

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

ORDER No. R9-2014-0041

**CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS FOR
LOW THREAT DISCHARGES IN THE SAN DIEGO REGION**

The Discharger, as described in the following table is subject to the waiver of waste discharge requirements as set forth in this Order:

Table A. Discharger Information

| | |
|---|--|
| Discharger | Any person responsible for the discharge of low threat discharges which in accordance with the general and specific conditions specified in each of the waivers are unlikely to affect the quality of the waters of the State. |
| Dischargers regulated under this Order and the applicable waivers contained within, must be subject to application and annual fees assessed relative to their assigned threat and complexity ranking or other discharge specific conditions identified in California Code of Regulations, Title 23, section 2200.7. | |

Discharges of wastes by persons from their locations in the San Diego Region are subject to the requirements set forth in this Order. Administrative information regarding this Order is contained in Table B below.

Table B: Administrative Information

| | |
|---|---------------|
| This Order was adopted by the California Regional Water Quality Control Board, San Diego Region on: | June 26, 2014 |
| This Order shall become effective on the date of adoption. | |

I, David W. Gibson, Executive Officer, do hereby certify that this Order with all appendices is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on June 26, 2014.

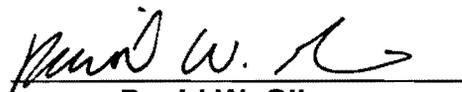

David W. Gibson
Executive Officer

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CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS FOR
LOW THREAT DISCHARGES IN THE SAN DIEGO REGION

ORDER NO. R9-2014-0041

PART I GENERAL FINDINGS

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

- A. **LEGAL AUTHORITY TO ISSUE WAIVERS.** Water Code section 13260(a) and (c) require persons proposing to discharge waste,¹ or proposing to make a material change in the character, location, or volume of a discharge to file a report of waste discharge (ROWD) with the appropriate California Regional Water Quality Control Board (Regional Water Board). Water Code section 13264 prohibits persons from initiating any new discharge of waste or making any material changes in any discharge prior to the filing of a ROWD and being issued waste discharge requirements (WDRs) by the appropriate Regional Water Board.

Under authority of Water Code 13263(d), the San Diego Water Board may prescribe WDRs although no ROWD has been filed.

Pursuant to Water Code section 13269(a)(1), the San Diego Water Board may waive the provisions of sections 13260(a) and (c), or 13264(a) for a specific discharge or type of discharge, if it determines the waiver is consistent with the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) and is in the interest of the public. Water Code section 13269(a)(2) stipulates a waiver may not exceed five years in duration, but may be renewed by the San Diego Water Board. Waivers must be conditional and may be terminated at any time by, the State Water Resources Control Board (State Water Board), or the San Diego Water Board.

In accordance with the Basin Plan, Chapter 4, a waiver of WDRs would not be against the public interest if either of the following circumstances apply to the discharges in that category:

1. *The type of discharge does not adversely affect the quality² or the beneficial uses³ of the waters of the State.⁴*
2. *The type of discharge is not readily amenable to regulation through the adoption of individual WDRs but warrants San Diego Water Board oversight to ensure compliance with mandated conditions.*

Water Code section 13269 does not authorize the San Diego Water Board to issue waivers of WDRs for waste discharges subject to federal regulations⁵ implementing the federal Clean Water Act and the federal National Pollutant Discharge Elimination System (NPDES) regulations.

- B. **PURPOSE.** The purpose of this Order is to:

¹ The term "waste" is as defined in Water Code section 13050(d).

² The term "quality of the water" is as defined in Water Code section 13050(g).

³ The term "beneficial uses" is as defined in Water Code section 13050(f).

⁴ The term "waters of the State" is as defined in Water Code section 13050(e).

⁵ Water Code section 13370 et seq.

