

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

TENTATIVE RESOLUTION NO. R9-2007-0211

**A CONDITIONAL WAIVER OF STATUTORY REQUIREMENTS TO FILE A REPORT
OF WASTE DISCHARGE AND
FOR ADOPTION OF WASTE DISCHARGE REQUIREMENTS FOR
DISCHARGES TO NON-FEDERAL WATERS OF THE STATE ASSOCIATED WITH
REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS
IN THE SAN DIEGO REGION**

WHEREAS, the California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board), finds that:

1. Section 13260(a)(1) of the California Water Code (Water Code) requires that any person discharging waste or proposing to discharge waste within the San Diego Region, other than to a community sewer system, which could affect the quality of the waters of the State,¹ file a report of waste discharge (ROWD) with the San Diego Water Board.
2. Section 13263(a) of the Water Code requires that the San Diego Water Board prescribe discharge requirements for any existing or proposed waste discharges within its area of jurisdiction, except discharges into a community sewer system, even if no ROWD has been filed.
3. Section 13264(a) of the Water Code, in part, prohibits the initiation of a new discharge of waste or any material change to any discharge prior to the filing of an ROWD.
4. Emergency situations, as defined by the California Environmental Quality Act (CEQA), can create extraordinary conditions within and beyond waters of the state that pose imminent threats to life, health, property, the delivery of public services, and beneficial uses of waters of the State. Under CEQA, California Public Resources Code section 21060.3, an "emergency" is defined to be:

A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

¹ "Waters of the State" as defined in Water Code section 13050(e).

5. Discharges of dredged or fill material into non-federal waters of the State² may be necessary for repair and protection measures associated with an emergency situation to mitigate and abate threats caused by emergencies, as defined under CEQA.³
6. The discharge of dredged or fill material for emergency repair and protection measures may constitute discharge of waste that could affect the quality of waters of the State. Repair and protection activities that may result in such discharges can include, but are not limited to, the cleaning of culverts and associated concrete aprons, bank or slope stabilization, removal of debris (e.g., trash, dead vegetation, structural debris), repair of transportation routes, and the construction of check dams and sediment basins. Discharges that may occur during the conduct of emergency repair and protection activities can include, but are not limited to, earth, rock, or similar inert materials and discharges of pollutants associated with construction equipment or materials.
7. Water Code section 13269 gives the San Diego Water Board the authority to conditionally waive the provisions of sections 13260(a)(1), 13263(a), or 13264(a) for a specific discharge or specific type of discharge where it finds that such a waiver is consistent with the Water Quality Control Plan for the San Diego Region (Basin Plan), in the public interest and the following conditions are met:
 - a. The waiver is conditional;
 - b. Waiver conditions include performance of individual, group, or watershed monitoring, except for discharges that the State Water Board or Regional Water Board determines not to pose a significant threat to water quality;
 - c. Compliance with waiver conditions by the discharger; and
 - d. A necessary public meeting is held.
8. This conditional waiver of the requirements set forth in Water Code sections 13260(a) and (b), 13263(a), and 13264(a) for discharges of waste to non-federal waters of the State associated with repair and protection activities in emergency situations contains conditions which, if complied with, will not result in a violation of the Basin Plan.

² Non-federal waters of the State include surface waters determined by the U.S. Army Corps of Engineers and / or the U.S. Environmental Protection Agency to be outside of federal jurisdiction (e.g., certain vernal pools, other isolated water bodies, and certain intermittent or ephemeral streambeds that lack a significant nexus to traditionally navigable waters).

³ In addition, wildfires can exacerbate the risk of flooding, erosion, debris flows, and slope failures as a result of the loss of vegetated cover within a watershed. Likewise, damage from earthquakes/after shocks, and landslides can affect vital infrastructure and threaten beneficial uses of waters of the state.

