

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,  
CENTRAL VALLEY REGION

RESOLUTION R5-2018-0085

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

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

1. California Water Code (Water Code) section 13260, subdivision (a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, shall file with the appropriate Regional Water Quality Control Board (Regional Board) a report of waste discharge (RWD) containing such information and data as may be required.
2. Pursuant to Water Code section 13263, the Central Valley Water Board is obligated to prescribe waste discharge requirements (WDRs) unless it finds that a waiver of WDRs for a specific discharge or type of discharge is not against the public interest, as provided in Water Code section 13269.
3. Water Code sections 13260(b) and 13269 authorize the Central Valley Water Board to waive WDRs and RWDs, respectively, for specific types of discharge where such a waiver is not against the public interest, is conditional, and may be terminated by the Central Valley Water Board at any time.
4. Historically, the Central Valley Water Board, in accordance with Water Code section 13269, waived water recycling requirements (WRRs) for emergency use of treated wastewater, as set forth in Resolution 77-69. Additionally, Resolution 82-036 waived WDRs for 23 other types of discharges to land that posed a low-threat to water quality.
5. In 1999, California State Senate Bill 390 amended California Water Code Section 13269 causing all existing waivers to expire as of 1 January 2003, and provided that all subsequently-adopted waivers for a specific discharge or type of discharge would automatically expire after five years unless the issuing Regional Board reviews the terms of the waiver at a public hearing and determines that the waiver remains consistent with all applicable water quality control plans, and also remains in the public interest.
6. Per Water Code section 13269, Resolutions 77-69 and 82-036 expired on 1 January 2003.
7. On 5 December 2013, the Central Valley Water Board adopted Resolution R5-2013-0145 (Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge Within the Central Valley Region), which renewed its waiver of WDRs or WRRs and, in some cases, RWDs for 12 specific types of discharge to land (as previously

waived by Resolutions 77-069 and 82-036). Per Water Code section 13269, Resolution R5-2013-0145 has been in effect for five years and will expire on 5 December 2018.

8. In compliance with Water Code section 13269, the Central Valley Water Board, has reviewed its previously-issued waivers per Resolution R5-2013-0145, and determined that its waiver for the following types of discharges, posing a low threat to the quality of waters of the State, should be renewed:
  - a. Conditional waiver of WDRs and/or WRRs, but not the requirement to submit RWDs [which must still be submitted], for:
    - i. Disposal of dredge material to land,
    - ii. Recycled water for construction projects and road dust control, and
    - iii. Small short-term sand and gravel operations.
  - b. Conditional waiver of WDRs, and in some instances, the requirement to submit RWDs, for:
    - i. Air conditioner, cooling and elevated temperature waters discharged to land,
    - ii. Agricultural commodity wastes,
    - iii. Fresh water well drilling muds and boring wastes,
    - iv. Inert solid waste disposal,
    - v. Test pumping of fresh water wells,
    - vi. Swimming pool discharges,
    - vii. Construction – dewatering operations,
    - viii. Hydrostatic testing (excluding natural gas facilities), and
    - ix. Disposal of residual wastes to land as a soil amendment.
9. The conditional waiver of WDRs and RWDs provided-for herein (Low-Threat Waiver) represents the latest iteration of the Central Valley Water Board's prior waivers respecting similar low-threat discharges to land, collectively referred to as the "Low-Threat Waiver."
10. In 2003, the State Water Resources Control Board (State Water Board) adopted Statewide General Order No. 2003-0003-DWQ (Statewide Low-Threat General Order) for "low-threat" discharges to land. The Statewide Low-Threat General Order was adopted to address types of discharges, posing a low threat to water quality, that were previously covered under Regional Board waivers. The Statewide Low-Threat General Order was not intended to supersede the Regional Boards' authority to issue individual WDRs or conditional waivers for additional discharges.
11. The Low-Threat Waiver includes several categories that are already covered under the Statewide Low-Threat General Order, specifically: non-contact cooling water discharges, fresh water well drilling muds and boring wastes; inert solid waste disposal; test pumping of fresh water wells; swimming pool discharges; construction dewatering; and hydrostatic testing discharges. To the extent that these discharges represent the absolute lowest

threat to water quality, enrollment under the Statewide Low-Threat General Order may be unnecessary.

12. In 2017, the State Water Board adopted Statewide General Order WQ 2017-0029-DWQ for Discharges from Natural Gas Utility Construction, Operations and Maintenance Activities (Natural Gas General Order). The Natural Gas General Order was adopted, in part, to address a range of land discharges from natural gas facilities, including those discharges associated with hydrostatic testing. Because the Natural Gas General Order includes all necessary effluent limitations and provisions to ensure that natural gas facilities' hydrostatic testing discharges are protective of groundwater quality, such discharges are not covered under this Low-Threat Waiver. Dischargers of hydrostatic test water from natural gas facilities should instead apply for coverage under the Natural Gas General Order.
13. After reviewing the preceding waiver of low-threat discharges per Resolution R5-2013-0145, the Central Valley Water Board will now include two additional categories of discharge in the waiver: discharges from water treatment systems (system flushing and backwashing), and discharges from short-term or intermittent equipment and vehicle washing. It is determined that these two additional discharge categories, provided that the discharger employs best practicable treatment or control and satisfies the discharge-specific conditions specified in Attachment A, would pose an insignificant threat to water quality and are applicable for coverage under the Low-Threat Waiver.
14. The Low-Threat Waiver only encompasses discharges that will cause no or insignificant impairment to water quality and pose little risk of creating a nuisance. Further, this conditional waiver is in the public interest, as it will reduce the cost of activities that produce innocuous or small amounts of waste, are protective of the environment, and allow Central Valley Water Board staff to direct resources towards addressing waste discharges that have significant potential to degrade water quality or create nuisance conditions.
15. The waiver of any RWDs per this Low-Threat Waiver shall not preclude the Executive Officer from requesting a RWD for a specific project, either due to site-specific conditions or as necessary to further evaluate a proposed discharge.
16. The State Water Board's Policy with Respect to Maintaining High Quality Waters of the State, Resolution 68-16 (Antidegradation Policy) prohibits degradation of groundwater quality unless it has been shown that the degradation:
  - a. Will be minimized through the use of best practicable treatment or control (BPTC);
  - b. Will not result in water quality less than that prescribed in state and regional policies, including violation of one or more water quality objectives;
  - c. Will not unreasonably affect present and anticipated beneficial uses; and
  - d. Remains consistent with the maximum benefit to the people of the State.
17. The **Information Sheet** accompanying this Resolution (incorporated herein) contains additional background information, and further describes the rationale for the conditional waiver requirements.