1. revise and renew several waivers adopted by the San Diego Water Board as an amendment to the Basin Plan in Resolution No. R9-2007-0104, which expired on February 3, 2014;
 2. incorporate a waiver for discharges from aquatic animal production facilities;
 3. issue new waivers for specific types of discharges within the San Diego Region, which pose a low threat to the waters of the State, and are not currently regulated by the San Diego Water Board;
 4. reorganize the waivers by grouping the specific types of discharge into discharge classifications;
 5. provide general waiver conditions applicable to a discharge or discharge operations for all specific types of discharge within a discharge classification; and
 6. provide specific waiver conditions for each specific type of discharge within a discharge classification, if applicable.
- C. **DISCHARGER.** As the term applies in this Order, a “Discharger” is any person or persons that discharge, have the potential to discharge, or propose to discharge waste that could directly or indirectly affect the quality and/or beneficial uses of the waters of the State.
- D. **DISCHARGE LOCATION.** All discharges subject to this Order are located within the boundaries of the San Diego Region.
- E. **WASTE DISCHARGES SUBJECT TO THIS ORDER.** Where specified in this Order, for a specific type of waste discharge or discharge classification (i.e., waiver), the filing of a ROWD is required. For the purposes of this Order, a completed Notice of Intent (NOI) may serve as the Dischargers’ ROWD. Discharges which do not exceed certain qualifying criteria specified in each specific waiver, are not required to file an NOI.⁶ As documented in the Technical Report, *Information Sheet for Order No. R9-2014-0041*, waivers for these specific types of discharges are in the public interest.
1. Discharges from on-site graywater disposal systems;
 2. Discharges of recycled water to land from short-term projects;
 3. Discharges of recycle water to land from permanent projects;
 4. Discharges from construction and test pumping of water wells to land;
 5. Discharges of air conditioner condensate and non-contact cooling water to land;
 6. Swimming pool discharges to land;
 7. Discharges from short-term construction dewatering operations to land;
 8. Discharges from utility vaults and underground structures to land;
 9. Miscellaneous “Low threat” discharges to land and/or groundwater;

⁶ For those discharges requiring the submittal of an NOI, enrollment in the waiver begins upon submittal of the NOI, unless otherwise specified in the waiver’s conditions.

10. Discharges of winery process water to lined evaporation ponds at small wineries;
11. Discharges of waste to land at composting facilities;
12. Discharges of storm water runoff from silvicultural operations;
13. Discharges from timber harvesting projects;
14. Discharges from wildfire suppression and fuels management activities;
15. Discharges from small animal feeding operations;
16. Discharges from medium animal feeding operations;
17. Discharges of storm water runoff from animal operations;
18. Discharge/application of manure to soil as an amendment or mulch;
19. Discharges from grazing lands;
20. Discharges of wastewater from facilities producing less than 9,090 harvest weight kilograms per year of cold water aquatic species;
21. Discharges of wastewater from facilities producing less than 45,454 harvest weight kilograms per year of warm water aquatic species;
22. Discharges of drilling muds to land;
23. Discharges of concrete grinding residues to land;
24. Discharges of slurries from sand and gravel mining operations to land;
25. Discharge/application of amendments and/or mulches to soil;
26. Discharges/disposal of inert waste to solid waste disposal facilities only accepting inert wastes;
27. Discharges of soils containing wastes to temporary waste piles;
28. Discharges/Disposal/Reuse of soils characterized as inert from contaminated sites to land;
29. Discharges of waste related to fireworks displays over land;
30. Other periodic aerial discharges of wastes over land;
31. Incidental discharges of oil and oily water within a response area during an oil spill response in marine waters;
32. Discharges of disaster related wastes to temporary waste piles and surface impoundments;
33. Discharges of mass mortality wastes to temporary waste piles and emergency landfills;
34. Discharges of dredge or fill material into non-federal waters of the State;
35. Emergency repair and protection activities in non-federal waters of the State; and
36. Other discharges of emergency/disaster related wastes.

Each of the discharge types listed above may originate from a single Discharger, have similar discharge sources and/or environmental settings, and have similar waiver conditions. Therefore, these types of discharges are grouped together into 12 discharge classifications. Discharges which comply with the waiver conditions in this Order are not expected to pose a threat to the quality of waters of the State.