9. This conditional waiver for covered activities is in the interests of the San Diego Water Board and the public. It will result in increased protection of public health and the environment by expediting authorization for activities associated with cleanup and recovery following emergencies and will minimize the use of San Diego Water Board's resources, allowing it to focus on discharges that have a higher potential threat to water quality in the Region.⁴
10. Discharges subject to this conditional waiver will not pose a significant threat to water quality if dischargers comply with the waiver conditions. Therefore, monitoring requirements for discharges to non-federal waters of the State associated with repair and protection activities in emergency situations are not necessary.
11. Except as provided under Water Code section 13269, subdivision (d), and upon notification of the Regional Board, section 13269 subdivision (c) provides that neither submittal of a report of waste discharge, nor the adoption of waste discharge requirements is required for discharges that result from certain emergency activities. The emergency activities described in Water Code section 13269(c) are:
 - a. *Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code; and*
 - b. *Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide within one year of the damage. This paragraph does not exempt from this section any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide. [Water Code section 13269(c)(1) and (2).]*

⁴ This conditional waiver is consistent with the purposes of the Governor's Executive Order, S-13-07, issued October 26, 2007, which encourages accelerated cleanup and recovery necessary as a result of the recent wildfires in San Diego and other Counties together with protection of public health and the environment. (See Executive Order S-13-07, Ordering Paragraph 13.)

12. Pursuant to Water Code section 13269(d), the San Diego Water Board has the authority to establish and require compliance with conditions of a waiver of requirements for discharges resulting from activities otherwise addressed by Water Code Section 13269(c). In these cases, dischargers must comply with an applicable conditional waiver issued by the San Diego Water Board.
13. California has largely relied upon its authority under section 401 of the federal Clean Water Act (CWA) (33 U.S.C. § 1341) to regulate discharges of dredged or fill material to California waters. Discharges to federal waters associated with emergency recovery actions can be addressed through the U.S. Army Corps of Engineers Regional General Permit (RGP) No. 63, which has been certified, pursuant to CWA section 401, by the State Water Resources Control Board (State Water Board) and are subject to waste discharge requirements issued by the State Water Board in *Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges That Have Received State Water Quality Certification*. Therefore, this conditional waiver does not apply to discharges to federal waters that are subject to sections 401 and 404 of the CWA. This conditional waiver likewise does not apply to discharges regulated under a CWA section 402 storm water permit.
14. Eligible discharges to non-federal waters of the State, associated with emergency repair and protection activities, could be subject to *Water Quality Order No. 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*.⁵ This emergency conditional waiver can expedite projects that do not qualify for coverage by Order 2004-0004-DWQ but are conducted in response to emergency situations.
15. A conditional waiver may be terminated at any time by the State Water Board or the San Diego Water Board. Even if a discharger complies with all the conditions of a conditional waiver, the San Diego Water Board may choose to regulate any specific discharge with waste discharge requirements.
16. According to Water Code Section 13350(a), any person who discharges waste in violation of any waiver condition shall be liable civilly, and liability may be imposed, in accordance with Water Code Section 13350(d) or (e).

⁵ For instance, the General WDRs in Water Quality Order No. 2004-0004-DWQ are restricted to dredged or fill discharges of not more than two-tenths (0.2) of an acre and 400 linear feet for fill and excavation discharges, and of not more than 50 cubic yards for dredging discharges. Projects that may be covered include land development, detention basins, disposal of dredged material, bank stabilization, revetment, channelization, and other similar projects.

17. Pursuant to Title 14, California Code of Regulations, Section 15269, waiver of the requirements to submit reports of waste discharge and to obtain waste discharge requirements is statutorily exempt from the requirements of the CEQA because the waiver would apply only to emergency projects.
18. Any person aggrieved by this action of the San Diego Water Board may file a petition for review with the State Water Board. Petitions for review must be received by the State Water Board's Office of Chief Counsel within 30 days of the San Diego Water Board action. Laws and regulations pertaining to petitions are available on the State Water Board web site or will be provided by the San Diego Water Board upon request.

THEREFORE, BE IT RESOLVED THAT, pursuant to California Water Code section 13269, the San Diego Water Board may waive the requirements to submit a report of waste discharge (Water Code sections 13269(a) and (b) and 13264(a)) and establish waste discharge requirements (Water Code section 13263(a)) for discharges to non-federal waters of the State associated with repair and protection activities in emergency situations in the San Diego Region, provided that the following conditions are met.

A. General Conditions

1. Discharge activities must not create or contribute to a condition of pollution or nuisance, as defined by Water Code section 13050.
2. Discharge activities must not create or contribute to conditions which violate the discharge prohibitions of the Water Quality Control Plan (Basin Plan) for the San Diego Region.
3. Discharges must not consist of unsuitable material (e.g., asphalt, hazardous wastes,⁶ nonhazardous wastes,⁷ designated wastes⁸ etc.) and material discharged must be free from toxic pollutants in toxic amounts.
4. Discharge activities must not result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of such a species, unless the activity is authorized by the Department of Fish and Game pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.

