

ORDER No. R1-2022-0031
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR SPECIFIC CATEGORIES OF LOW THREAT DISCHARGE
IN THE NORTH COAST REGION

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. Order No. R1-2022-0031 serves as a conditional waiver of waste discharge requirements (hereafter the Conditional Waiver or Order) for low threat waste discharges in the North Coast Region that meet the requirements and conditions established in this Order.

LEGAL AUTHORITY TO ISSUE WAIVERS

2. California Water Code (Water Code) section 13260(a) requires that any person discharging waste, or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a report of the discharge (“report of waste discharge” or “ROWD”) containing the information that may be required by the regional water board.
3. The Regional Water Board has a statutory obligation, pursuant to Water Code section 13269(a), to prescribe waste discharge requirements except where the Regional Water Board finds that a waiver of waste discharge requirements for a specific discharge or category of discharge is consistent with the Water Quality Control Plan for the North Coast Region (Basin Plan) and is in the public interest.
4. Water Code section 13269(b) provides that any such waiver of waste discharge requirements shall be conditional; may be terminated at any time by the Regional Water Board; and must be renewed every five years.
5. The Regional Water Board, in accordance with Water Code section 13269, waived waste discharge requirements for certain categories of discharge as set forth in Regional Water Board Order No. R1-2017-0039, Conditional Waiver of Waste Discharge Requirements for Specific Categories of Low Threat Discharge in the North Coast Region (Order No. R1-2017-0039) on December 13, 2017. This Conditional Waiver replaces Order No. R1-2017-0039.

WASTE DISCHARGES SUBJECT TO THIS ORDER

6. The Regional Water Board periodically reviews and, if appropriate, amends its Conditional Waiver. Based on its review of Order No. R1-2017-0039, the Regional Water Board finds that waivers of the following specific categories of discharges remain in the public interest when the discharge meets the conditions specified in Attachment A to this Order:
 - a. Test pumping of fresh water wells
 - b. Flushing of domestic water lines and tanks
 - c. Hydrostatic test lines

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- d. Air-conditioner, non-contact cooling and elevated temperature water
 - e. Minor dredging and fill operations
 - f. Confined animal wastes
 - g. Storm water runoff
 - h. Non-commercial, one-time sand and gravel operations and processing
 - i. Swimming pool
 - j. Food processing wastes spread on land
 - k. Agricultural commodity wastes on land
 - l. Industrial wastes utilized for soil amendments
 - m. Flow-through seawater systems and aquacultural operations
 - n. Recycled wastewater for soil compaction or dust control, and other construction purposes
 - o. Land and reservoir drainage projects
 - p. Low-volume, non-contaminated wastewaters generated by the installation and purging of monitoring wells during groundwater contaminations investigations
 - q. Incineration of soils contaminated with petroleum hydrocarbons
 - r. Pumped/drained water from storage tank excavations
 - s. Soil stabilizing agents
 - t. Maintenance activities on transportation structures
 - u. Existing Onsite Wastewater Treatment Systems with Shallow Effluent Dispersal Systems
 - v. Existing onsite wastewater treatment systems from small wine, beverage, and food processing facilities with combined domestic wastewater and process wastewater treatment and disposal systems
7. The Regional Water Board has determined that the following waiver category shall be added to the list of categories authorized by this Order:
- a. Flood Managed Aquifer Recharge

THREAT TO WATER QUALITY

8. 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:
- a. Earthen wastes (e.g., soil, silt, sand, clay, and rocks);
 - b. Inorganic wastes (e.g., metals, salts, nutrients, etc.);
 - c. Organic wastes (e.g., organic pesticides, hydrocarbons, etc.); and

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d. 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.

BASIN PLAN

9. All Orders adopted by the Regional Water Board are required to implement the Basin Plan. Therefore, this Order requires the Discharger to comply with all applicable Basin Plan provisions, including any prohibitions and water quality objectives governing the discharge.
10. Pursuant to the Basin Plan, the following are identified as existing or potential beneficial uses of waters of the North Coast Region as designated and presented in Table 2-1: municipal and domestic supply (MUN), agricultural water supply (AGR), industrial service supply (IND), industrial process supply (PRO), groundwater recharge (GWR), freshwater replenishment (FRSH), navigation (NAV), hydropower generation (POW), water contact recreation (REC-1), non-contact water recreation (REC-2), commercial and sport fishing (COMM), warm freshwater habitat (WARM), cold freshwater habitat (COLD), inland saline water habitat (SAL), estuarine (EST), marine habitat (MAR), wildlife habitat (WILD), preservation of areas of special biological significance (ASBS), rare, threatened, or endangered species (RARE), migration of aquatic organisms (MIGR), spawning, reproduction, and/or early development (SPWN), shellfish harvesting (SHELL), aquaculture (AQUA), water quality enhancement (WQE), flood peak attenuation/flood water storage (FLD), wetland habitat (WET), Native American culture (CUL), and subsistence fishing (FISH). Beneficial uses are identified for each hydrologic area in the Region and apply to each specifically identified water body in the hydrologic area.
11. Pursuant to the Basin Plan, the existing and potential beneficial uses of groundwater within the North Coast Region include: Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Industrial Supply (IND), Industrial Process Supply (PROC), Freshwater Replenishment (FRSH), Aquaculture (AQUA), and Native American Culture (CUL).