F. **THREAT TO WATER QUALITY.** Discharges from the proceeding categories can and/or do contain wastes, as defined in Water Code section 13050, that could affect the beneficial uses and quality of the waters of the State. If not properly managed, these discharges can percolate to groundwater or runoff to surface waters, adversely affecting both surface water and groundwater. Such wastes that enter or threaten to enter into waters of the State include, but may not be limited to:

1. earthen wastes (e.g., soil, silt, sand, clay, and rocks);
2. inorganic wastes (e.g., metals, salts, nutrients, etc.);
3. organic wastes (e.g., organic pesticides, hydrocarbons, etc.); and
4. biological wastes (e.g., bacteria and pathogens).

Discharges which comply with the waiver conditions in this Order are not expected to pose a threat to the quality of waters of the State.

G. **ANTIDegradation Policy.** This Order is consistent with the provisions of Resolution No. 68-16 "*Statement of Policy with Respect to Maintaining High Quality Waters in California*" (Antidegradation Policy). Likewise, this Order is consistent with the federal Antidegradation Policy.⁷ The San Diego Water Board, in regulating the discharge of waste, must have sufficient ground to adopt findings which demonstrate that any water quality degradation resulting from this Order will:

1. be consistent with the maximum benefit to the people of the State;
2. not unreasonably affect existing and potential beneficial uses of such water; and
3. not result in water quality less than that described in the Basin Plan.

Dischargers, who enroll in these waivers are required to manage their wastes in a manner that protects beneficial uses, and prevent nuisance⁸ by implementing management measures (MMs) and best management practices (BMPs).

H. **MONITORING.** Water Code section 13269(a)(2) requires waivers be conditioned upon the performance of individual, group, or watershed-based monitoring unless the San Diego Water Board determines the discharges do not pose a significant threat to water quality. Monitoring requirements in this Order must be designed to support the development and implementation of the waiver program including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. In establishing requirements, the San Diego Water Board may consider the volume, duration, frequency, and constituents of the discharge, the extent and type of existing monitoring activities including, but not limited to, existing watershed-

⁷ Code of Federal Regulations Title 40, section 131.12.

⁸ The term "nuisance" is as defined in Water Code section 13050(m).

based compliance and effectiveness monitoring efforts, the size of the project area; and other relevant factors.

The only waiver conditioned upon performance of monitoring is Waiver No. 8. If the waste discharges enrolled in a specific waiver are determined to pose a potential threat to water quality, the San Diego Water Board may require the Dischargers to perform monitoring to verify compliance with the waiver conditions.

The San Diego Water Board adopted *A Framework for Monitoring and Assessment in the San Diego Region*, dated November 2012, to facilitate the transition from discharge-oriented monitoring and assessment to water body-oriented monitoring and assessment in the Region. The monitoring requirements of Waiver No. 8 are consistent with the Framework.

All monitoring and reporting requirements specified in Waiver No. 8 are issued pursuant to Water Code sections 13267 and 13269; and are necessary to evaluate:

1. compliance with the terms and conditions of the Waiver No. 8;
2. effectiveness of any measures or actions taken in accordance with Waiver No. 8 and/or the San Diego Basin Plan; and
3. whether revisions of Waiver No. 8, additional regulatory programs, or enforcement actions are warranted.

Failure to submit a report in accordance with schedules established by the waivers, Monitoring and Reporting Requirements approved by the San Diego Water Board Executive Officer, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer, or failure to comply with the conditions of the waivers, may subject a Discharger to enforcement action pursuant to Water Code section 13268 and/or 13350 and/or the requirements to submit a ROWD.

The burden, including cost, of these reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

In accordance with Water Code sections 13267(b)(1) and 13269(a)(2), the San Diego Water Board has considered the costs of implementing the monitoring requirements specified in Waiver No. 8, and finds they will not result in any additional economic burden for dischargers.

- I. **WATER QUALITY STANDARDS.** The Basin Plan and relevant statewide water quality control plans (collectively Plans) establish water quality standards for the San Diego Region. These water quality standards consist of designated beneficial uses, WQOs, and the antidegradation policy. These Plans also contain implementation plans and policies for interpreting and achieving water quality standards.

Table 2 below identifies the beneficial uses designated in the Basin Plan for groundwater and surface water in the San Diego Region.