18. This Low-Threat Waiver is consistent with the Antidegradation Policy in that it imposes conditions to prevent impacts to water quality and authorizes no degradation of water quality, will not result in water quality less than that prescribed in plans and policies or unreasonably affect beneficial uses, and is in the best interest to people of the State.
19. This Resolution is the renewal, reissuance and latest iteration of the Central Valley Water Board's Low-Threat Waiver, which began with Resolution 82-036. In accordance with the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., the Central Valley Water Board determined that the adoption of Resolution 82-036 would not cause a significant environmental impact as determined in a Negative Declaration approved for the project on 23 December 1981. The grounds for this determination remain unchanged.
20. This conditional waiver expands the Low-Threat Waiver to include two new categories of discharges to land: (1) discharges from water treatment systems associated with system flushing and filter backwash, and (2) short-term vehicle and equipment washing. These additional discharges are further described in **Attachment A**, as well as in the accompanying **Information Sheet** (both incorporated herein). If occurring under the conditions prescribed in Table 1 of **Attachment A**, these additional discharges will also not result in any new significant impacts on the environment. Accordingly, no further CEQA documentation is required for this project. (See Pub. Resources Code, § 21166; Cal. Code Regs., tit. 14, § 15162). Further, the expansion of the Central Valley Water Board's Low-Threat Waiver is exempt from the requirements of CEQA in that it can be seen with certainty that the additional discharges will not result in any significant effects on the environment. (Cal. Code Regs., tit. 14, 15061, subd. (b)(3).)
21. The adoption of this Resolution is a regulatory action taken by the Central Valley Water Board, which sets specific restrictions and conditions on discharges to protect waters of the State, and does not confer any planning or building authority. New or expanding facilities are still subject to local agency approvals, permits, and potential project level CEQA review.
22. Pursuant to Water Code section 13263, subdivision (g), the ability to discharge waste is a privilege, not a right, and the adoption of this Low-Threat Waiver (and extensions of coverage thereunder) shall not create a vested right to continue such discharges.
23. The Central Valley Water Board conducted a public hearing on 7 December 2018, and considered all testimony and evidence concerning this matter.

**THEREFORE, BE IT RESOLVED**, that in accordance with Water Code section 13269, the Central Valley Water Board adopts the provisions set forth in **Attachment A** (Conditions of Discharge for Specific Categories Covered by the Low-Threat Waiver), and that:

1. The Central Valley Water Board waives the requirement to obtain WDRs and/or WRRs, and for some cases the requirement to submit a RWD and filing fee, for discharge types that fulfill the conditions set forth in **Attachment A**, which are incorporated herein.
2. Discharges that result from emergency work or emergency projects, as described in Water Code section 13269, subdivision (c), are not affected by this action.

3. Discharge of wastes to wetlands, surface waters, drainage courses, or biologically or culturally sensitive areas, is prohibited.
4. Based on the above-noted findings, this Low-Threat Waiver is not against the public interest, provided that subject dischargers:
  - (a) Comply with the conditions set forth herein and in **Attachment A**;
  - (b) Comply with all applicable State Water Board and Central Valley Water Board plans and policies; and
  - (c) File a RWD and filing fee with the Central Valley Water Board, when so required per **Attachment A** or the Executive Officer.
5. For discharges requiring submittal of a RWD, the discharger must submit:
  - (a) A completed **Form 200**;
  - (b) Technical information consistent with the guidance set forth in **Attachment B**, which is incorporated herein; and
  - (c) The applicable fee specified in California Code of Regulations, title 23 (Title 23), section 2200, for a threat to water quality and complexity rating of **3C**.
6. Based on the findings herein, it is not necessary at this time to adopt individual or general WDRs for waste discharges related to the types of discharges described in **Attachment A**, provided that they occur under the specified conditions, because such discharges pose an extremely low threat to water quality, and the issuance of individual or general WDRs would divert administrative resources needed for a variety of higher threat-level discharges.
7. For the following discharge categories also covered by Statewide Low-Threat General Order (Order 2003-0003-DWQ), this Low-Threat Waiver shall extend to only those discharges of such good quality, and also of such limited volume and duration, that the Executive Officer determines coverage under the Statewide Low-Threat General Order will not be necessary:
  - (a) Non-contact cooling water discharges;
  - (b) Fresh water well drilling muds and boring wastes;
  - (c) Inert solid waste disposal;
  - (d) Test pumping of fresh water wells;
  - (e) Swimming pool discharges;
  - (f) Construction – dewatering discharges; and
  - (g) Hydrostatic testing.
8. Pursuant to Water Code section 13269, this action waiving the issuance of waste discharge requirements for certain specific types of discharges: (a) is conditional; (b) may be terminated at any time; (c) does not permit an illegal activity; (d) does not preclude the need for permits which may be required by other local or governmental agencies; and (e) does not preclude the Central Valley Water Board from administering enforcement remedies, including civil liability, pursuant to the Water Code.

