

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.

TABLE 1–DISCHARGE-SPECIFIC CONDITIONS AND REQUIREMENTS		
Types of Waste Discharge ¹	RWD and Filing Fee Required ²	Discharge-Specific Conditions and Exclusions
1. Cooling Water Discharges	Contact Cooling Water YES <i>Recurring Non-Contact Cooling Water</i> YES ³	- Discharge is comparable to uppermost underlying groundwater (e.g., electrical conductivity < 500 umhos/cm over source water). - 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. - If additives are used, provide Material Safety Data Sheets (MSDS) and include analysis for metals in the RWD if metal containing algaecides are used.
	<i>One-Time or Seasonal Non-Contact Cooling Water</i> NO ³	- One-time or limited seasonal discharge. - Discharge is of good quality, and contains no additives including metal-containing algaecides. - Waste constituent concentrations comparable to uppermost underlying groundwater (e.g., electrical conductivity < 500 umhos/cm over source water).
2. Fresh Water Well Drilling Muds and Boring Wastes	NO ³	- Drilling operations are in uncontaminated soils. - Drilling mud must be considered non-hazardous and contain no halogenated solvents. - Sump must be greater than five feet above local groundwater level and located at least 100 feet from the nearest surface water. - Buried drilling muds must first be dried then the site restored to pre-sump conditions and covered with one foot of clean soil. - Excludes drilling muds and boring wastes associated with oil and gas operations.
3. Disposal of Dredge Material to Land	YES	- 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. - Excludes disposal of dredge material from mining operations.

TABLE 1–DISCHARGE-SPECIFIC CONDITIONS AND REQUIREMENTS		
Types of Waste Discharge ¹	RWD and Filing Fee Required ²	Discharge-Specific Conditions and Exclusions
4. Inert Solid Waste Disposal	NO ³	• Short-term, one-time disposal of no more than a few months. • Wastes must be insoluble, without decomposable solids, and contain no “free liquids.” • Site must be well constructed, managed to restrict access, and outside of natural or manmade drainage courses. • 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.
5. Test Pumping of Fresh Water Wells	NO ³	• 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. • The discharge shall remain on the property where the test is being conducted, unless there is a signed use agreement. • The discharge is conducted in a manner such as to not cause nuisance conditions or threaten discharge to surface waters. • Excludes discharge from wells associated with a cleanup or remediation project unless conducted under an approved management plan.
6. Swimming Pool Discharges	NO ³	• Infrequent (e.g., once every three years). • Limited volume / duration (e.g., individual pool).
7. Construction – Dewatering Operations	NO ³	• Limited volume and duration of no more than a few weeks. • The impoundment or use area must pose low risk of nuisance and the water must infiltrate/evaporate within 72 hours. • Discharge shall remain on-site, unless there is a signed use agreement.

TABLE 1–DISCHARGE-SPECIFIC CONDITIONS AND REQUIREMENTS		
Types of Waste Discharge ¹	RWD and Filing Fee Required ²	Discharge-Specific Conditions and Exclusions
8. Hydrostatic Testing	YES ³	- Limited volume and duration of no more than a few weeks. - Provide data to demonstrate that all residual pollutants have been removed or are below water quality objectives. - The impoundment or use area must pose low risk of nuisance and the water must infiltrate/evaporate within 72 hours. - Discharge shall remain on-site, unless there is a signed use agreement. - Excludes hydrostatic testing from natural gas facilities.⁴
	NO ³	- Testing on existing lines or tanks used for potable water only or new lines or tanks that have only contained potable water. - Discharge shall remain on-site, unless there is a signed use agreement.
9. Agricultural Commodity Wastes	<i>Recurring Discharge</i> YES <i>One-time Discharge</i> NO	- 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. - BMPs are employed to preclude the potential for nuisance conditions. - Wastes must not be discharged in close proximity to buildings occupied by people. - Excludes discharge of processed food or processed food residuals (e.g., whey), dead animals, or animal byproducts.
10. Disposal of Residual Waste to Land as Soil Amendment	NO	The discharge is enrolled under an approved County Program.
11. Recycled Water ⁵ for Construction Projects and Road Dust Control	YES	- Recycled water must be treated to Title 22 standards by permitted recycled water producer. - 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. - A Title 22 Engineering Report and approval from the State Water Board’s, Division of Drinking Water must be submitted with the RWD.

TABLE 1–DISCHARGE-SPECIFIC CONDITIONS AND REQUIREMENTS		
Types of Waste Discharge ¹	RWD and Filing Fee Required ²	Discharge-Specific Conditions and Exclusions
12. Small Short-Term Sand and Gravel Operations	YES	• All wash waters are confined to land. • BMPs are employed to prevent excessive erosion or runoff conditions. • Impoundment or use area must pose a low risk of nuisance. • Excludes sand and gravel operations in stream channels or drainage courses with potential to discharge to surface waters.
13. System Flushing and Filter Backwash for Water Treatment Systems	Filter Backwash ⁶ YES	• Backwashing is done using potable water. • Discharge is comparable to uppermost underlying groundwater and will not impair beneficial uses (provide a demonstration and analytical data in the RWD to support). • Discharge is contained on-site unless there is a signed use agreement. • Impoundment or use area must pose low risk of nuisance. • Excludes disposal of reverse osmosis reject water or other high strength wastes (e.g., ion exchange). • A monitoring and reporting program will be issued to ensure the applicability of the discharge under the waiver.
	System Flushing ⁷ NO	• Flushing is done using potable water. • No additives or metal containing algaecides are used. • Discharge is contained on-site unless there is a signed use agreement. • Impoundment or use area must pose a low risk of nuisance and water must infiltrate/evaporate within 72 hours.

TABLE 1–DISCHARGE-SPECIFIC CONDITIONS AND REQUIREMENTS		
Types of Waste Discharge ¹	RWD and Filing Fee Required ²	Discharge-Specific Conditions and Exclusions
14. Short-Term or Intermittent Vehicle and Equipment Washing	NO	• Discharge is intermittent or of limited duration of no more than a couple of months. • Washing done using potable water, distilled water, or water of equivalent quality. • Discharge takes place at the job site and is contained on-site. • Use of BMPs to prevent erosion, contain runoff • Impoundment or use area pose a low risk of nuisance and water must infiltrate/evaporate within 72 hours. • 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.
Notes 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. 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. 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. 4. Dischargers of hydrostatic test water from natural gas facilities should apply for coverage under Statewide General Order No. WQ 2017-0029-DWQ. 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. 6. Filter backwash consists of potable water used to remove debris and particles trapped on water treatment filters. 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.		