Table 2: Beneficial Uses for Groundwater and Surface Waters

| Beneficial Uses | Abbreviations |
|---|----------------------|
| Agricultural Supply | AGR |
| Aquaculture | AQUA |
| Preservation of Biological Habitats of Special Significance | BIOL |
| Cold Freshwater Habitat | COLD |
| Commercial and Sport Fishing | COMM |
| Estuarine Habitat | EST |
| Freshwater Replenishment | FRSH |
| Ground Water Recharge | GWR |
| Industrial Process Supply | PROC |
| Industrial Service Supply | IND |
| Inland Saline Water Habitat | SAL |
| Marine Habitat | MAR |
| Migration of Aquatic Organisms | MIGR |
| Municipal and Domestic Supply | MUN |
| Navigation | NAV |
| Hydropower Generation | POW |
| Noncontact Recreation | REC2 |
| Preservation of Rare and Endangered Species | RARE |
| Shellfish Harvesting | SHELL |
| Spawning, Reproduction, and/or Early Development | SPWN |
| Warm Freshwater Habitat | WARM |
| Water Contact Recreation | REC1 |
| Wildlife Habitat | WILD |

The requirements of this Order implement the Basin Plan by ensuring discharge types maintained and monitored to prevent releases of wastes or waste constituents to waters of the State in a manner which could impair these beneficial uses.

- J. **ENFORCEMENT ACTIONS.** Any person in violation of any waiver condition, prohibition issued or reissued, or amended by the San Diego Water Board, may be subject to informal and formal enforcement actions, including, but not limited to, administrative civil liability under Water Code sections 13323 and 13350(d) and (e).
- K. **APPEAL.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and the Calif. Code of Regs. title 23, section 2050 et seq. The State Water Board must receive the petitions by 5:00 p.m., within 30 days after the date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the State Water Board’s website.⁹

⁹ http://www.waterboards.ca.gov/public_notices/petitions/water_quality/

- L. **CALIFORNIA ENVIRONMENTAL QUALITY ACT.**¹⁰ In accordance with California Code of Regulations Title (Calif. Code Regs. title) 14, section 15000 et seq., the San Diego Water Board is the lead agency for this project and has adopted a negative declaration for the project.
- M. **HOMELAND SECURITY ACT.** Any information provided to the San Diego Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted.
- N. **ANNUAL FEES.** Dischargers may be required to pay an annual fee (i.e., waste discharge permit fee) established by the State Water Board in accordance with Water Code sections 13260(d)(1) and 13269(a)(4). Pursuant to Water Code section 13269(a)(4), the annual fee must be assessed in accordance with any fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23, section 2200.7.

At this time, the State Water Board has not established a fee schedule for waivers. When such a fee schedule is established, Dischargers will be required to pay an annual fee if enrolled in the following waivers.

- Discharges of Winery Process Water to Lined Evaporation Ponds at Small Wineries (Waiver No. 4);
 - Discharges of Waste to Land at Composting Facilities(Waiver No. 5);
 - Discharges from Animal Operations (Waiver No. 7);
 - Discharges from Aquatic Animal Production Facilities (Waiver No. 8); and
 - Discharges/Disposal of Solid Wastes to Land (Waiver No. 10).
- O. **PUBLIC PARTICIPATION.** All of the findings contained within this Order, supplemental information and details in the attached Technical Report, and incorporated references were considered in establishing the following conditions, requirements, provisions, and specifications.

All known Dischargers and other interested parties and persons were notified of the intent to adopt this Order, and were provided with an opportunity for a public hearing and an opportunity to submit written comments.

In a public meeting, all comments pertaining to this Order were heard and considered.

- P. **STRATEGIC PLAN.** The issuance of this Order and the requirements herein are consistent with the goal to provide water resources protection, enhancement and restoration while balancing economic and environmental impacts as stated in the Strategic Plan of the State Water Board and the San Diego Water Board.
- Q. **APPLICABILITY.** Order No. R9-2014-0041 supersedes the waivers adopted as a Basin Plan amendment in Resolution No. R9-2007-0104 except for enforcement purposes regarding violations of Resolution No. R9-2007-0104. All Dischargers

¹⁰ Codified in PRC section 21000 et seq., and promulgated in Calif. Code of Regs. title 14, Chapter 3, Division 6.

previously regulated by waivers in Resolution No. R9-2007-0104 and renewed in this Order are automatically enrolled under Order No. R9-2014-0041.