9. The Executive Officer or Central Valley Water Board may terminate the applicability of the waivers described herein as to any type of discharge or individual discharger at any time when such termination is in the public interest or the activity could affect the quality or beneficial uses of the waters of the State.
10. The Central Valley Water Board may review this Low-Threat Waiver at any time and may modify or terminate the waiver in its entirety, as applicable for a specific type of discharge, or for individual dischargers, as appropriate.
11. The Central Valley Water Board's Low-Threat Waiver shall expire on **7 December 2023**, unless terminated or renewed by the Central Valley Water Board.

If, in the opinion of the Executive Officer, a discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350, and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board for review in accordance with Water Code section 13320 and Title 23 section 2050 et seq. To be timely, the petition must be received by the State Water Board no later than 5 pm on the 30th day after the date of this Order, except if the 30th day falls on a Saturday, Sunday or state holiday, the petition must be received by 5 pm on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet (at the link below), or will be provided upon request.

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

I, PATRICK PULUPA, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 7 December 2018.

Original Signed By:

PATRICK PULUPA, Executive Officer

Attachments:

**Attachment A** - Conditions of Discharge for Specific Categories Covered by the Low-Threat Waiver  
**Attachment B** - Technical Guidance for Submittal of Report of Waste Discharge  
**Information Sheet**

## RESOLUTION R5-2018-0085

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

#### INFORMATION SHEET

#### REGULATORY BACKGROUND

California Water Code (Water Code) section 13263 requires that the Regional Water Quality Control Boards (Regional Boards) prescribe requirements for discharges of waste that may affect waters of the State. However, some discharges may have little or no effect on water quality or beneficial uses. Due to limited resources, it is sometimes in the best interest of the public and the Regional Boards not to expend inadequate and finite resources on regulating low-risk discharges that, when designed and operated to meet pre-set conditions, will have an insignificant potential to affect water quality or create nuisance. In such instances, Water Code section 13269 authorizes the Regional Boards to waive waste discharge requirements (WDRs) and/or the submission of a report of waste discharge (RWD).

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) previously waived water recycling requirements (WRRs) for Emergency Use of Treated Wastewater (Resolution 77-69), and waived WDRs and in some cases RWDs for 23 types of discharges to land that posed a low threat to water quality (Resolution 82-036). In 1999, the California Legislature enacted Senate Bill 390, which amended the Water Code so as to cause all existing waivers to expire on 1 January 2003, and requires all subsequent waivers be reviewed and renewed every five years.

On 31 January 2003, the Central Valley Water Board adopted Resolution R5-2003-0008 (Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge Within the Central Valley Region). Referred to as the Low-Threat Waiver, Resolution R5-2003-0008 replaced the expiring Resolutions 77-69 and 82-036. Specifically, Resolution R5-2003-0008 waived (1) WRRs for use of recycled water for dust control and construction projects and (2) WDRs, and, in some cases, RWDs for 11 of the 23 discharges previously covered by Resolution 82-036. In adopting Resolution R5-2003-0008, the Central Valley Water Board determined that these discharges, when designed and operated to meet preset conditions, would have an insignificant effect on water quality and, therefore, required little oversight. The remaining waivers under Resolution 82-036 were not renewed based on a determination that the subject discharges were more appropriately addressed via individual or general WDRs due to limited applicability or excessive complexity.

The Low-Threat Waiver reestablished under R5-2003-0008 was renewed under Resolution R5-2008-0182 (adopted 4 December 2008), which expanded the waiver to include discharges from small short-term sand and gravel operations (originally included in Resolution 82-036). The Low-Threat Waiver was renewed again under Resolution R5-2013-0145 (adopted 5 December 2013), which narrowed the waiver to exclude discharges of drilling muds and boring wastes associated with oil and gas operations (due to changes in the oil and gas industry). Specific discharges covered under the Low-Threat Waiver per Resolution R5-2013-0145, which expires on 5 December 2018, are:

1. Air Conditioner, cooling and elevated temperature waters
2. Fresh Water Well Drilling Muds and Boring Wastes

3. Disposal of Dredge Material to Land
4. Inert Solid Waste Disposal
5. Test Pumping of Fresh Water Wells
6. Swimming Pool Discharges
7. Construction - Dewatering Operations
8. Hydrostatic Testing
9. Agricultural Commodity Wastes
10. Disposal of Residual Waste to Land as a Soil Amendment
11. Water Recycling for Construction Projects and Road Dust Control
12. Small, Short-term Sand and Gravel Operations

## DISCUSSION

In accordance with Water Code section 13269, the Central Valley Water Board has reviewed its most recently-issued waiver per Resolution R5-2013-0145 (expiring 5 December 2018), to determine if the waiver for specific types of discharges that pose a low threat to the quality of waters of the State should be renewed. Based on that review, the waiver of WRRs or WDRs, and in some cases, RWDs for the following specific types of discharge are proposed for renewal:

No.	Type of Discharge	RWD Required
1.	Cooling water discharges*	Contact Cooling Water - Yes
		Non-Contact Cooling Water - No
2.	Fresh water well drilling muds and boring wastes *	No
3.	Disposal of dredge material to land	Yes
4.	Inert solid waste disposal *	No
5.	Test pumping of fresh water wells *	No
6.	Swimming pool discharges *	No
7.	Construction - dewatering operations *	No
8.	Hydrostatic testing *	Non-potable - Yes
		Potable - No
9.	Agricultural commodity wastes	Continuous or recurring - Yes
		One-time - No
10.	Disposal of residual wastes to land as a soil amendment	No
11.	Recycled water for construction projects and road dust control	Yes
12.	Small, short-term sand and gravel operations	Yes

**Note:** Categories followed by an (\*) are also covered by Statewide General Order 2003-0003-DWQ for low threat discharges to land. The review determined that for those categories that are also covered by the General Order, the Waiver should only apply to those discharges that represent the very lowest threat to water quality.



