage and treatment areas for emergence of leachate, ponding, or surface failures such as cracking or subsidence; such inspections shall be frequent enough to ensure compliance with the Conditions of this waiver. If visible leachate, ponding, cracking, or subsidence of surfaces is observed, the discharger shall immediately take necessary measures to maintain the performance standards described in *SITE CONDITIONS C*.

E. GENERAL CONDITIONS

1. Prohibitions

The inclusion of the following wastes for treatment by composting or processing under the conditions of this waiver are prohibited:

- a. municipal solid waste;
- b. sludges (including sewage sludge, water treatment sludge, and industrial sludge);
- c. septage;
- d. liquid wastes, unless specifically approved by the Regional Board;
- e. animal waste, except manure when used as an additive;
- f. oil and grease; and
- g. hazardous, designated, and any other wastes determined by the Regional Board to pose a potential threat to water quality.

2. Entry and Inspection

The discharger shall allow the RWQCB, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the discharger's premises where a conditionally waived facility or activity is located or conducted, or where records must be kept under the conditions of this waiver;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this waiver;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this waiver; and
- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this waiver or as otherwise authorized by the California Water Code, any substances or parameters at any location.

DEFINITION OF TERMS IN CONDITIONS FOR ITEM 24

GREEN WASTE: Material that consists of or contains waste from plants, including leaves, clippings, cuttings, trimmings of grass, weeds, shrubbery, bushes, or trees, residential or community garden wastes, and untreated wood wastes.

FOOD PROCESSING WASTE: Material that consists of or contains only pre-processed and post-processed waste derived from plants, or foods processed or produced at restaurants, hospitals and food distributors.

AGRICULTURAL WASTE: Material that consists of the plant waste coming directly from an agricultural commodity, and is the product of farms and ranches and by-products processed from these

products, as defined in Division 21, Part 2, Chapter 1 Section 58619 of the Food and Agriculture Code.

Agricultural waste includes agricultural, floricultural, silvicultural, vermicultural or viticultural products.

PAPER WASTE: Material that consists of nonhazardous paper and paper by-products.

ADDITIVE: Material that consists of waste or products which are approved by the RWQCB's Executive Officer

for mixture with feedstock or treated waste to adjust the moisture level, the carbon to nitrogen ratio, or the porosity of the wastes to create a condition favorable to the processing, or to improve the end-product.

Additives may include manures, fertilizers, and chemical amendments.

DISCHARGER: Any person who discharges waste which could affect the quality of waters of the state, and

includes any person who owns a waste management unit or who is responsible for the operation of a waste

management unit pursuant to Title 23, California Code of Regulations, Section 2601.

CONDITIONS FOR ITEM 26. PERMANENT RECLAIMED WATER PROJECTS:

1. The discharger shall submit a report of waste discharge pursuant to Section 13260 or 13522.5 of the California Water Code. This report shall contain sufficient technical information from which the Regional Board can determine if the proposed discharge complies with all applicable reclamation regulations; and
2. The proposed discharge of reclaimed water must be in compliance with the California Code of Regulations, Title 22, Division 4, Chapter 3, Articles 1 - 10; and
3. The proposed discharge of reclaimed water must be in compliance with the Water Quality Control Plan, San Diego Basin (9); and
4. The report of waste discharge must contain a letter from the local health department of the State Department of Health Services stating that the proposed project complies with all State and local Health requirements for the use of reclaimed water. This letter shall also specify any monitoring required to demonstrate compliance with Title 22, Division 4, Chapter 3, Reclamation Criteria, Articles 2, 3, 4, 5 and 5.1; and
5. Temporary waiver's of waste discharge requirements remain in effect for a project until the Regional Board is able to adopt permanent requirements. The Regional Board will adopt requirements, as appropriate, at the earliest possible opportunity, and in accordance with Regional Board priorities.

ATTACHMENT 2

WAIVER OF WASTE DISCHARGE REQUIREMENTS ENROLLMENT
FORM

ENROLLMENT FORM FOR WAIVER NOS.:

- 7 ANIMAL FEEDING OPERATIONS
- 15 MANURE COMPOSTING AND SOIL AMENDMENT
OPERATIONS
- 16 SOLID WASTE DISPOSAL FACILITIES ACCEPTING ONLY
INERT WASTES

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

9174 Sky Park Court, Suite 100

San Diego, CA 92123-4340

(858) 467-2952

WAIVER OF WASTE DISCHARGE REQUIREMENTS

ENROLLMENT FORM

(October 1, 2002)

CONTACT INFORMATION

OWNER/AGENT NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: (_____) _____

FACILITY INFORMATION

WAIVER NUMBER (SEE WAIVER POLICY): _____

TYPE OF DISCHARGE (SEE WAIVER POLICY): _____

FACILITY ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

CERTIFICATION

I certify that:

The above information is correct

I have read the Regional Board's Waiver Policy and am familiar with the conditions that apply to the discharge described above

To the best of my knowledge the discharge described above meets the criteria for a waiver of waste discharge requirements under the Regional Board's Waiver Policy

Print Name of Authorized Agent

Signature of Authorized Agent

Mail the completed form to the Regional Board's office at the address above.

