



December 5, 2014

Mr. Ken Decio
Waste Permitting, Compliance, and Mitigation Division
California Department of Resources Recycling and Recovery
PO Box 4025
Sacramento, CA 95812-4025

Dear Mr. Decio:

The Stanislaus County Department of Environmental Resources (DER) respectfully submits this letter containing comments relevant to the proposed *Compostable Materials Transfer/Processing Regulations dated September 2014* during the established public comment period.

First, it is worth mentioning that the value of agricultural commodities produced last year (2013) in Stanislaus County increased 12% to \$3,663,000,000¹. This represents an all-time high in crop production values. The top ten commodities include almonds, dried fruit, tomatoes and grapes to name a few. When these commodities are processed they produce residual by-products, such as culls, peelings, seeds, under or over ripe fruit skins, cores, pomace, puree, stems, leaves, etc.

With the passage of Assembly Bill 939 in 1989, Stanislaus County recognized the value of diverting local food processing by-products which were previously disposed of at the County's landfill because they could be beneficially used by local farmers as both a soil amendment and livestock feed. Stanislaus County established the first Food Processing By-Products (FPBP) program in the State and was awarded diversion credit by the California Integrated Waste Management Board in 1995. Since the program's inception, over 8 million tons of FPBP have been land applied as a soil amendment, fed to cattle, or dried and processed for other beneficial applications. The land application of FPBP remains as a major component of the County's FPBP program. The use of FPBP as a soil amendment adds much needed nutrients as well as moisture to the soil while reducing the dependence on manufactured fertilizers.

The County's FPBP Land Application Program is one of the most researched and regulated programs the Department of Environment Resources Solid Waste Division oversees. Based on University research, the County developed a Manual of Best Practices (MBP) for the Application of FPBP on Farmlands. The major requirements of the MBP are:

- Selecting application sites based on characteristics of soil chemical analysis, soil texture and locations of surface and groundwater
- Analysis of by-product's constituents to determine if it meets the criteria for land application and to determine agronomic application rates
- Crops are selected based on nutrient removal rates

¹ Stanislaus County Agricultural Commissioner's Office and Sealer of Weights & Measures

- Crop tissue nutrient analysis is conducted at harvest to determine crop nutrient removal rates.

In addition, Stanislaus County has established a local ordinance that regulates and requires a permit for all land application sites. Sites are inspected on a weekly basis during the operating season. In addition the Regional Water Quality Control Board (RWQCB) annually certifies the County's program is in compliance with the requirements of the Waste Discharge Waiver issued for the program. The waiver was renewed in December 2013 for another five years. (Copy of Waiver enclosed.)

An important distinction to note is that the land application of FPBP is neither a method of disposal nor a composting activity; rather, it is a long-standing beneficial reuse agricultural practice in Stanislaus County. Unlike traditional composting programs that involve decomposition, FPBP is land applied in thin layers on suitably dry soil to retain the moisture of the FPBP. Within 24 hours after application the FPBP are required to be spread and crushed with a tandem drag. The FPBP are allowed to dry for a minimum of 48 hours after which it is disced or harrowed into the soil for final drying.

Another relevant point to note is that the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Organic Material Composting Rule; Rule 4566 Organic Material Composting Operations (Adopted August 18, 2011), specifically exempts Stanislaus County's FPBP Program, as follows:

San Joaquin Valley Air Pollution Control Board's Rule 4566 Section 4.0 Exemptions

4.1 Stockpiling of Organic Material

4.1.1 Facilities that stockpile organic material on site and are not considered to be a composting facility are exempt from all requirements of this rule.

4.1.3.4 Organic material that is specifically stockpiled on site for operations other than composting, provided that an operator is not intentionally conducting pathogen reduction on the organic material at the facility. Other operations include, but are not limited to, animal feed or nutritional products.

Finally, Stanislaus County's FPBP has received three recognition awards. Two of the awards are from the California Integrated Waste Management Board (CIWMB). The first recognition was a resolution from the CIWMB for being "a model of environmentally and fiscally sound waste management practice" and the second was the Trash Cutter Award for outstanding efforts in promoting waste prevention. The third recognition award from the California State Association of Counties was a Certificate of Merit Challenge Award for the FPBP program.

In summary, the Department requests that programs such as Stanislaus County's established FPBP program, as a model program in beneficial reuse, be amended into the proposed *Compostable Materials Transfer/Processing Regulations*, Section 17855, as an Excluded Activity for the following reasons: 1) This program is recognized by CalRecycle as an approved waste diversion program; 2) This program is recognized by the RWQCB as adequate to prevent the creation of nuisance conditions and prevents impacts to surface water; 3) This program is exempt from oversight by the SJVAPCDs Organic Material Composting Rule; and 4) This

Re: Proposed Compostable Materials Transfer/Processing Regulations

December 5, 2014

Page 3

program is sufficiently regulated by a local ordinance and oversight program such that additional oversight by CalRecycle would only impose unnecessary and redundant requirements.

Please do not hesitate to contact me should you have questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bryan Kumimoto", with a long horizontal flourish extending to the right.

Bryan Kumimoto
Solid Waste Manager

Enclosures: SRWCB Waiver
Awards



Certificate of Recognition

STANISLAUS COUNTY FOOD PROCESSING RESIDUE USE PROGRAM

WHEREAS, Stanislaus County established a food processing residue use program in the summer of 1978 through a cooperative effort of the county, the food processing industry, haulers, and agricultural end users of the food processing residue; and

WHEREAS, the food processing residues are reused as livestock feed and as a soil amendment; and

WHEREAS, the county has established a program to permit and monitor the reuse sites to preclude environmental nuisances; and

WHEREAS, the program has resulted in the diversion of more than 5 million tons of food residue from California landfills; and

WHEREAS, the program is helping the jurisdictions of the county to achieve the waste diversion goals of the Integrated Waste Management Act of 1989, namely, the diversion of 25 percent of waste from landfills by 1995 and 50 percent by the year 2000; and

WHEREAS, the program is a model of environmentally and fiscally sound waste management practices;

NOW, THEREFORE, LET IT BE KNOWN that on this 20th day of August, 1998, the California Integrated Waste Management Board commends the participants of the Stanislaus County food processing residue use program for their exemplary success during the last 20 years in turning food residues into beneficial resources.