⁶ Wastes that are required to be managed as hazardous wastes pursuant to California Code of Regulations, Title 22, Division 4.5

⁷ Nonhazardous wastes are defined in California Code of Regulations, Title 27, section 20220.

⁸ Designated wastes are defined in California Water Code section 13173.

5. This waiver is limited to emergency actions that meet the California Environmental Quality Act (CEQA) definition of “emergency” (California Public Resources Code section 21060.3)
6. Emergency projects exempt from the requirements of CEQA are defined by State of California Administrative Code (CEQA Guidelines), Title 14, California Code of Regulations, section 15269 as:
 - a. *Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.*
 - b. *Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare.*
 - c. *Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.*
 - d. *Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This exemption does not apply to highways designated as official state scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.*
 - e. *Seismic work on highways and bridges pursuant to Section 180.2 of the Streets and Highways Code, Section 180 et seq.*

7. Discharge activities must be the minimum necessary to alleviate the immediate emergency, unless complete reconstruction does not result in significantly increased impacts to aquatic resources, and logistical concerns indicate such reconstruction is as expedient considering the condition of the project site and is limited to in-kind replacement or refurbishment. Moderate upgrading would be considered if the applicant wishes to use bioremediation or other environmentally sensitive solutions.⁹ The waiver may NOT be used to upgrade an existing structure to current standards when that activity would result in additional adverse effects on aquatic resources. Such upgrade projects are considered separate activities for which a report of waste discharge will be required.
8. To ensure the project is being or has been accomplished in compliance with the terms and conditions of this waiver, representatives from the San Diego Water Board, or authorized representatives, must be allowed at all times, upon presentation of credentials:¹⁰
 - a. Entry onto project premises, including all areas on which fill or compensatory mitigation is located or in which records are kept;
 - b. Access to copy any records required to be kept under the terms and conditions of this certification;
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification; and
 - d. Sampling of any discharge or surface water covered by this Order
9. Work with heavy equipment must be avoided whenever feasible. If necessary, projects requiring heavy equipment to work in wetlands must implement effective measures to minimize soil disturbance. Such measures may include, but are not limited to, the use of wide-treaded equipment, mats, or flotation devices.
10. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area. Culverts placed in streams must be installed to maintain low flow conditions.
11. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.
12. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

⁹ For example, it may be determined that reconstruction of a bridge crossing or a roadway damaged by flood flows is a more appropriate course of action than temporarily shoring up the facility to allow an immediate return of its use. When continued public safety is an issue, such reconstruction will remain a viable option for consideration under this waiver.

¹⁰ Pursuant to statutory authority granted under Water Code section 13267.

13. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water except within the existing river plain (unless the primary purpose of the activity is to impound waters).
14. If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow must be minimized to the maximum extent practicable.
15. Any structure or fill subject to the waiver must be maintained; including maintenance to ensure public safety, unless it is later determined that the structure is further contributing to other adverse conditions to private or public property. In such situations, corrective measures must be taken to rectify these adverse conditions, including removal and/or redesign of the original emergency corrective action, or appropriate mitigation as determined through coordination among the discharger and appropriate resource agencies. Temporary levees constructed to control flows shall not be maintained beyond the current storm season (i.e., maintenance of temporary levees is not authorized after the storm season in which the need arose).

B. Mitigation Conditions

1. Every effort must be made to ensure any material dredged or excavated from non-federal waters of the State is not likely to be washed back into any water of the State. When feasible, erosion and siltation controls designed to minimize turbidity in the watercourse above background levels existing at the time of construction, must be used and maintained in effective operating condition during construction unless conditions preclude their use, or if conditions are such that the proposed work would not increase turbidity levels above the background level existing at the time of work. All exposed soil and other fills, as well as any work below bankfull stage, or high tide line, must be stabilized at the earliest practicable date to preclude additional damage to the project area through erosion or siltation.
2. Temporary fills must be removed in their entirety and the affected areas returned to their pre-existing elevations and revegetated with appropriate native riparian or wetland vegetation common to the area. If an area impacted by such a temporary fill is considered likely to naturally re-establish native riparian or wetland vegetation to a level similar to pre-project or pre-event conditions within two years, then the requirement to re-vegetate may be eliminated by the San Diego Water Board.