The Central Valley Water Board's review also found that based on current activities occurring within the Central Valley Region, it would be beneficial to the public interest if the low-threat waiver were expanded to include two additional types of waste discharge: (a) discharges from system flushing and filter backwash for water treatment systems and (b) discharges from vehicle and equipment washing. Because these discharges (discussed in further detail below), if properly managed, are intrinsically of such a low threat and/or of such limited volume/duration so as to pose an extremely low risk of nuisance and little-to-no threat to water quality, they are therefore appropriately included as part of the low-threat waiver.

## **NEW WAIVER CATEGORIES**

The following describes the two proposed types of discharges, and their relative threat to water quality and nuisance. Under the proposed conditions, the two additional types of discharge proposed during this renewal do not pose a significant threat to water quality or potential for nuisance.

### **1. Waste Discharges from Water Treatment Systems Associated with System Flushing and Filter Backwash**

Water treatment systems are employed to filter out and remove contaminants to make water potable for drinking. Proper operation and maintenance of a water treatment system requires periodic flushing or backwashing of the system. Treatment components and piping are often flushed with fresh water to remove debris and sediment collected in the system during change out or replacement of a system component (e.g., carbon vessel, piping, valves, tanks, etc.). In addition, filters used in the treatment process to remove contaminants from surface and groundwater by trapping or absorbing the contaminants from the raw water can become clogged. Occasionally, treated water is reversed through the filter to remove debris and particles clogging the filters. This is called backwashing. Depending on the size and purpose of the system, and the quality of the raw water, backwashing may occur every few hours or only once every couple of years.

**System Flushing:** System flushing is generally temporary and uses a minimal amount of water. Water quality concerns from this type of discharge are generally suspended solids and sediments, which are primarily a concern for surface waters. Discharges to land from these operations pose almost no threat to groundwater because suspended solids are effectively filtered out in the soil column. Given its quality and short duration, the discharge of water from system flushing should pose a low risk of nuisance or threat to water quality.

Therefore, it is appropriate that the waiver of WDRs and RWDs from system flushing of water treatment systems be included in the Low-Threat Waiver, provided that:

- Flushing is done using potable water;
- No additives or metal containing algaecides are used;
- Resulting discharges are contained onsite (unless there is a signed use agreement with a neighboring land owner);
- Water infiltrates or evaporates within 72 hours; and
- The impoundment or use area poses a low risk of nuisance.

**Filter Backwash:** Filter backwashing occurs periodically to remove debris and particles trapped on the filters. As discussed above, the frequency and duration of the backwash cycle varies significantly, depending on the size of the system and the quality of the raw water. Backwash water may contain contaminants collected by the filters such as heavy metals and organic materials, or disinfection byproducts such as trihalomethanes, which could pose a threat to water quality at high concentrations. To obtain coverage under the Low-Threat Waiver, the discharger must provide a demonstration that its discharge of backwash water is comparable to uppermost underlying groundwater and will not impair beneficial uses. This can be done by capturing the first backwash cycle in a holding tank and collecting analytical data prior to obtaining permission to discharge to land.

Therefore, it is appropriate that the waiver of WDRs (but not RWDs) for discharges of filter backwash water from water treatment systems be included in the Low-Threat Waiver, provided that:

- Backwashing is performed exclusively with potable water;
- The backwash water is comparable to uppermost underlying groundwater and will not impair beneficial uses;
- Discharges are contained onsite (unless there is a signed use agreement with a neighboring land owner);
- The impoundment or use area poses a low risk of nuisance;
- The discharges do not contain reverse osmosis reject water or other high strength wastes (e.g., ion exchange); and
- Periodic monitoring will be required to ensure the discharge meets the conditions of the waiver (e.g., discharge volumes, discharge frequency, and presence of particular constituents of concern).

## **2. Waste Discharges from Vehicle and Equipment Washing Activities**

Vehicle/equipment washing discharges typically involve power washing to clean onsite structures, rinsing of solar panels, or wash down of vehicles and equipment to remove accumulated dirt and debris. In urban areas these discharges generally go to the local sewer or storm water system operated by the local municipality. Areas that cannot discharge to the local sewer or storm water system depend on land disposal. The discharge may be short-term and intermittent, or be a long-term continuous discharge. Water quality concerns from this type of discharge are generally suspended solids, sediments, and soaps, which are primarily a concern for surface waters. The discharge of vehicle and equipment wash water can be managed to minimize the threat to water quality and potential nuisance conditions through the use of best management practices (BMPs).

At this time, coverage under the Low-Threat Waiver is only extended to short-term and intermittent discharges associated with exterior washing activities. This waiver expressly excludes discharges associated with washing: (a) livestock or commodity haulers; (b) engine parts or other equipment potentially containing significant quantities of oil and grease; and (c) vehicles and equipment used at contaminated sites. These excluded discharges require greater management and oversight, and are therefore more appropriately addressed through individual WDRs issued on a case-by-case basis.

Therefore, it is appropriate that the waiver of WDRs and RWDs from short-term or intermittent discharges of vehicle and equipment wash water be included in the Low-Threat Waiver, provided that:

- The discharge is intermittent or of limited duration of no more than a couple of months;
- Washing is done using potable or distilled water, or water of equivalent quality;
- Discharge takes place at the job site and is contained on-site;
- The impoundment or use area poses a low risk of nuisance and water must infiltrate/evaporate within 72 hours;
- BMPs are used to prevent excessive erosion and contain runoff; and
- Exterior wash only (excludes washing of livestock and commodity haulers, engine parts, or vehicles/equipment used at contaminated sites).