August 1998

DANIEL G. PENNINGTON
CHAIRMAN

RALPH E. CHANDLER
EXECUTIVE DIRECTOR

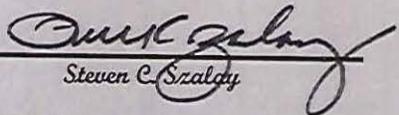
Waste Prevention Education Partnership

AWARD OF EXCELLENCE

Presented to:

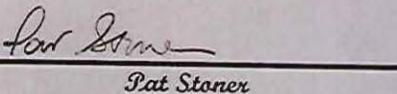
*Stanislaus County
Environmental Resources Department*

for outstanding efforts in promoting waste prevention


Steven C. Szalady

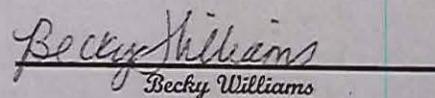


*California
State
Association of
Counties*


Pat Stoner



*Local
Government
Commission*


Becky Williams



*California
Integrated
Waste
Management
Board*

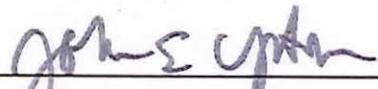


California State Association of Counties

1998 CSAC Challenge Awards
Certificate of Merit

*Stanislaus County Food Processing
Residue Use Program
Stanislaus County*

CSAC President



John E. Upton
El Dorado County

CSAC Executive Director



Steven C. Szalay

Central Valley Regional Water Quality Control Board

18 March 2014

Jami Aggers, Director → *By*
County of Stanislaus
Environmental Resources Department
3800 Cornucopia Way, Suite C
Modesto, CA 95358-9492



APPROVAL OF FOOD PROCESSING BY-PRODUCTS USE PROGRAM PURSUANT TO RESOLUTION R5-2013-0145, COUNTY OF STANISLAUS ENVIRONMENTAL RESOURCES DEPARTMENT

On 8 June 2009, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) conditionally approved the County of Stanislaus' Food Processing By-Products Use Program with respect to the use of residual solids from food processing as a soil amendment.

That approval made soil amendment land application site operators enrolled in the County's Program eligible for coverage under Category 10 of Resolution R5-2008-0182, which was a conditional waiver of Waste Discharge Requirements. As you know, that waiver expired in December 2013 and the Central Valley Water Board adopted a new waiver in its place on 5 December 2013 (Resolution R5-2013-0145). The conditions of discharge for Category 10 discharges of food processing residuals to land as a soil amendment were not substantively changed in the new waiver.

Based on your annual monitoring reports, it appears that the County's oversight of these discharges has been effective. Therefore, the conditional approval of the County of Stanislaus' Food Processing By-Products Use Program is hereby continued for purposes of the General Waiver with respect to the use of residual solids from food processing as a soil amendment, and facility operators enrolled in the County's Program are eligible for coverage under Category 10 of the waiver. As with the previous waiver, the new General Waiver does not require Category 10 facilities to submit a report of waste discharge to the Central Valley Water Board in order to obtain waiver coverage or commence discharging, provided the enrolled facilities comply with all applicable conditions of the General Waiver.

The Program's continuing status as an approved County program under the General Waiver is contingent upon the County's continued implementation of the Program, including the following:

1. The County will continue to implement the Agreement for Monitoring and Reporting of Solid and Semi-Solid Food Processing By-Products Applied under the Stanislaus County Program (Agreement).
2. The County will submit written notice of any new land application sites that are regulated under the County's program.

3. The County will submit written notice of any proposed changes to Ordinance No. C.S. 1028 and/or the associated regulations as required by Section A.7 of the Agreement. The County may provide this written notice before the Annual Report is due, if necessary to avoid delays in implementing proposed changes to the Program.

If information regarding the Program or a particular facility indicates that additional or different requirements are appropriate or that more information is needed, the Central Valley Water Board may modify or revoke this approval or require individual facilities to submit technical or monitoring reports. (See General Waiver, Resolved 12 and Attachment A, section 3g.)

I appreciate the County's efforts to work cooperatively with Central Valley Water Board staff and to manage food processing by-products so that they can be beneficially used in an environmentally sound manner. If you have any questions regarding this Program Approval or the General Waiver, please contact Anne Olson at (916) 464-4740 or aolson@waterboards.ca.gov.


for Pamela C. Creedon
Executive Officer

Enclosure: Resolution R5-2013-0145

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

RESOLUTION R5-2013-0145

**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, (hereafter Central Valley Water Board or Board) finds that:

1. Water Code section 13260(a) requires that any person currently discharging or proposing to discharge waste that could affect the quality of the waters of the State (other than into a community sewer system) file a Report of Waste Discharge (RWD) with the appropriate Regional Water Quality Control Board that contains such information and data as may be required.
2. Pursuant to Water Code section 13263, the Central Valley Water Board has the obligation to prescribe waste discharge requirements (WDRs) for waste discharges, except where the Central Valley Water Board finds that waiving this requirement for a specific type of discharge is not against the public interest pursuant to 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 Board at any time.
4. In 1999, Water Code section 13269 was amended by the California Legislature. Following these amendments, waivers automatically expire after five years, unless the Board that issued the waiver reviews the terms of the waiver at a public hearing and determines that the waiver is consistent with any applicable state or regional water quality control plan and is in the public interest.
5. In December 2008, the Central Valley Water Board adopted Resolution R5-2008-0182 (*Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge Within the Central Valley Region*), which renewed the General Waiver (i.e., Resolution R5-2003-0008), which had been in effect for five years. Resolution R5-2008-0182 waived WDRs, and in some cases RWDs, for 12 specific types of discharges to land.
6. The Central Valley Water Board, in compliance with the Water Code, has reviewed the previously-issued waivers set forth in Resolution R5-2008-0182 and has determined that waivers for the following types of discharges to land pose a low threat to the quality of

waters of the State and are consistent with all applicable state or regional water quality control plans, and thus should be renewed:

- a. Conditional waiver of WDRs or Water Recycling Requirements (WRRs), but not the requirement to submit RWDs, for:
 - Disposal of dredge material to land,
 - Water recycling for construction purposes and road dust control, and
 - Small, short-term sand and gravel operations.
 - b. Conditional waiver of WDRs and in some instances the requirement to submit RWDs, for:
 - Air conditioner, cooling, and elevated temperature waters,
 - Fresh water well drilling muds/boring wastes,
 - Inert solid waste disposal,
 - Test pumping of fresh water wells,
 - Swimming pool discharges,
 - Construction dewatering discharges,
 - Hydrostatic testing,
 - Agricultural commodity wastes, and
 - Disposal of residual waste to land as a soil amendment.
7. In 2003, the State Water Resources Control Board (State Water Board) adopted Statewide General Order 2003-0003-DWQ for "low-threat" discharges to land. This Statewide General Order was adopted to handle those types of discharges that posed a low threat to water quality, but was not intended to supersede the authority of the Regional Water Quality Control Boards to issue individual WDRs or conditional waivers.
8. A review of the Statewide General Order shows that several categories covered by the Order are nearly identical to those covered by Resolution R5-2013-0145. For those categories that are also covered by the Statewide General Order, the waiver only applies to those discharges that represent the very lowest threat to water quality. As a result, categories for discharges of drilling muds/boring wastes, inert solid waste disposal, test pumping of fresh water wells, swimming pool discharges, construction dewatering discharges, and hydrostatic testing, are restricted to those instances which represent the lowest threat to water quality.
9. Waiver of WDRs for discharges from projects requiring Water Quality Certification was dropped from the General Waiver in 2008 since discharges from dredge and fill activities would be best regulated under Statewide General Order 2003-017-DWQ for "Jurisdictional" waters and Statewide General Order 2004-0004-DWQ for "Non-jurisdictional" waters.

WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION

10. The Central Valley Water Board reviewed the conditions for the drilling muds/boring wastes waiver category (Waiver Category No. 2), which applied to drilling muds/boring wastes from both fresh water supply wells and oil and gas operations. The Central Valley Water Board considered impacts to water quality based on increases in oil and gas drilling in the Central Valley Region over the last five years, advances in oil and gas drilling technologies (e.g., horizontal drilling and well stimulation activities), and increases in the drilling for oil and gas outside of existing oil and gas fields and determined that Waiver Category No. 2 should be renewed only for the drilling of fresh water supply wells. Discharge of drilling muds/boring wastes from oil and gas operations will be considered in a separate action to determine whether or not a waiver of RWDs and/or WDRs is appropriate.
11. The Board's waiver of the requirement to file RWDs and the Board's waiver of WDRs for discharges that will cause no or insignificant impairment to water quality and that pose little risk of creating a nuisance condition is not against the public interest, as these actions 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.
12. The waiver of RWDs under a discharge category does not preclude the Executive Officer from requesting a RWD for a specific project if it is necessary to perform an evaluation of the discharge.
13. The waiver of WDRs and, in some instances, RWDs for discharge categories covered under the General Waiver for low threat discharges to land, were previously waived under Resolution 82-036. As lead agency under the California Environmental Quality Act (Pub. Resources Code, section 21000 et seq.) (CEQA), the Central Valley Water Board determined that adoption of Resolution 82-036 waiving WDRs for 23 specific discharges to land would not cause a significant environmental impact and, on 23 December 1981, adopted a Negative Declaration. Pursuant to California Code of Regulations, title 14, section 15162, a subsequent environmental impact report or negative declaration is not required.
14. The conditional waiver is consistent with State Water Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality of Waters in California, because the waiver of WDRs imposes conditions to prevent impacts to water quality and authorizes no degradation of water quality, will not unreasonably affect beneficial uses of water, and will not result in water quality less than that prescribed in plans and policies.
15. The Central Valley Water Board conducted a public hearing on 5 December 2013 in Rancho Cordova, California, and considered all testimony and evidence concerning this matter.

WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION

THEREFORE BE IT RESOLVED, that in accordance with Water Code section 13269, the Central Valley Water Board adopts the "*Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge*" as set forth in Attachment A, hereafter informally referred to as the "General Waiver," and that;

1. The Central Valley Water Board waives the requirement to obtain WDRs and/or WRRs, and for some instances the requirement to submit a RWD and filing fee, for discharge types that fulfill the conditions set forth in Attachment A of this Order.
2. Discharges that result from emergency work or emergency projects as described under Water Code section 13269(c) are not affected by this action.
3. Discharge of wastes to wetlands, surface waters, drainage courses, or biologically sensitive areas, is prohibited.
4. Based on the testimony received at the aforementioned hearing, and the above-noted findings, the General Waiver is not against the public interest provided dischargers subject to such waiver:
 - (a) comply with the conditions for waiver of waste discharge requirements as set forth in the General Waiver;
 - (b) file with the Central Valley Water Board a Report of Waste Discharge and filing fee when required as part of the General Waiver; and
 - (c) comply with applicable State and Central Valley Water Board plans and policies.
5. For those discharges requiring submittal of a RWD, the discharger must submit the fee specified in California Code of Regulations, title 23, section 2200, for a threat to water quality and complexity of "3C":
6. Based on the above-noted findings, it is not necessary at this time to adopt individual or general waste discharge requirements for the discharge of wastes related to the types of discharges identified in Attachment A and that are conducted in accordance with the conditions specified in the General Waiver as these types of discharges are considered to be of low threat to water quality and Central Valley Water Board resources should focus on higher threat discharges.
7. For the seven categories in the General Waiver that are also covered by Statewide General Order 2003-0003-DWQ for low threat discharges to land, this waiver shall only apply to those discharges that are of such good quality and of limited volume/duration that coverage under the Statewide General Order for low threat discharges is not necessary. Specifically:

WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION

- Non-contact cooling water discharges;
 - Fresh water well drilling muds/boring wastes;
 - Inert solid waste disposal;
 - Test pumping of fresh water wells;
 - Swimming pool discharges;
 - Construction dewatering discharges; and
 - Hydrostatic testing.
8. The discharge of any waste not specifically regulated by the General Waiver is prohibited unless the discharger complies with Water Code section 13260(a) and the Central Valley Water Board either issues WDRs pursuant to Water Code section 13263 or an individual waiver pursuant to Water Code section 13269, or the time frames specified in Water Code section 13264(a) have elapsed.
 9. This General Waiver shall not create a vested right to discharge. All discharges authorized under this General Waiver shall be considered a privilege, as provided for in Water Code section 13263.
 10. Pursuant to Water Code section 13269, this action waiving the issuance of WDRs 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.
 11. The Executive Officer or Central Valley Water Board may terminate the applicability of the General Waiver 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.
 12. The Central Valley Water Board may review the General Waiver at any time and may modify or terminate the General Waiver in its entirety, as applicable for a specific type of discharge, or for individual dischargers, as is appropriate.
 13. This General Waiver shall expire on 5 December 2018, unless terminated or renewed by the Central Valley Water Board.

If any person discharging a waste that falls within the scope of the waiver fails to comply with the conditions of the waiver, 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 the conditions of the waiver 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

RESOLUTION R5-2013-0145
WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION

-6-

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 to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

I, PAMELA C. CREEDON, 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 5 December 2013.