3. Discharges of dredged or fill material into non-federal waters of the State must be avoided or minimized to the maximum extent practicable at the project site. Compensation for unavoidable discharge of fill materials may require appropriate mitigation measures. Factors that the San Diego Water Board will consider when determining the acceptability of appropriate and practicable mitigation will include, but are not limited to:
 - a. The approximate functions and values of the aquatic resource being affected, such as habitat value, aquifer recharge, sediment conveyance or retention, flood storage, etc.;
 - b. The permanence of the project's effects on the resource; and
 - c. The potential long-term effects of the action on remaining functions and values of the affected aquatic resource.

To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing wetland or upland buffer zones to protect aquatic resource values; replacing the loss of aquatic resource values by creating, restoring, or enhancing similar functions and values; or using bioremediation techniques in conjunction with other methods to offset project impacts. To the extent appropriate, applicants may consider mitigation banking and other forms of mitigation, provide they contribute to the restoration, creation, replacement, enhancement, or preservation of aquatic resources.

C. Notification Conditions

1. Any person proposing discharges to non-federal waters of the State associated with repair and protection activities resulting from emergency situations in the San Diego Region must send the San Diego Water Board a signed, completed Notice of Intent (Attachment No. 1) as described below:
 - a. As early as practicable, but not later than 30 days following initiation of the discharge, in the following circumstances:
 - i. A situation described in Finding No. 10 (Water Code section 13269(c)(1) and (2)). This includes immediate work in response to a disaster when a state of emergency has been proclaimed by the Governor;

- ii. A clear and imminent threat demanding immediate action exists in response to an emergency as described in Finding No. 4 (CEQA-defined emergencies), where prior notification to the San Diego Water Board is impractical. This can include emergencies that do not result in a state of emergency being declared by the Governor; or
 - iii. A repair and protection activity in response to an emergency as described in Finding No. 4 (CEQA-defined emergencies) would result in an insignificant or temporary (less than 120 days) discharge of inert material (e.g., sand bags or other erosion control material).
 - b. As early as possible, but not later than two days prior to the initial discharge activity in all other situations.
2. If part or all of a discharge activity that is enrolled in RGP No. 63 is determined to occur in non-federal waters of the State prior to the completion of the activity (i.e. submittal of RGP No. 63 completion report), the discharger shall submit a Notice of Intent to the San Diego Water Board within 30 days of notification of jurisdictional changes by the USACE.
3. The discharger must send the San Diego Water Board a signed, completed Notice of Termination (Attachment No. 2) within 10 working days of completing the discharge activities and restoring the site to its original condition. Sites must be restored by the expiration date of this waiver.

BE IT FURTHER RESOLVED, this conditional waiver of statutory requirements in Water Code sections 13260(a) and (b), 13263(a), and 13264(a) shall remain in effect until **November 14, 2012**, unless the San Diego Water Board takes action to extend, revise, or rescind these requirements.

BE IT FURTHER RESOLVED, the San Diego Water Board may issue specific waste discharge requirements for discharges of waste derived from disaster stricken areas creating emergency conditions located within the San Diego Region.

BE IT FURTHER RESOLVED, any waiver of waste discharge requirements is conditional, may be terminated at any time, does not authorize or excuse an illegal discharge, does not preclude the need for any permits, licenses, or authorizations which may be required by other state or local governmental agencies or landowners, and does not preclude the San Diego Water Board from administering enforcement remedies pursuant to Section 13300, et seq., of the Water Code.

I, John H. Robertus, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on November 14, 2007.

TENTATIVE

John H. Robertus
Executive Officer

Attachment 1: Notice of Intent
Attachment 2: Notice of Termination

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

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



NOTICE OF INTENT

TO COMPLY WITH
CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS
FOR SPECIFIC TYPES OF DISCHARGE WITHIN
THE SAN DIEGO REGION

I. PROPERTY/FACILITY INFORMATION

Property/Facility Name:			
Property/Facility Contact:			
Property/Facility Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):		Hydrologic Area/Subarea:	
Latitude / Longitude			

II. PROPERTY/FACILITY OWNER INFORMATION

Property/Facility Owner Name:			
Property/Facility Owner Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

III. PROPERTY/FACILITY OPERATOR INFORMATION

Property/Facility Operator Name:			
Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

IV. CONDITIONAL WAIVER FOR NOTICE OF INTENT

Mark (☒) the conditional waiver proposed for the discharge:

- Conditional Waiver, Resolution No. R9-2007-0211 – A Conditional Waiver of Statutory Requirements To File A Report of Waste Discharge And for Adoption of Waste Discharge Requirements for Discharges To Non-Federal Waters of The State Associated with Repair And Protection Activities in Emergency Situations in The San Diego Region.