ATTACHMENT 3

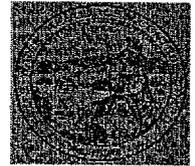
ENROLLMENT FORM FOR WAIVER NO. 23
TEMPORARY DISCHARGE OF SPECIFIED CONTAMINATED SOILS

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340
Attention: Land Discharge Unit

RWQCB Regulatory Program:

LDU DoD/SLIC UST/AGT/LOP County _____



I. Generator of Temporary Waste Pile

SECTION A: Temporary Waste Pile Waiver Certification

Generator Name: _____					
Mailing Address: _____					
City: _____	County: _____	State: _____	Zip: _____	Phone: _____	FAX: _____
Contact: _____			Title: _____		

II. Present Status of Temporary Waste Pile

Site Location: _____					
Property Owner Name: _____					
City: _____	County: _____	State: _____	Zip: _____	APN No.: _____	
RWQCB File No.: _____	LOP Case No.: _____	Quantity (Cu. Yds.): _____	Method of Containment: _____		

Waste Type	Contaminant/Constituent Concentrations							
Contaminant Type/Source: <input type="checkbox"/> Gasoline <input type="checkbox"/> Diesel <input type="checkbox"/> Other Petrol. Hydrocarbons <input type="checkbox"/> Impacted Dredge Spoils <input type="checkbox"/> Other Impacted Soils	Mean		Mean + 80% C.I.		Mean		Mean + 80% C.I.	
	Mean		Mean + 80% C.I.		Mean		Mean + 80% C.I.	
Mean		Mean + 80% C.I.		Mean		Mean + 80% C.I.		
Mean		Mean + 80% C.I.		Mean		Mean + 80% C.I.		

III. Waste Pile Site Information

Site Conditions Met _____ <input type="checkbox"/> Ground Water Separation <input type="checkbox"/> Surface Water Separation <input type="checkbox"/> Flood Plain Protection <input type="checkbox"/> Cover of Waste Pile <input type="checkbox"/> Precipitation/Drainage Control	Discharger/Property Owner _____ Property Owner: _____ Property Address: _____ City: _____ County: _____ State: _____ Zip: _____ Contact: _____ Phone: _____ Date Waste Pile(s) Initiated: _____
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Property Owner Acknowledgement

I hereby acknowledge receipt of the waste described in this notice, and acknowledge that I have reviewed any associated reports. By signing this form I acknowledge that the Generator of this waste has certified that all the conditions for the waiver from Waste Discharge Requirements (WDRs) for discharge of specified waste indicated in Section II (above) have been met.

Print Name: _____ Title: _____
 Signature: _____ Date: _____

IV. 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 the California Code of Regulations, Title 22, and by the United States Environmental Protection Agency (Code of Federal Regulations, Title 40), and that all conditions for the waiver from WDRs for discharge of specified wastes indicated in Section II (above) have been met.

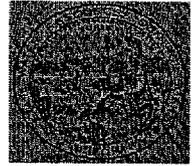
Print Name: _____ Title: _____
 Signature: _____ Date: _____

MAIL CERTIFICATION FORMS TO:

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Attention: Land Discharge Unit Supervisor



V. Final Waste Disposal Information

SECTION B: Temporary Waste Pile Waiver Certification

<p>Final Disposition of Waste</p> <p><input type="checkbox"/> Offsite/Landfill disposal</p> <p><input type="checkbox"/> On-site reuse/disposal</p> <p><input type="checkbox"/> Off-site reuse/disposal</p> <p><input type="checkbox"/> Other</p>	<p>Discharger/Property Owner</p> <p>Property Owner/Discharger:</p> <p>Mailing Address:</p> <p>City: _____ County: _____ State: _____ Zip: _____</p> <p>Contact Name: _____ Phone: _____</p> <p>Date(s) Waste Pile(s) Disposed: _____ Disposal Location(s): _____</p>
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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."

Print Name: _____

Title: _____

Signature: _____

Date: _____

<p>For Agency Use Only</p> <p>RWQCB Regulatory Program:</p> <p><input type="checkbox"/> LDU <input type="checkbox"/> DoD/SLIC <input type="checkbox"/> UST/AGT/LOP County _____</p>
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