PAMELA C. CREEDON, Executive Officer

Order Attachments:

- A. Specific Discharges Covered by the General Waiver
- B. Staff Report

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

**ATTACHMENT A
CONDITIONS OF DISCHARGE**

**RESOLUTION R5-2013-0145
WAIVER OF REPORTS OF WASTE DISCHARGE AND WASTE DISCHARGE
REQUIREMENTS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION**

Each person who discharges a waste type identified herein that is of very low complexity and very low threat to water quality and who meets the conditions specified herein for that type of discharge need not obtain waste discharge requirements (WDRs) and may commence discharge forthwith of that waste type, provided:

1. The Discharger first submits, if requested by the Executive Officer or if specified below for the discharge type or situation, a filing fee and Report of Waste Discharge (RWDs) that documents that the discharge will comply with the conditions of waiver, and obtains written approval of waiver from the Executive Officer.
2. For discharge types covered by Statewide General Order 2003-0003-DWQ for low threat discharges to land, the Discharger must provide information that demonstrates that the discharge is of such low-threat/duration that waiver of WDRs and RWDs is appropriate. Specifically: (a) evaporative cooling water discharges; (b) drilling muds/boring waste discharges; (c) inert solid waste disposal; (d) test pumping of fresh water wells; (e) swimming pool discharges; (f) construction dewatering discharges; and (g) hydrostatic testing.
3. The Discharger complies with the conditions in this document specific to the type of discharge and with the following general provisions:
 - a. The discharge shall neither create nor threaten to create a condition of nuisance, as defined by Water Code section 13050.
 - b. The discharge shall neither degrade the quality of waters of the State nor create or threaten to create a condition of pollution or contamination as defined by Water Code section 13050.
 - c. The discharge shall not contain hazardous wastes, as that term is defined in California Code of Regulations, title 22 (Title 22), section 66261.1 et seq.
 - d. The discharge of any waste not specifically regulated by this waiver and that could affect the quality of the waters of the state is prohibited, unless the discharger obtains regulatory coverage under separate WDRs or certification issued by the Central Valley Water Board or the State Water Resources Control Board.
 - e. The discharger shall allow Central Valley Water Board staff reasonable access onto the affected property for the purpose of performing inspections to determine compliance with waiver conditions.

- f. Field test instruments (such as Electrical Conductivity meters) may be used provided that the operator is trained in the proper use of the instrument and each instrument is serviced and/or calibrated at the recommended frequency by the manufacturer or in accordance with manufacturer instructions.
- g. The discharger shall submit technical and monitoring reports as specified by the Executive Officer and consistent with Water Code section 13267.
- h. Discharge of waste to wetlands, surface waters, drainage courses, or biologically sensitive areas is prohibited.
- i. The discharger shall comply with all federal, state, county, and local laws and regulations pertaining to the discharge.
- j. It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce its activity in order to maintain compliance with conditions of waiver.
- k. This waiver expires on 5 December 2018. A discharger of waste subject to a RWD shall submit a new RWD and filing fee before then for consideration of renewal of the waiver, or cease discharge.

Type of Waste Discharge	RWD and Filing Fee Required ¹	Conditions
1. Air Conditioner, Cooling and Elevated Temperature Waters ³	<p style="text-align: center;">Contact Cooling Water-Yes</p>	<ul style="list-style-type: none"> • Waste constituent concentrations comparable to uppermost underlying groundwater (e.g., Electrical Conductivity [EC] less than 500 µmhos/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 lb/acre/day. • If additives are used, provide the Material Safety Data Sheets (MSDS) and include an analysis for metals in the RWD, especially if metal-containing algaecides are used.
	<p style="text-align: center;">Non-Contact Cooling Water-Yes</p>	<ul style="list-style-type: none"> • Waste constituent concentrations comparable to underlying groundwater (e.g., EC less than 500 µmhos/cm over source water). • If additives are used, provide the appropriate MSDS and include an analysis for metals in the RWD, especially if metal-containing algaecides are used.
	<p style="text-align: center;">Non-Contact Cooling Water-No²</p>	<ul style="list-style-type: none"> • Waste constituent concentrations comparable to underlying groundwater (e.g., EC less than 500 µmhos/cm over source water). • Discharge is of good quality (e.g., no additives, including metal-containing algaecides). • One time or limited seasonal discharge.

ATTACHMENT A
 WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
 WITHIN THE CENTRAL VALLEY REGION

Type of Waste Discharge	RWD and Filing Fee Required ¹	Conditions
2. Fresh Water Well Drilling Muds/Boring Wastes ³	No ²	<ul style="list-style-type: none"> • Drilling operations are in uncontaminated soils. • Drilling mud must be non-hazardous and contain no halogenated solvents. • Prior to burial, drilling muds must first be dried then the site restored to pre-sump conditions and covered with at least one foot of clean compacted soil. • Sump must be greater than 100 feet from nearest surface water and bottom of the sump must be at least 5 feet above the highest anticipated groundwater level.
3. Disposal of Dredge Material to Land	Yes	<ul style="list-style-type: none"> • If the dredged material may contain constituents that are potentially hazardous or at concentrations that could impair beneficial uses of receiving water, the discharger must provide a chemical analysis of the fine (silt and clay) portion of the substrate material and a written waste management plan (WMP) 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.
4. Inert Solid Waste Disposal ³	No ²	<ul style="list-style-type: none"> • Short-term or one time disposal of no more than a few months. • Wastes must be insoluble, without decomposable solids, and contain no "free liquids". • The site must be well constructed, managed to restrict access, and outside of natural or man-made 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 Title 27.

ATTACHMENT A
 WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
 WITHIN THE CENTRAL VALLEY REGION

Type of Waste Discharge	RWD and Filing Fee Required ¹	Conditions
5. Test Pumping of Fresh Water Wells ³	No ²	<ul style="list-style-type: none"> • One time discharge from testing or development of individual domestic or irrigation supply well or periodic discharge of purge water from a monitoring well as part of compliance monitoring program. • Discharge remains on the property where the test is being conducted, unless there is a signed use agreement. • Discharge shall not be conducted in a manner such as to cause nuisance conditions or threaten surface waters. • Excludes discharge from wells associated with a cleanup or remediation project unless conducted under an approved cleanup or remediation management plan.
6. Swimming Pool Discharges ³	No ²	<ul style="list-style-type: none"> • Infrequent (e.g., once every three years) • Single pool
7. Construction – Dewatering Discharges ³	No ²	<ul style="list-style-type: none"> • 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.
8. Hydrostatic Testing ³	Yes	<ul style="list-style-type: none"> • 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.
	No ²	<ul style="list-style-type: none"> • Testing on existing lines or tanks used for potable water only or new lines or tanks that have only ever contained potable water.

ATTACHMENT A
 WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
 WITHIN THE CENTRAL VALLEY REGION

Type of Waste Discharge	RWD and Filing Fee Required ¹	Conditions
9. Agricultural Commodity Wastes	<p>Recurring Discharge- Yes</p> <p>One-time Discharge- No²</p>	<ul style="list-style-type: none"> • An "agricultural commodity waste" is an unprocessed product excepting 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 a Soil Amendment	<p>No²</p>	<ul style="list-style-type: none"> • The discharge is enrolled under an approved County Program.
11. Water Recycling for Construction Projects and Road Dust Control	<p>Yes</p>	<ul style="list-style-type: none"> • 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 Department of Public Health Guidelines and that the use has been approved by local and State health departments.
12. Projects Requiring Water Quality Certification		<ul style="list-style-type: none"> • Not renewed
13. Small, Short-Term Sand and Gravel Operations	<p>Yes</p>	<ul style="list-style-type: none"> • BMPs are employed to prevent excessive erosion or runoff conditions. • Impoundment or use area must pose low risk of nuisance. • All wash waters are confined to land. • Excludes sand and gravel operations in stream channels or drainage courses that have the potential to discharge to surface waters.