Order No. R9-2014-0041 does not preempt or supersede the authority of municipalities, flood control agencies, or other State or local agencies to prohibit, restrict, or control specific types of discharges subject their jurisdictions.

Waiver No. 3– Miscellaneous “Low Threat” Discharges to Land

A. Specific Findings for “Low Threat” Discharges to Land

1. The conditional waiver for “Low Threat” Discharges to Land (Low Threat Discharge Waiver) is for “low threat” discharges to land, which can percolate to groundwater. “Low threat” discharges include liquid wastes containing pollutant concentrations that are not expected to adversely impact the quality of waters of the State under ambient conditions. “Low threat” discharges may include potable water or uncontaminated groundwater. Potable water and uncontaminated groundwater are not considered waste when initially discharged. However, when these waters comes into contact with pollutants and transports those pollutants in surface runoff or leaches those pollutants into the soil and groundwater, it becomes a waste. “Low threat” discharges to land are not expected to contain significant concentrations of pollutants that can adversely affect the quality of underlying groundwater.
2. The following types of discharge not regulated under WDRs may be eligible for the Low Threat Discharge Waiver:
 - a. Discharges to land of air conditioner condensate or non-contact cooling water;
 - b. Discharges to land of water from swimming pools;
 - c. Discharges to land from the construction and test pumping of water wells;
 - d. Discharges to land from short-term construction dewatering operations; and
 - e. “Low Threat” discharges to land and/or groundwater (discussed in, which may include the following:
 - i. Discharges to land from flushing water lines;
 - ii. Discharges to land from washing vehicles, pavement, buildings, etc.;
 - iii. Discharges to land from irrigated lawns and landscaping using groundwater or municipal supply water;
 - iv. Discharges to land from structural infiltration-based BMPs;
 - v. Discharges to land of groundwater pumped from water supply wells; and
 - vi. Discharges to land of groundwater from foundation drains, crawl space pumps, and footing drains.
 - f. Discharges to land from utility vaults and underground structures
3. “Low threat” discharges are not expected to adversely affect the quality of groundwater. These types of discharge have similar properties, threat to water quality, and proposed waiver conditions. Therefore, these types of

“low threat” discharges to land were grouped together into one discharge classification.

4. Low volumes and infrequent “low threat” discharges are not expected to adversely affect the quality of groundwater because the water would likely evapo-transpire before infiltrating to the underlying groundwater. However, excessive volumes or frequent “low threat” discharges could potentially infiltrate to underlying groundwater and adversely affect the quality of groundwater over time. With proper management, “low threat” discharges to land are not expected to pose a threat to the quality of waters of the State. Therefore, waiver conditions require proper management of “low threat” discharges to land to minimize or eliminate the discharge of pollutants to waters of the State.
5. Discharges classified as “low threat” discharges to land that comply with the conditions prescribed in this waiver will pose a low level of threat to the quality of the waters of the State. If owners/operators with “low threat” discharges are not in compliance with waiver conditions, they can be issued a Notice of Violation (NOV) and required to correct deficiencies in order to be eligible for the Low Threat Discharge Waiver. However, if the owner/operator of a “low threat” discharge violates any waiver conditions, the San Diego Water Board has the option to terminate the waiver for the discharge and begin regulating with individual WDRs and/or take other enforcement actions.
6. In order to be eligible for the Low Threat Discharge Waiver, discharges must comply with the general and applicable specific conditions of this waiver.
7. “Low threat” discharges to land that comply with the general and specific waiver conditions in the Low Threat Discharge Waiver are not expected to pose a threat to the quality of waters of the State.

IT IS HEREBY ORDERED, that any Discharger proposing to discharge miscellaneous low threat wastewaters to land, in order to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements.