### **ANTIDEGRADATION POLICY (RESOLUTION 68-16)**

The State Water Resources Control Board's Policy with Respect to Maintaining High Quality Waters of the State, Resolution 68-16 (Antidegradation Policy) prohibits degradation of groundwater unless it has been shown that such degradation: (a) will be minimized through the use of best practicable treatment or control (BPTC) by the discharger; (b) will not result in water quality less than the water quality objectives prescribed in state and regional policies, or otherwise unreasonably affect present and anticipated beneficial uses; and (c) will reflect the highest water quality consistent with the maximum benefit to the people of the State.

By virtue of their associated waste constituent concentrations, volume/quantity, control measures, and prescribed conditions, the general categories of discharges covered under the Low-Threat Waiver will have little or no impact on water quality and beneficial uses. In other words, such discharges represent the absolute lowest threat to water quality or nuisance. The conditions imposed under the Low-Threat Waiver also represent the BPTC of waste discharges. Accordingly, the renewal and expansion of the Low-Threat Waiver is consistent with the Antidegradation Policy.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

This waiver of WRRs or WDRs and, in some instances, RWDs is, the latest in a series of waivers for discharges representing low threats to water quality. This Low-Threat Waiver program was initiated with the adoption of Resolutions 77-69 and 82-036. Resolution 82-036 was accompanied by the adoption of a Negative Declaration under CEQA, Public Resources Code section 21000 et seq. In adopting the Negative Declaration dated 23 December 1981, the Central Valley Water Board determined that the Low-Threat Waiver would not result in any significant environmental impacts. Although this iteration of the Low-Threat Waiver includes two new categories of waste discharges, this expansion will not result in a substantial change in the overall project or result in any new significant environmental impacts. Accordingly, no further CEQA documentation is required. (See Pub. Resources Code, § 21166; Cal. Code Regs., tit. 14, § 15162.)

Additionally, given the low-threat nature of discharges associated with system flushing and filter backwash from water treatment systems, and those associated with short-term or intermittent

vehicle and equipment washing (as described herein), the expansion of the Low-Threat Waiver will not result in any significant environmental effects. The expansion of the Low-Threat Waiver is therefore exempt from the requirements of CEQA. (Cal. Code Regs., tit. 14, 15061, subd. (b)(3).)

Finally, the adoption of this Resolution is an action taken by a Regulatory Agency, which sets specific restrictions and conditions on discharges to protect waters of the State and does not supersede local agency approvals, permits, and potential project level CEQA review for new or expanding facilities.

RESOLUTION R5-2018-0085

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

ATTACHMENT A  
CONDITIONS OF DISCHARGE FOR SPECIFIC CATEGORIES  
COVERED BY THE LOW-THREAT WAIVER

Subject to the following general conditions, a person need not obtain waste discharge requirements (WDRs) for activities and/or types of waste discharge identified herein if: (1) their discharge is of very low complexity and poses a very low threat to water quality; and (2) the person complies with all discharge-specific conditions and exclusions, as set forth in this attachment and in Table 1 below.

1. Unless a report of waste discharge (RWD) is required per Table 1 below, or otherwise requested by the Executive Officer, coverage under the Low-Threat Waiver shall be effective immediately.
2. If a RWD is required or otherwise requested by the Executive Officer, coverage under the Low-Threat Waiver shall be contingent on the Executive Officer's issuance of a Notice of Applicability (NOA) under Resolution R5-2018-0085, pursuant to the following procedures.
  - a. For new discharges, the discharger shall submit a RWD and filing fee.  
(See **Attachment B** for RWD and filing fee requirements.)
  - b. For existing discharges subject to a NOA issued prior to 1 January 2018, the discharger shall submit a new RWD and filing fee no later than **7 March 2019**.
  - c. For existing discharges subject to a NOA issued on or after 1 January 2018, the discharger shall submit a written affirmation of its intent to comply with the general conditions and discharge-specific conditions and exclusions set forth herein no later than **7 March 2019** (a new RWD and filing fee will not be required for coverage).
3. For discharge types also covered by the State Water Resources Control Board Order 2003-0003-DWQ (Statewide Low-Threat General Order), coverage under the Low-Threat Waiver shall be contingent on submission of information to demonstrate that the subject discharges are of sufficiently low threat to water quality, and sufficiently short in duration, so as to justify a waiver of WDRs and RWDs. Discharges subject to this further contingency are those associated with:
  - a. Non-contact cooling water discharges;
  - b. Fresh water well drilling muds and boring wastes;
  - c. Inert solid waste disposal;
  - d. Test pumping of fresh water wells;
  - e. Swimming pools;
  - f. Construction dewatering; and
  - g. Hydrostatic testing discharges.

4. Coverage under the Low-Threat Waiver is strictly limited to waste discharges and associated activities that do not:
  - a. Create or threaten to create conditions of contamination, nuisance or pollution, as the terms are defined per Water Code section 13050, or otherwise degrade the quality of the waters of the State;
  - b. Contain “hazardous waste,” per California Code of Regulations, title 22 (Title 22), section 66261.1 et seq., nor “designated wastes” per Water Code section 13173;
  - c. Result in the discharge of waste to wetlands, surface waters, drainage courses, or biologically or culturally sensitive areas; and
  - d. Involve the discharge of any waste not specifically authorized in the Low-Threat Waiver, and that could affect quality of the waters of the State.
5. To remain covered under Low-Threat Waiver, dischargers shall:
  - a. Provide Central Valley Water Board staff with reasonable access onto the affected property to inspect and confirm the discharger’s compliance with the conditions herein;
  - b. Submit timely technical and monitoring reports as specified by the Executive Officer and consistent with Water Code section 13267;
  - c. Comply with all federal, state, county and local laws and regulations pertaining to the discharge; and
  - d. Immediately notify Central Valley Water Board staff as soon as they or their agents learn that they have not complied, are not complying, cannot comply or will not comply with any condition herein, and, within two weeks, follow-up with a further written notification regarding (i) the nature, time and cause of noncompliance, (ii) the measures taken to prevent recurrence, and (iii) the timeline for any corrective actions.
6. In the event that an enforcement action is commenced in response to a violation of any condition set forth herein, the necessity of halting or reducing activities as a means of compliance shall not be used as a defense.
7. Notwithstanding timely written notification of noncompliance (as provided above), noncompliance with any condition herein shall constitute grounds for termination of Low-Threat Waiver coverage, subject to the Executive Officer’s discretion.