ATTACHMENT A
WAVIER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION

- 1 Does not preclude the Executive Officer from requesting a RWD for a specific project as necessary to perform an evaluation of the discharge.
- 2 Applicant should contact staff regarding applicability of the discharge meeting the conditions of the waiver without need for a RWD.
- 3 Covered by Statewide General Order No. 2003-0003-DWQ for low threat discharges to land. For those categories that are covered by both, the waiver should only apply to those discharges that represent the very lowest threat to water quality.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY WATER BOARD**

STAFF REPORT

**RESOLUTION R5-2013-0145
WAIVER OF REPORTS OF WASTE DISCHARGE AND WASTE DISCHARGE
REQUIREMENTS FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE CENTRAL VALLEY REGION**

INTRODUCTION

Water Code section 13263 requires that the Regional Water Boards prescribe discharge requirements for discharges of waste that may affect waters of the State. The effect of some of these discharges, by virtue of waste constituent, constituent concentration, and constituent control, however, can be mitigated to have little or no effect on the quality and beneficial uses of waters of the State. Due to limited resources it is in the best interest of the public and the Central Valley Water Board not to expend the Board's 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. Water Code section 13269 authorizes the Regional Water Boards to waive waste discharge requirements (WDRs), or to waive the requirement to submit a report of waste discharge (RWDs).

Previously, the Central Valley Water Board waived WDRs and RWDs for Emergency Use of Treated Wastewater as set forth in Central Valley Water Board Resolution 77-69 and for 23 types of discharges to land that posed a low-threat to water quality as set forth in Central Valley Water Board Resolution 82-036. California State Senate Bill 390 amended the Water Code, causing all existing waivers to expire as of 1 January 2003, and required the periodic review and renewal of any new waivers at least once every five years.

In December 2008, the Central Valley Water Board adopted Resolution R5-2008-0182 (*Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge Within the Central Valley Region*), which renewed the General Waiver (i.e., Resolution R5-2003-0008), which had been in effect for five years. Resolution R5-2008-0182 waived WDRs, and in some cases RWDs, for 12 specific types of discharges to land. Specifically, Resolution R5-2003-0008 waived Water Recycling Requirements (WRRs) for use of recycled water for construction and road dust control and WDRs and in some cases RWDs for 11 of the 23 discharge types covered under Resolution 82-036. The remaining discharge categories authorized under Resolution 82-036 were not renewed. Specific discharges covered under Resolution R5-2003-0008 were:

1. Air Conditioner, Cooling and Elevated Temperature Waters
2. Drilling Muds/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 Recycled for Construction Projects and Road Dust Control
12. Projects Requiring Water Quality Certification (Not Renewed)
13. Small, Short-Term Sand and Gravel Operations

STATEWIDE GENERAL ORDER

In 2003 the State Water Resources Control Board adopted Statewide General Order 2003-0003-DWQ (Statewide General Order) for low-threat discharges to land. With the expiration of all waivers on 1 January 2003, many Regions did not have a mechanism in place to regulate low-threat discharges. General Order 2003-0003-DWQ was adopted to cover discharges that had been previously covered under such waivers. It was not intended to supersede individual WDRs, general orders, or conditional waivers issued by the Regional Water Boards. The State Water Board did not find that categories covered by the General Order were not still appropriate for waiver.

Several of the categories covered under the Statewide General Order for low threat discharges to land are nearly identical to those included in the Resolution R5-2003-0008. Specifically:

- Water Well Development Discharge (Waiver Category 5);
- Monitoring Well Purge Water Discharge (Waiver Category 5);
- Boring Waste Discharge (Waiver Category 2);
- Water Main, Storage Tank, and Hydrant Flushing Discharges (Waiver Category 8);
- Pipelines and Tank Hydrostatic Testing Discharges (Waiver Category 8);
- Swimming Pool and Landscape Drainage Discharges (Waiver Category 6);
- Small Temporary Dewatering Projects (Waiver Category 7);
- Small Inert Solid Waste Disposal Operations (Waiver Category 4); and
- Small Volume Evaporative Cooling Water Discharge (Waiver Category 1).

The Statewide General Order for low threat discharges to land prohibits discharge to surface waters, discharge of hazardous or designated waste, and discharges that cause pollution. The Order specifies that discharges shall not exceed applicable Basin Plan water quality objectives, freeboard in ponds shall be at least two feet, and facilities shall be protected from erosion/flooding and also contains individual provisions specific to some of the categories, which are discussed below.

DISCUSSION

The Central Valley Water Board, in compliance with Water Code section 13269, reviewed the previously-issued General Waiver adopted in 2008 to determine if the waivers for specific types of discharges that pose a low threat to the quality of waters of the State should be

STAFF REPORT
 WAIVER OF RWD AND WDRS FOR SPECIFIC TYPES OF DISCHARGE
 WITHIN THE CENTRAL VALLEY REGION

renewed. Based on that review, waiver of WDRs and, in some cases, RWDs for the following specific discharge types are proposed:

Discharge Categories:

No.	Category	Renewed
1.	Air Conditioner, Cooling, and Elevated Temperature Waters*	Yes
2.	Fresh Water Well Drilling Muds / Boring Wastes *	Yes
3.	Disposal of Dredge Material to Land	Yes
4.	Inert Solid Waste Disposal *	Yes
5.	Test Pumping of Fresh Water Wells *	Yes
6.	Swimming Pool Discharges *	Yes
7.	Construction—Dewatering Discharges	Yes
8.	Hydrostatic Testing *	Yes
9.	Agricultural Commodity Wastes	Yes
10.	Disposal of Residual Wastes to Land as a Soil Amendment (previously "Industrial" Wastes)	Yes
11.	Water Recycling for Construction Projects and Road Dust Control	Yes
12.	Projects Requiring Water Quality Certification issued by the Regional Water Board	No
13.	Small, Short-Term Sand and Gravel Operations	Yes

* Categories also covered by Statewide General Order 2003-0003-DWQ, but for which the waiver category was retained for those discharges that represent the lowest threat to water quality.

WAIVER CATEGORIES

The following describes each discharge category. Under the proposed waiver conditions, none of the discharge categories represent a significant source of groundwater degradation or potential nuisance.