B. General Waiver Conditions for “Low Threat” Discharges of Water to Land

1. Prevent the direct or indirect discharge of “low threat” discharges to any surface waters of the State (including ephemeral streams, vernal pools and MS4s).
2. Any products used to condition or treat “low threat” discharges prior to discharging to land must be in accordance with manufacturer’s instructions and guidelines, and must reliably attenuate before infiltrating to underlying groundwater.
3. “Low threat” discharges must not:
 - a. Cause or contribute to the migration of contaminants such as chlorinated solvents, hydrocarbons, or other toxic or hazardous substances to groundwater;

- b. Come in contact with any material that consists of or is contaminated with chlorinated solvents, hydrocarbons, or other toxic or hazardous substances prior to discharge to land;
 - c. Adversely affect the quality or beneficial uses of underlying groundwater;
 - d. Cause or threaten to cause a condition of contamination, pollution, or nuisance; and
 - e. Adversely impact the quality or beneficial uses of groundwater in any water wells.
4. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.
5. In addition to the conditions above for “Low Threat” Discharges of Water to Land, compliance with the following Specific Waiver Conditions is required.
6. For the following discharge types do not require the filing of an NOI, and do not have specific discharge conditions.
- a. Discharges to land of groundwater pumped from drinking wells; and
 - b. Discharges to land of groundwater from foundation drains, crawl space pumps, and footing drains.

C. Specific Waiver Conditions for “Low Threat” Discharges to Land

1. **Discharge to Land of Air Conditioner Condensate and Non-contact Cooling Water.**
- a. Discharges of air conditioner condensate and non-contact cooling water to land must not exceed an average of 1,200 gallons per day (GPD) for any continuous 365-day period, unless the discharger has filed a complete NOI,²⁵ containing information about the operator, location, and planned period of and average daily volume of discharge. Discharges of air conditioner condensate and non-contact cooling water to land, which do not exceed the threshold specified in section C.2.a of the Low Threat Discharge Waiver, do not require the filing of an NOI prior to discharge.
 - b. Discharges must not contain contact cooling water.
2. **Discharges of Water to Land from Swimming Pools.**
- a. Discharges of water from each swimming pool to land must not exceed 50,000 gallons during any continuous 365-day period, unless the discharger has filed a complete NOI,²⁶ containing information about the swimming pool location and volume, planned period and frequency of discharge. Discharges of water from swimming pools, which do not exceed the threshold specified in section C.2.a of the

²⁵ A Notice of Intent required to be submitted for enrollment in the Low Threat Discharge Waiver is located in Attachment A of Order No. R9-2014-0041 (*Appendix B of this Technical Report*).

²⁶ Ibid.

Low Threat Discharge Waiver, do not require the filing of an NOI prior to discharge.

3. Discharges to Land from the Construction and Test Pumping of Water Wells.

- a. Discharges of groundwater, pumped from any well used in a soil and/or groundwater contamination investigation or corrective action, may not be discharged to land, unless the discharger has filed a complete NOI,²⁷ containing monitoring data demonstrating the quality of the proposed discharge would not cause groundwater to exceed water quality objectives.
- b. Discharges of groundwater, for multiple applications, pumped from wells, not used in a soil and/or groundwater contamination investigation or corrective action, over a continuous 24-hour (or longer) period must not be discharged to land, unless the discharger has filed a complete NOI.²⁸ The NOI must include the following information:
 - i. Discharge location;
 - ii. Planned period of discharge;
 - iii. Frequency of discharge; and
 - iv. MMs/BMPs to be taken to prevent the discharge of pollutants with the potential to affect surface water and groundwater quality, and to prevent any discharges to the MS4.

Written notice of enrollment in the Waiver must be received from the San Diego Water Board prior to initiating the discharge. Discharges of groundwater from construction and test pumping of water wells which do not exceed the specified thresholds, do not require the filing of an NOI prior to the discharge.

4. Discharges to Land from Short-Term Construction Dewatering Operations.

- a. The discharge of groundwater pumped from any well or excavation that is used in a soil and/or groundwater contamination investigation or corrective action may not be discharged to land, unless the discharger has filed a complete NOI,²⁹ containing monitoring data demonstrating that the quality of the proposed discharge would not cause the groundwater to exceed water quality objectives.
- b. For dewatering operations discharging in excess of an average of 5,000 GPD for any continuous 180-day period, the discharger must file a complete NOI,³⁰ containing information about the operator, location, planned period and rate of discharge, and measures that will

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

be taken to minimize or eliminate the discharge of pollutants that might affect groundwater quality. Written notice of enrollment in the Waiver must be received from the San Diego Water Board prior to initiating the discharge.