<b>TABLE 1–DISCHARGE-SPECIFIC CONDITIONS AND REQUIREMENTS</b>		
<b>Types of Waste Discharge <sup>1</sup></b>	<b>RWD and Filing Fee Required <sup>2</sup></b>	<b>Discharge-Specific Conditions and Exclusions</b>
1. Cooling Water Discharges	Contact Cooling Water <b>YES</b>  <i>Recurring Non-Contact Cooling Water</i> <b>YES <sup>3</sup></b>	<ul style="list-style-type: none"> <li>Discharge is comparable to uppermost underlying groundwater (e.g., electrical conductivity &lt; 500 umhos/cm over source water).</li> <li>Biochemical oxygen demand (BOD) must be consistently less than 30 mg/L without treatment and, if impounded, must be less than 10 lbs/acre/day.</li> <li>If additives are used, provide Material Safety Data Sheets (MSDS) and include analysis for metals in the RWD if metal containing algaecides are used.</li> </ul>
	<i>One-Time or Seasonal Non-Contact Cooling Water</i> <b>NO <sup>3</sup></b>	<ul style="list-style-type: none"> <li>One-time or limited seasonal discharge.</li> <li>Discharge is of good quality, and contains no additives including metal-containing algaecides.</li> <li>Waste constituent concentrations comparable to uppermost underlying groundwater (e.g., electrical conductivity &lt; 500 umhos/cm over source water).</li> </ul>
2. Fresh Water Well Drilling Muds and Boring Wastes	<b>NO <sup>3</sup></b>	<ul style="list-style-type: none"> <li>Drilling operations are in uncontaminated soils.</li> <li>Drilling mud must be considered non-hazardous and contain no halogenated solvents.</li> <li>Sump must be greater than five feet above local groundwater level and located at least 100 feet from the nearest surface water.</li> <li>Buried drilling muds must first be dried then the site restored to pre-sump conditions and covered with one foot of clean soil.</li> <li>Excludes drilling muds and boring wastes associated with oil and gas operations.</li> </ul>
3. Disposal of Dredge Material to Land	<b>YES</b>	<ul style="list-style-type: none"> <li>If the dredge material may contain constituents that are potentially hazardous or at concentrations that could impair beneficial uses of receiving water, the RWD must provide a chemical analysis of the fines (silt and clay) portion of the substrate material and provide a written waste management plan describing Best Management Practices (BMPs) which will be employed to prevent excess erosion and prevent runoff from the emplaced sediments.</li> <li>Excludes disposal of dredge material from mining operations.</li> </ul>

<b>TABLE 1–DISCHARGE-SPECIFIC CONDITIONS AND REQUIREMENTS</b>		
<b>Types of Waste Discharge <sup>1</sup></b>	<b>RWD and Filing Fee Required <sup>2</sup></b>	<b>Discharge-Specific Conditions and Exclusions</b>
4. Inert Solid Waste Disposal	<b>NO <sup>3</sup></b>	<ul style="list-style-type: none"> <li>• Short-term, one-time disposal of no more than a few months.</li> <li>• Wastes must be insoluble, without decomposable solids, and contain no “free liquids.”</li> <li>• Site must be well constructed, managed to restrict access, and outside of natural or manmade drainage courses.</li> <li>• Excludes tires, semi-solid wastes, dewatered sludge, liquid wastes, ash, fresh concrete solids, and any waste deemed by the Executive Officer to have the potential to degrade groundwater, even if classified as inert by California Code of Regulations, title 27.</li> </ul>
5. Test Pumping of Fresh Water Wells	<b>NO <sup>3</sup></b>	<ul style="list-style-type: none"> <li>• One-time discharge from testing or development of an individual domestic or irrigation supply well or periodic discharge of purge water from monitoring wells as part of a compliance monitoring program.</li> <li>• The discharge shall remain on the property where the test is being conducted, unless there is a signed use agreement.</li> <li>• The discharge is conducted in a manner such as to not cause nuisance conditions or threaten discharge to surface waters.</li> <li>• Excludes discharge from wells associated with a cleanup or remediation project unless conducted under an approved management plan.</li> </ul>
6. Swimming Pool Discharges	<b>NO <sup>3</sup></b>	<ul style="list-style-type: none"> <li>• Infrequent (e.g., once every three years).</li> <li>• Limited volume / duration (e.g., individual pool).</li> </ul>
7. Construction – Dewatering Operations	<b>NO <sup>3</sup></b>	<ul style="list-style-type: none"> <li>• Limited volume and duration of no more than a few weeks.</li> <li>• The impoundment or use area must pose low risk of nuisance and the water must infiltrate/evaporate within 72 hours.</li> <li>• Discharge shall remain on-site, unless there is a signed use agreement.</li> </ul>