For those categories that are also covered by the Statewide General Order for low threat discharges to land, the waiver should only apply to those discharges that represent the very

lowest threat to water quality, and in those cases, the waiver should be for both WDRs and RWDs.

1. Air Conditioner, Cooling, and Elevated Temperature Waters

Wastewater generated from air conditioning, cooling, ice making, or refrigeration systems are collectively referred to as cooling water, which includes contact and non-contact cooling waters. Non-contact cooling water refers to cooling water which does not come in contact with any raw material, intermediate product, waste product, or finished product. Additives, such as metal-containing algaecide, are often used in both contact and non-contact cooling water to control algae growth.

For the discharge to land of contact cooling water, the waiver of WDRs (but not RWDs) should be continued, provided that:

- Waste constituent concentrations comparable to uppermost underlying groundwater (e.g., Electrical Conductivity [EC] less than or equal to 500 μ mhos/cm over source water);
- Biological Oxygen Demand (BOD) must be consistently less than 30 mg/L without treatment and, if impounded, must be less than 10 lb/acre/day; and
- If additives are used, provide the Material Safety Data Sheets (MSDSs) and include an analysis for metals in the RWD, especially if metal-containing algaecides are used.

The waiver of WDRs (but not RWDs) for the discharge to land of non-contact cooling water should be renewed provided that:

- Waste constituent concentrations must be comparable to uppermost underlying groundwater (e.g., EC less than or equal to 500 μ mhos/cm over source water); and
- If additives are used, provide MSDS and include an analysis for metals in the RWD, especially if metal-containing algaecide are used.

The need for a RWD should also be waived for non-cooling water discharges provided that are of good quality (e.g., no additives including metal-containing algaecides) and are of limited volume/duration (e.g., one time or limited seasonal discharges). Non-contact cooling water discharges may also be covered under Statewide General Order for low threat discharges to land; however, it does not contain any specific requirements for this category.

2. Fresh Water Well Drilling Muds/Boring Wastes

Drilling muds and boring wastes are generated during drilling as part of a subsurface investigation or well drilling operation to carry cuttings to the surface and cool the drill bit. Drilling muds consist of formation cuttings, water, and may include additives. Common additives include bentonite clay to increase viscosity and stabilize the borehole, and barite to

control the flow of formation fluids into the borehole. The soil and rock cuttings from the borings, along with some drilling mud, are commonly discharged to an excavated sump adjacent to the drill rig, or sometimes to a portable tank.

Fresh water well drilling activities are generally regulated by local agencies such as cities or counties and typically do not require oversight by the Regional Water Board. Drilling muds/boring wastes from the drilling of fresh water supply wells in general do not pose the same threat as drilling muds/boring wastes from oil and gas drilling. The conditions set forth in the General Waiver adopted in 2008 are currently sufficient to be protective of water quality for fresh water well drilling muds but may not be sufficient for drilling muds from oil and gas wells. The waiver of drilling muds/boring wastes from oil and gas drilling are not proposed to be renewed under the proposed General Wavier and will be considered in a separate Board action.

The waiver of WDRs and RWDs for disposal of drilling muds/boring wastes from fresh water well drilling operations should be renewed provided that:

- The drilling operations are conducted in uncontaminated soils;
- The discharge is "non-hazardous" and does not contain halogenated solvents;
- Prior to burial, drilling muds must first be dried then the site restored to pre-sump conditions and covered with at least one foot of clean soil; and
- Sump must be greater than 100 feet from nearest surface water and bottom of the sump must be at least 5 feet above highest anticipated groundwater level.

Fresh water well drilling operations that cannot meet the conditions for the waiver should be regulated under a General Order or an individual waiver or WDRs. The Statewide General Order for low threat discharges to land is another potential option for coverage by WDRs if a discharge of drilling muds does not meet the conditions of the General Waiver.

3. Disposal of Dredge Material to Land

This category covers discharge of dredge material to land from small scale dredging projects such as bridge replacement and construction projects where pilings and abutments must be placed in a stream channel or to restore or increase storage capacity in water storage reservoirs. Minor dredging operations are generally of short duration and disposal of dredge material to land in a controlled manner poses little threat to groundwater quality if essentially free of contaminants that have a potential to cause groundwater degradation. As a condition of this waiver, the dredged material must be nontoxic and discharged to land where it will not erode or deposit sediment into any surface waters or storm drains.

This waiver category covers only the disposal of dredge material to land, and is not associated with the dredging operation itself. In-stream dredging operations are covered by federal regulations under a 404 permit for Waters of the U.S. or by Statewide General Order 2004-0004-DWQ for non-Jurisdictional Waters. Long-term or major dredging projects involving

large volumes of dredge material need to be regulated under an individual waiver or WDRs. The disposal of dredge material under this waiver should be conditional upon the use of best management practices (BMPs) to prevent erosion or runoff conditions from the emplaced sediments, and prohibit the disposal of dredge material in wetland areas or surface water drainage courses. Larger projects or projects with contaminants that have a greater potential to cause groundwater degradation or which might affect surface waters or wetland areas are best regulated under general or individual WDRs.

The waiver of WDRs (but not RWDs) for disposal of dredge material to land from minor dredging operations should be continued, provided that:

- If the dredged material may contain constituents that are potentially hazardous or at concentrations that could impair beneficial uses of receiving water, the discharger must provide a chemical analysis of the fine (silt and clay) portion of the substrate material and a written waste management plan (WMP) describing BMPs which will be employed to prevent excess erosion and prevent runoff from the emplaced sediments; and
- Excludes disposal of dredge material from mining operations.

4. Inert Solid Waste Disposal

"Inert wastes" are defined in California Code of Regulations, title 27 (Title 27), section 20230(a) as "that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste".

The disposal of "Inert Solid Wastes" are covered under the Statewide General Order for low threat discharges to land. Specific requirements of the Statewide General Order limit enrollment to operations: (1) covering two acres of land or less, (2) that do not contain hazardous waste or soluble pollutants at concentrations in excess of water quality objectives and do not contain significant quantities of decomposable waste. The requirements include a list of acceptable inert wastes; other potential inert wastes not included on the list must be approved by the Central Valley Water Board prior to disposal.

With the existence of Statewide General Order 2003-0003-DWQ, the waiver of WDRs and RWDs for Inert Solid Waste disposal should be renewed, provided that:

- Short-term or one time disposal of no more than a few months.
- Wastes must be insoluble, without decomposable solids, and contain no "free liquids".
- The site must be well constructed, managed to restrict access, and outside of natural or man-made 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 Title 27.

Inert Solid Waste disposal operations that cannot meet the four conditions listed above should be regulated under the State General Order for low threat discharges to land or an individual waiver or WDRs.