- c. Discharges under this waiver from short term construction dewatering operations are prohibited from entering MS4s, and any surface waters, including, but not be limited to, ephemeral streams, or vernal pools.

5. **“Low Threat” Discharges to Land and/or Groundwater.**

a. **Discharges to Land from Flushing Water Lines.**

- i. Discharges from flushing water lines having the potential to discharge to the MS4, or to affect surface water quality are not eligible for enrollment in this waiver. These discharges must be enrolled in Order No. R9-2010-0003³¹ (or subsequent Orders).

b. **Discharges to Land from Washing Vehicles, Pavement, Buildings, etc. to Land.**

- i. Discharges of wash water and similar intermittent discharges must not exceed an average of 1,200 GPD for any continuous 30-day period, unless the discharger has filed a complete NOI,³² containing information about the operator, location, and planned period of and average daily volume of discharge.

c. **Discharges to Land from Irrigated Lawns and Landscaping Using Groundwater or Municipal Supply Water.**

- i. Products applied to lawns and landscaping at residential, commercial, industrial, and recreational facilities, must be in accordance with manufacturer’s instructions and guidelines, and must reliably attenuate before infiltrating to underlying groundwater.

d. **Discharges to Land from Structural Infiltration-Based BMPs.**

- i. Structural BMPs that utilizes infiltration must be installed in compliance with the design criteria of the municipalities (or co-permittees) regulated by the most recent Municipal Separate Storm Sewer System (MS4) WDRs (conforming to NPDES storm water regulations).³³

³¹ General Waste Discharge Requirements for Discharges of Hydrostatic Test Water and Potable Water to Surface Waters and Storm Drains or Other Conveyance Systems Within the San Diego Region.

³² Ibid.

³³ National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region (Order No. R9-2013-0001, NPDES No. CAS0109266

- ii. Installation of structural BMPs that require infiltration must comply with local ordinances, and State and federal regulations, and obtain any required approvals, permits, certifications, and/or licenses from authorized local agencies.

6. Discharges to Land from Utility Vaults and Underground Structures.

- a. Discharges to land from utility vaults and underground structures must not exceed an average of 2,500 GPD over a continuous 7-day period to a single location, unless the discharger has filed a complete NOI,³⁴ containing the following information. Written notice of enrollment in the Waiver must be received from the San Diego Water Board prior to initiating the discharge.
 - i. Monitoring data demonstrating that the quality of the proposed discharge would not cause the groundwater at the disposal site to exceed water quality objectives.
 - ii. A map showing the following:
 - (1) Essential features of the distribution system for the utility's service area;
 - (2) Boundaries within which discharges may occur; and
 - (3) Areas, due to topography, activities, or other factors, having a high potential for soil erosion.
 - iii. A description of potential sources that may add significant amounts of pollutants to discharges from utility vaults and underground structures, and a description of the type of utility materials managed at the site, potentially exposed to vault water, either within the vault, or underground structure.
 - iv. Identification of structural, vegetative, and/or stabilization measures to be used to limit soil erosion, while discharging in areas which have a high potential for erosion due to topography, activities, or other factors.
 - v. A description of any BMPs that will be implemented to control the generation or source(s) of pollutants, or used to divert, infiltrate, reuse, or otherwise manage runoff in a manner that reduces pollutants in discharges from the site.
- b. The Discharger, as the result of a situation requiring urgent action to alleviate or prevent a power or natural gas outage must:
 - i. provide notification to the San Diego Water Board within 48 hours; and
 - ii. provide an after-the fact NOI submitted within five business days.

³⁴ A Notice of Intent required to be submitted for enrollment in the Low Threat Discharge Waiver is located in Attachment A of Order No. R9-2014-0041 (*Appendix B of this Technical Report*).

- c. The Discharger must maintain areas that may contribute pollutants to discharges so that they are kept clean and orderly. Store and contain liquid materials in such a manner that if the container is ruptured, the contents will not discharge, flow, or be washed into the storm drainage system, surface waters, or groundwater.
- d. The Discharger must regularly inspect and maintain any BMPs implemented, as well as inspect and test equipment and systems used to detect conditions that may cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensure appropriate maintenance of such equipment and systems.