<b>TABLE 1–DISCHARGE-SPECIFIC CONDITIONS AND REQUIREMENTS</b>		
<b>Types of Waste Discharge <sup>1</sup></b>	<b>RWD and Filing Fee Required <sup>2</sup></b>	<b>Discharge-Specific Conditions and Exclusions</b>
8. Hydrostatic Testing	<b>YES <sup>3</sup></b>	<ul style="list-style-type: none"> <li>Limited volume and duration of no more than a few weeks.</li> <li>Provide data to demonstrate that all residual pollutants have been removed or are below water quality objectives.</li> <li>The impoundment or use area must pose low risk of nuisance and the water must infiltrate/evaporate within 72 hours.</li> <li>Discharge shall remain on-site, unless there is a signed use agreement.</li> <li>Excludes hydrostatic testing from natural gas facilities.<sup>4</sup></li> </ul>
	<b>NO <sup>3</sup></b>	<ul style="list-style-type: none"> <li>Testing on existing lines or tanks used for <b>potable water only</b> or new lines or tanks that have only contained potable water.</li> <li>Discharge shall remain on-site, unless there is a signed use agreement.</li> </ul>
9. Agricultural Commodity Wastes	<i>Recurring Discharge</i> <b>YES</b>  <i>One-time Discharge</i> <b>NO</b>	<ul style="list-style-type: none"> <li>An “agricultural commodity waste” is an unprocessed product excluding livestock, poultry, and fish that becomes a waste as a result of culling, spoilage, or contamination.</li> <li>BMPs are employed to preclude the potential for nuisance conditions.</li> <li>Wastes must not be discharged in close proximity to buildings occupied by people.</li> <li>Excludes discharge of processed food or processed food residuals (e.g., whey), dead animals, or animal byproducts.</li> </ul>
10. Disposal of Residual Waste to Land as Soil Amendment	<b>NO</b>	<ul style="list-style-type: none"> <li>The discharge is enrolled under an approved County Program.</li> </ul>
11. Recycled Water <sup>5</sup> for Construction Projects and Road Dust Control	<b>YES</b>	<ul style="list-style-type: none"> <li>Recycled water must be treated to Title 22 standards by permitted recycled water producer.</li> <li>User must certify that the discharge will conform with Title 22 restrictions and that the use has been approved by local and State health departments.</li> <li>A Title 22 Engineering Report and approval from the State Water Board’s, Division of Drinking Water must be submitted with the RWD.</li> </ul>

<b>TABLE 1–DISCHARGE-SPECIFIC CONDITIONS AND REQUIREMENTS</b>		
<b>Types of Waste Discharge <sup>1</sup></b>	<b>RWD and Filing Fee Required <sup>2</sup></b>	<b>Discharge-Specific Conditions and Exclusions</b>
12. Small Short-Term Sand and Gravel Operations	<b>YES</b>	<ul style="list-style-type: none"> <li>• All wash waters are confined to land.</li> <li>• BMPs are employed to prevent excessive erosion or runoff conditions.</li> <li>• Impoundment or use area must pose a low risk of nuisance.</li> <li>• Excludes sand and gravel operations in stream channels or drainage courses with potential to discharge to surface waters.</li> </ul>
13. System Flushing and Filter Backwash for Water Treatment Systems	Filter Backwash <sup>6</sup> <b>YES</b>	<ul style="list-style-type: none"> <li>• Backwashing is done using potable water.</li> <li>• Discharge is comparable to uppermost underlying groundwater and will not impair beneficial uses (provide a demonstration and analytical data in the RWD to support).</li> <li>• Discharge is contained on-site unless there is a signed use agreement.</li> <li>• Impoundment or use area must pose low risk of nuisance.</li> <li>• Excludes disposal of reverse osmosis reject water or other high strength wastes (e.g., ion exchange).</li> <li>• A monitoring and reporting program will be issued to ensure the applicability of the discharge under the waiver.</li> </ul>
	System Flushing <sup>7</sup> <b>NO</b>	<ul style="list-style-type: none"> <li>• Flushing is done using potable water.</li> <li>• No additives or metal containing algaecides are used.</li> <li>• Discharge is contained on-site unless there is a signed use agreement.</li> <li>• Impoundment or use area must pose a low risk of nuisance and water must infiltrate/evaporate within 72 hours.</li> </ul>

<b>TABLE 1–DISCHARGE-SPECIFIC CONDITIONS AND REQUIREMENTS</b>		
<b>Types of Waste Discharge <sup>1</sup></b>	<b>RWD and Filing Fee Required <sup>2</sup></b>	<b>Discharge-Specific Conditions and Exclusions</b>
14. Short-Term or Intermittent Vehicle and Equipment Washing	<b>NO</b>	<ul style="list-style-type: none"> <li>• Discharge is intermittent or of limited duration of no more than a couple of months.</li> <li>• Washing done using potable water, distilled water, or water of equivalent quality.</li> <li>• Discharge takes place at the job site and is contained on-site.</li> <li>• Use of BMPs to prevent erosion, contain runoff</li> <li>• Impoundment or use area pose a low risk of nuisance and water must infiltrate/evaporate within 72 hours.</li> <li>• Exterior washes only - no washing of livestock or commodity haulers, engine parts (or other equipment that may contain significant quantities of oil or grease), or vehicles and equipment used at contaminated sites.</li> </ul>
<b>Notes</b> <ol style="list-style-type: none"> <li>1. The types of waste discharges listed in this table represent broad categories of discharges, which could be broadly construed to include a variety of substantively similar discharges that are consistent with a low threat to water quality.</li> <li>2. Even if a discharger is not required to submit a RWD per this table, the Executive Officer may request submission of a RWD on a project-by-project basis, as he or she deems necessary to fully evaluate an existing or proposed discharge. Applicants should contact staff regarding the applicability of the discharge meeting the conditions of the waiver without need for a RWD.</li> <li>3. For categories covered by Statewide Low-Threat General Order (Order 2003-0003-DWQ), coverage under Resolution R5-2018-0085 is restricted to those discharges that are of such good quality and of limited volume/duration that the Executive Officer determines coverage under the Statewide Low-Threat General Order is not necessary.</li> <li>4. Dischargers of hydrostatic test water from natural gas facilities should apply for coverage under Statewide General Order No. WQ 2017-0029-DWQ.</li> <li>5. Recycled water is treated domestic wastewater that is suitable for uses other than potable use. The only uses covered under this waiver are for construction projects and road dust control.</li> <li>6. Filter backwash consists of potable water used to remove debris and particles trapped on water treatment filters.</li> <li>7. Water system treatment flushing consists of periodic flushing of water treatment components and piping, with fresh water, to remove debris and sediment collected in the system.</li> </ol>		