5. Test Pumping of Fresh Water Wells

Many public and private well owners need to periodically discharge potable or relatively contaminant-free water generated when a well is developed or maintained, or from the periodic discharge of purge water from monitoring wells in instances where there is no threat to water quality or nuisance. Water quality parameters of concern for this type of discharge are generally suspended material and turbidity, which are primarily a concern to surface water. High volume discharges have the potential to impact adjacent property owners or surface water and BMPs such as berms or setbacks should be employed to prevent excessive erosion or runoff conditions.

Discharge of water to land from development and testing of fresh water wells, including monitoring wells, is covered under the Statewide General Order for low threat discharges to land, which specifies that the discharge shall remain onsite and not be discharged in a manner such as to cause ponding or threaten discharge to surface waters.

The waiver of WDRs and RWDs for those discharges generated from a single one time discharge during testing or development of an individual domestic or irrigation supply well, or purge water from routine sampling of monitoring wells as part of a compliance monitoring program should continue, provided that:

- The discharge remains on the property where the test is being conducted, unless there is a signed use agreement; and
- The discharge shall not be conducted in a manner such as to cause nuisance conditions or threaten surface waters; and
- Excludes discharge from wells associated with a cleanup or remediation project unless conducted under an approved cleanup or remediation management plan.

6. Swimming Pool Discharges

Pool water discharges are infrequent, low to high volume discharges that are relatively free of waste constituents. In urban areas, disposal of pool water is regulated by municipalities, which typically have engineered stormwater systems that may require a pool drainage permit before discharge. Areas that do not have engineered stormwater systems depend on land discharge. Direct flow of pool water onto land provides some treatment before it enters into groundwater and is preferred over surface water discharges.

Swimming pool discharges are covered under Statewide General Order for low threat discharges to land, but it does not contain any specific requirements for this category. The waiver of WDRs and RWDs for these discharges should be renewed for those discharges involving a single individual pool at infrequent intervals (e.g., once every three years).

7. Construction - Dewatering Discharges

Dewatering discharges include extracted groundwater and water collected from cofferdams or diversions. Discharges to land, instead of to surface water, are typically one-time, non-stormwater discharges of short duration. Discharge may be to a terminal basin or used for irrigation or dust control. These discharges may be onsite or to land in the same proximity with appropriate agreement from the property owner.

Construction dewatering discharges are covered under Statewide General Order for low threat discharges to land. The Statewide General Order excludes dewatering operations in areas with unstable geologic units or expansive soils or in areas where it might conflict with existing agricultural use or Williamson Act contracts.

With the existence of Statewide General Order 2003-0003-DWQ, which includes low threat discharges to land from construction dewatering operations, the waiver of WDRs and RWDs for construction dewatering discharges should be renewed only for those discharges of limited duration of no more than a few weeks that pose a low risk of nuisance (e.g., little or no organic matter) and which can infiltrate/evaporate at the construction site within 72 hours. Discharges of more than a few weeks, or requiring treatment, or which cannot readily infiltrate/evaporate should be regulated under the Statewide General Order for low threat discharges or an individual waiver or WDRs.

8. Hydrostatic Testing

This category covers discharge to land of hydrostatic test water. Hydrostatic testing is generally a one-time activity used to demonstrate the integrity of pipelines and pressure vessels. Source waters for hydrostatic tests are local and, except for waste constituents picked up from the structure being tested, have like or better quality than underlying groundwater. The spent hydrostatic test waters may discharge to an impoundment for infiltration, or used for irrigation, or dust control.

Discharges of hydrostatic test water to land from new and potable water pipelines pose very little threat to groundwater quality from soluble constituents. Pipelines and tanks that have previously contained crude or refined oil and gas present a different situation. If hydrostatic testing waters are suspect, pre-discharge analytical testing must be performed.

Discharges to land from hydrostatic testing waters are covered under Statewide General Order for low threat discharges to land. This Order does not contain any specific requirements for this category, except it excludes water used to test tanks or pipelines that have been used to

store or convey any medium other than potable water unless the Discharger has demonstrated to the appropriate Regional Water Board that all residual pollutant concentrations have been reduced to levels below water quality objectives.

With the existence of the Statewide General Order, which includes low threat discharges to land from hydrostatic testing, the waiver of WDRs (but not RWDs) for discharges of hydrostatic testing waters should be renewed only for those discharges of limited duration of no more than a few weeks, provided the discharger has demonstrated to the Central Valley Water Board that all residual pollutants have been removed or are below water quality objectives and that the water has infiltrated/evaporated within 72 hours. Discharges of more than a few weeks, requiring treatment, or cannot infiltrate/evaporate within 72 hours should be regulated under a General Order or an individual waiver or WDRs.

The need to submit a RWD should be waived for those discharges from potable water lines or tanks as they are of good quality and pose little threat to waters of the State.

9. Agricultural Commodity Wastes

This category covers discharge to land of commodity wastes for agricultural use. This waiver allows for the expedient discharge of unsalvageable commodities to land under atypical situations. The primary threat from the discharge occurs from possible nuisance conditions as a result of decomposition. The typical mitigation is to spread the waste over a reasonable area and plow it under before it begins to generate odors from decomposition. Sites may require berms, setbacks, and/or other measures to prevent discharge to surface water.

Because the Central Valley is one of the world's largest food producing regions, numerous scenarios can generate commodity waste. A typical commodity becomes a waste as a result of culling, spoilage, or contamination. Processed food and processed food residuals are not included in this type of waste (e.g., whey). This waiver does not extend to dead animals or animal byproducts (i.e., flesh, organs, unprocessed hide, blood, bone, and marrow).

The California Code of Regulations, title 3 (Food and Agriculture), division 6 (Pesticide and Pest Control Program), section 6000 defines an "agricultural commodity" as an unprocessed product of farms, ranches, nurseries and forests (excepting livestock, poultry, and fish), that includes: fruits, vegetables, grains, legumes, animal feed and forage crops, wood, fiber, and oil crops (i.e., safflower, sunflower, corn, and cottonseed).

Generally, commodity wastes are produced as part of the seasonal wasting of culls or from a specific incident, such as the improper application of pesticide, making a field product no longer suitable for human consumption. Other instances associated with a commodity becoming a waste include transportation accidents, loss of refrigeration, or any of a variety of conditions resulting in spoilage. In most cases, when reasonably fresh and uncontaminated, the commodity waste may be used as cattle or swine feed.

Waiver of WDRs and RWDs for a limited (one-time) discharge, and WDRs (but not RWDs) for a continuous or recurring discharge, to land of agricultural commodity wastes should be continued, provided that:

- BMPs are employed to preclude the potential for nuisance conditions;
- Wastes must not be discharged in proximity to buildings occupied by people; and
- 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 a Soil Amendment

This category covers discharge to land of residual wastes, previously referred to as "Industrial Wastes" for use as a soil amendment. A soil amendment is any material added to the soil to improve its physical properties, such as water retention, permeability, infiltration, pH, or to add nutrient or organic matter for plant growth. The benefit of a soil amendment is dependent on soil type, climate, and crop type. This category would not include the use of biosolids from municipal treatment plants as a soil amendment as this is generally covered under Statewide General Order 2004-0012-DWQ.