Note: under California Environmental Quality Act (CEQA), California Public Resources Code section 21063.3, an “emergency” is defined to be:

A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

NOTICE OF INTENT TO COMPLY WITH EMERGENCY CONDITIONAL WAIVERS

VERSION 07.10.31

V. DESCRIPTION OF DISCHARGE AND IMMINENT THREAT TO LIFE OR PROPERTY

Describe the discharge activity and a brief, but clear, description of the imminent threat to life and/or property and the proposed project's purpose and need. Use additional pages, and provide a map of the property/facility if necessary.

VI. DESCRIPTION OF MANAGEMENT MEASURES AND PRACTICES

Describe what management measures and practices will be implemented to minimize or eliminate the discharge of pollutants to waters of the state and comply with waiver conditions of Section A and Section B.1 of the conditional waiver. Use additional pages as needed. Provide a map of the property/facility showing locations of management measures and practices if necessary.

VII. PROJECT AREA INFORMATION

Please provide information about the project area's existing conditions and anticipated impacts to non-federal waters resulting from the proposed work (e.g., removal of significant vegetation, loss of habitat, etc.) Use additional pages and attach maps as needed.

VIII. MITIGATION INFORMATION

Please provide information about plans for compensatory mitigation of unavoidable discharges of fill and/or how the discharger intends to comply with the waiver conditions of Section B of the conditional waiver. Use additional pages as needed.

IX. ADDITIONAL INFORMATION

Please provide additional information, as needed or required, about the discharge and/or how the discharger intends to comply with the waiver conditions of the conditional waiver. Use additional pages as needed.

X. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature (Owner or Authorized Representative)

Date

Print Name

Title

Telephone Number

Email

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
 9174 Sky Park Court, Suite 100
 San Diego, California 92123-4340



NOTICE OF TERMINATION

RESOLUTION NO. R9-2007-0211

A CONDITIONAL WAIVER OF STATUTORY REQUIREMENTS TO
 FILE A REPORT OF WASTE DISCHARGE AND FOR ADOPTION OF
 WASTE DISCHARGE REQUIREMENTS FOR
 DISCHARGES TO NON-FEDERAL WATERS OF THE STATE ASSOCIATED WITH
 REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS
 IN THE SAN DIEGO REGION

I. PROPERTY/FACILITY INFORMATION

Property/Facility Name:			
Property/Facility Contact:			
Property/Facility Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):		Hydrologic Area/Subarea:	
Latitude / Longitude /			

II. PROPERTY/FACILITY OWNER INFORMATION

Property/Facility Owner Name:			
Property Owner/Discharger Contact and Title:			
Property/Facility Owner Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

III. DISCHARGE AND DREDGE INFORMATION

Date(s) of Discharge and Dredge Activities:
Did Any Activity Occur within Wetlands?
Did Any Activity Create an Impoundment? If <u>yes</u> , describe how adverse effects to aquatic system were minimized.

NOTICE OF TERMINATION WITH EMERGENCY CONDITIONAL WAIVER

VERSION 07.10.31

Quantity of Discharge: (indicate in ACRES and LINEAR FEET the extent affected, and identify the effects as permanent and/or temporary for discharge.)

	<u>Permanent Effects</u>		<u>Temporary Effects</u>	
Wetlands:	linear feet	acres	linear feet	acres
Non-wetland waters:	linear feet	acres	linear feet	acres

Quantity of Dredging (cubic yards):
Provide a description of the types of material dredged and disposal location:

IV. COMPENSATORY MITIGATION INFORMATION

Were Temporary Fills Restored?
If no, please describe rationale:

Was Compensatory Mitigation Provided?
If no, please describe rationale:

If yes, attach (1) a map clearly identifying the mitigation location areas, and (2) contact information for the owner/operator of the mitigation area property.
Also indicate below in ACRES and LINEAR FEET the total quantity of each water body that was created, restored, or enhanced, for purposes of providing compensatory mitigation. Use additional pages if necessary.

	Created (acres / linear feet)	Restored (acres / linear feet)	Enhanced (acres / linear feet)
Wetland			
Non-Wetland			

V. FINAL DISPOSAL CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature (Owner or Authorized Representative)

Date

Print Name

Title