## RESOLUTION R5-2018-0085

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

#### ATTACHMENT B TECHNICAL GUIDANCE FOR SUBMITAL OF REPORT OF WASTE DISCHARGE

In accordance with Resolution R5-2018-0085 (Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge Within the Central Valley Region), there are seven different categories of discharges for which reports of waste discharge (RWDs) and filing fees will still be required to obtain waiver coverage per a Notice of Applicability (NOA). (See **Attachment A** for a complete list.)

The information in the RWD is used by Central Valley Water Board staff to evaluate the discharge and prepare a NOA from the Executive Officer. The discharger shall ensure that the information presented in the RWD is accurate.

The following outline is intended to provide general guidance regarding the categories of information and materials that should be included in a RWD to expedite Central Valley Water Board staffs review for the issuance of a NOA. Dischargers are strongly encouraged to contact Central Valley Water Board staff to discuss a project before preparing their RWD.

1. Complete a State Form 200, available at:  
[https://www.waterboards.ca.gov/publications\\_forms/forms/docs/form200.pdf](https://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf)
2. Application Fee: Checks must be made payable to the State Water Resources Control Board. The application fee shall be based on a threat to water quality and complexity rating of "3C". Information concerning the applicable fees can be found on the Central Valley Water Boards website at:  
[https://www.waterboards.ca.gov/resources/fees/water\\_quality/](https://www.waterboards.ca.gov/resources/fees/water_quality/)
3. Facility Information
  - a. Facility/Project Name;
  - b. Existing, new, or expanding facility;
  - c. County, street address, and major cross streets;
  - d. Assessor's Parcel Number and Township, Range, and Section; and
  - e. Site Map (showing discharge points, structures, surface water features, supply wells, etc.).
4. Discharge Category (i.e., one of the following)

	Contact Cooling Water
	Non-Contact Cooling Water (recurring discharges only)
	Disposal of Dredged Material to Land

	Hydrostatic testing (of non-potable systems)
	Agricultural Commodity Wastes (recurring discharges only)
	Recycled Water for Construction Projects and Road Dust Control
	Small, Short-Term Sand and Gravel Operations
	Filter Backwash

5. Discharge Characteristics
  - a. Volume of discharge in gallons/tons per day or estimated total gallons/tons;
  - b. Frequency and duration of the discharge;
  - c. Describe disposal method (e.g., leach field, pond, irrigation, etc.);
  - d. Identify any treatment technologies utilized at the facility (e.g., screening, aeration, disinfection, oil/water separator, etc.);
  - e. Wastewater characterization (provide analysis of wastewater quality, at a minimum, the analysis should include pH, electrical conductivity, and biochemical oxygen demand [BOD]; contact Central Valley Water Board staff to identify any other requirements).
  - f. Solids handling (if any); and
  - g. Best management practices (BMPs) used to manage and control the discharge.
6. For **discharges to land not owned or controlled by the discharger**, provide a copy of the signed use agreement and contact information for the property owner.
7. For **discharges of filter backwash**, analytical data provided as part of the wastewater characterization must include all constituents of concern for the site and demonstrate that the discharge is comparable to uppermost underlying groundwater and will not affect beneficial uses. The discharger must demonstrate that the constituent(s) the filters are designed to remove is not leaching into the backwash water at concentrations that will pose a threat to groundwater. This will typically mean that the discharger must tank the initial discharge of backwash water and sample for the constituents of concern before being able to discharge the backwash water to land.
8. For **discharges of recycled water for construction projects or road dust control**, provide copies of the Title 22 Engineering Report and approval letter from the State Water Resources Control Board's Division of Drinking Water.
9. Provide copies of existing documents prepared in compliance with the California Environmental Quality Act (CEQA).
  - a. Existing facilities may qualify for exemption section 15301 (ongoing existing projects), section 15302 (replacement or reconstruction of existing utility systems) and section 15303 (new construction or conversion of small structures) of the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

- b. For new or expanding facilities, a CEQA evaluation will likely be conducted during the planning stage by the local planning agency. A copy of the CEQA evaluation shall be submitted with the RWD and should include the Initial Study or Site Plan Review, a list of any mitigation measures, and Notice of Determination. In some cases, the local planning agency (e.g., the city or county), or another public agency, has determined that the project, including the waste discharge, is exempt from CEQA review. In some cases, a copy of the Notice of Exemption, or other relevant correspondence issued by the public agency shall be submitted.
- 10. The RWD, and any other information requested by the Central Valley Water Board shall be signed as follows:
  - a. For a corporation: by a principal executive officer of at least the level of senior vice-president or a duly authorized representative of that person.
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor or a duly authorized representative of that person.
  - c. For a municipality or public agency: by either a principal executive officer or ranking elected or appointed official or a duly authorized representative of that person.
- 11. Certification

Any person signing the RWD or technical report should include the following certification, whether written or implied:

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.