Residual wastes (i.e., manure, bone meal, used diatomaceous earth, dried stillage leathers from wineries, etc.) contain constituents, which when applied correctly will improve soil conditions and add needed nutrients and organic material. However, these materials can also contain additional waste constituents such as salts that can impact groundwater quality and affect beneficial uses.

The Central Valley Water Board encourages the regulation of these types of discharges by individual counties as this conserves staff resources and provides for better local oversight. In June 2009, the Executive Officer of the Central Valley Water Board issued a conditional approval of the County of Stanislaus' Food Processing By-Products Use Program and granted coverage under the General Waiver.

Waiver of WDRs and RWDs for the disposal of residual wastes to land as a soil amendment should be continued, provided that:

- The discharge is enrolled under an approved County Program.

Discharges in counties without an approved program or which do not qualify for coverage under a county program, should be regulated under an individual waiver or WDRs.

11. Water Recycling for Construction Projects and Road Dust Control

During the 1976-1977 drought, necessity drove the increased use of recycled water by California water agencies which were not prepared for reduced supplies. Unlike other types of

recycling (e.g., green belt water, power plant feed water, etc.), use of recycled water for construction activities and road dust suppression are typically of limited duration.

California Code of Regulations, title 22 (Title 22) contains criteria for a number of uses of recycled water, including construction and dust suppression (i.e., Section 60307(b) states that disinfected secondary-23 recycled water (as defined by section 60301.225) may be used for backfill consolidation around non-potable piping, soil compaction, concrete mixing, and dust control on roads and streets). In addition, the recycled water typically must be trucked to a construction site or stretch of unpaved road and the amounts used are restricted to that necessary to accomplish sound construction or minimize dust while maximizing coverage, so runoff and infiltration are unlikely. Waiver of water recycling requirements (WRRs) for construction projects and road dust suppression facilitates the reuse of recycled water by expediting the process. Restricting use to wastewater that has been treated to Title 22 standards and adherence to Title 22 use restrictions will protect public health.

Waiver of WRRs (but not a Report of Water Recycling or Title 22 Engineering Report) for use of recycled water for construction projects and road dust control should be continued, provided that:

- Recycled water must be treated to Title 22 standards by permitted recycled water producer; and
- User must certify that the discharge will conform to Title 22 restrictions and California Department of Public Health Guidelines and that the use has been approved by local and State health departments.

12. Projects Requiring Water Quality Certification

This category was not renewed in the General Waiver adopted in 2008 and should not be renewed in the current General Waiver as dredge and fill activities are now covered under adopted Statewide General Order 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that Have Received State Water Quality Certification* for dredge and fill activities associated with jurisdictional waters and Statewide General Order 2004-0004-DWQ, *Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction* for dredge and fill activities associated with waters of the State. Disposal of dredged material would continue to be waived under Category No.3 of the General Waiver for disposal of dredge material to land.

13. Small, Short-Term Sand and Gravel Operations

Sand and gravel operations provide aggregates for construction projects. Water may be used in these types of operations to clean aggregate and to control dust, which can result in the

discharge to land (e.g., open ground or a holding pond) of wastewater containing silt and sediment.

Minor sand and gravel operations are generally of short duration (e.g., less than one year). Water quality parameters of concern for this type of discharge are generally suspended solids and sediments, which are primarily a concern to surface waters. Process wastewater from these operations discharged to land poses almost no threat to groundwater because suspended solids are effectively filtered out as the water percolates through the unsaturated zone or vadose zone. The discharge should be conditional upon use of BMPs to prevent erosion or runoff conditions.

Waiver of WDRs (but not RWDs) for discharge to land from small, short-term, sand and gravel operations should be included in the General Waiver, provided that:

- BMPs are employed to prevent excessive erosion or runoff conditions;
- The impoundment or use area poses low risk of nuisance;
- All wash waters are confined to land; and
- Excludes sand and gravel operations in stream channels or drainage courses that have the potential to discharge to surface waters.

NOT COVERED BY THE PROPOSED WAIVER

There were several types of discharge included in the original General Waiver adopted in 1982 (Resolution 82-036) that were not included under the previous General Waiver adopted in 2008. The list of discharge types below were not considered for renewal or were not renewed in General Waivers adopted in 2003 and 2008 and are not under consideration for renewal.

- Clean oil containing no toxic materials;
- Stormwater runoff;
- Erosion from development;
- Pesticide rinse waters from applicators;
- Confined animal waste facilities;
- Minor stream channel alterations and suction dredging;
- Small metal mining operations;
- Food processing wastes spread to land;
- Timber harvesting;
- Minor hydro projects;
- Irrigation return water; and
- Septic tank/leachfield systems.

REPORTING REQUIREMENTS

The waiver requires submittal of reports as directed by the Executive Officer. The reports would represent the minimum reporting threshold to monitor compliance with waiver conditions and provide data necessary for consideration in waiver renewal.

BEST MANAGEMENT PRACTICES

A condition of waiver for several discharge categories is implementation of BMPs to mitigate for potential water quality impacts. The set of possible BMPs for each specific type of discharge category is large. BMPs are typically developed to insure that specific types of industrial activities are conducted in an environmentally responsible manner. BMPs change with time as new standards and information becomes available from various industry, government and academic institutions charged with maintaining and updating them. In the context of this waiver, BMPs refer to the set of methods, measures, and practices employed by a particular industry and practicable at the site, to limit potential impacts to water quality. Examples of BMPs include prohibited practices, schedules of activities, maintenance procedures, and other management practices.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

On 23 December 1981, the Central Valley Water Board adopted a Negative Declaration for the waiver of WDRs for 23 categories of discharges. The Negative Declaration determined that the waiver of WDRs for these discharges would not cause a significant environmental impact. With the exception of drilling muds and boring wastes utilized in oil and gas development, there have been no significant changes in the discharges to be covered in the proposed renewal of the General Waiver, so the Negative Declaration still applies.

ANTIDEGRADATION / RESOLUTION 68-16

The discharges proposed for coverage under the General Waiver renewal are those that represent the "lowest threat" to water quality or nuisance. By virtue of waste constituent, constituent concentration, constituent control, and the conditions prescribed in the waiver, the specific discharge types proposed for renewal under the General Waiver can be effectively mitigated to have little or no effect on the quality and beneficial uses of waters of the State and therefore is consistent with the antidegradation policy.