ENFORCEMENT ACTIONS

12. Any person in violation of any waiver condition, prohibition issued or reissued, or amended by the Regional Water Board, may be subject to informal and formal enforcement actions, including, but not limited to, administrative civil liability under Water Code sections 13323, 13350(d) and (e), and 13268.

ANTIDegradation ANALYSIS

13. State Water Resources Control Board (State Water Board) Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality Waters of California (hereafter the Antidegradation Policy) requires the disposal of waste into waters of the state be regulated to achieve the highest water quality consistent with the

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maximum benefit to the people of the state. The quality of some waters is higher than established by adopted policies and that higher quality water shall be maintained to the maximum extent possible consistent with the Antidegradation Policy. The Antidegradation Policy requires the following:

- a. Higher quality water will be maintained until it has been demonstrated to the state that any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present and anticipated beneficial use of the water, and will not result in water quality less than prescribed in the policies.
- b. Any activity that produces a waste and discharges to existing high quality waters will be required to meet waste discharge requirements (WDRs) that will result in the best practicable treatment or control of the discharge necessary to assure pollution or nuisance will not occur, and the highest water quality consistent with the maximum benefit to the people of the state will be maintained.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

14. Under the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (CEQA), the renewal of the Conditional Waiver is a “project” and the Regional Water Board is the lead agency responsible for approving that project.
15. The issuance of this renewed Conditional Waiver to enrollees with ongoing operations at existing facilities is exempt from the provisions of CEQA (Pub. Resources Code § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15301, which exempts the “operation, repair, maintenance, [and] permitting.... of existing public or private structures, facilities, mechanical equipment, or topographical features” from environmental review.
16. Issuance of the Conditional Waiver is also exempt from CEQA in accordance with California Code of Regulations, title 14, section 15307, (environmental review actions by regulatory agencies for the protection of natural resources); California Code of Regulations, title 14, section 15308, (actions by regulatory agencies for the protection of the environment); California Code of Regulations, title 14, section 15304, (actions that involve minor alterations to land); California Code of Regulations title 14, section 15306, (information collection); and California Code of Regulations title 14, section 15302, (replacement or reconstruction).
17. For the new category of Flood Managed Aquifer Recharge, the Regional Water Board finds that issuing a waiver of WDRs for qualifying discharges under this waiver category will not have any effect on the environment and this activity is covered by one or more of the above listed CEQA exemptions. In addition, pursuant to Executive Order N-7-22, during a continued drought emergency and so long as that Order remains in effect, provisions of CEQA are suspended for the issuance of a waiver for Flood-Managed Aquifer Recharge projects. Granting the waiver will enable the Regional Water Board to support the advancement of groundwater

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recharge projects using surface water flows because with appropriate monitoring and reporting the discharge of surface water to groundwater is inherently a low threat and waiving of WDRs allows for expeditious water quality permitting of qualifying projects.

TITLE 27 EXEMPTION

18. The wastewater treatment, storage, and disposal activities described in this Order are exempt from the requirements of Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste, as set forth in California Code of Regulations, title 27, section 20005, et seq. (hereafter title 27). The activities are exempt from title 27 requirements pursuant to section 20090 so long as the activity meets, and continues to meet, all preconditions listed below:
- a. Subparagraph (a) Sewage – Discharges of domestic sewage or treated effluent which are regulated by WDRs issued pursuant to Chapter 9, Division 3, Title 23 of this code, or for which WDRs have been waived, and which are consistent with applicable water quality objectives; treatment or storage facilities associated with municipal wastewater treatment plants, provided that residual sludge or solid waste from wastewater treatment facilities shall be discharged only in accordance with the applicable provisions of the CWC.
 - b. Subparagraph (b) Wastewater—Discharges of wastewater to land, including but not limited to evaporation ponds, percolation ponds, spreading basins or subsurface leach fields if the following conditions are met:
 - i. the applicable Regional Water Board has issued WDRs, reclamation requirements, or waived such issuance;
 - ii. the discharge is in compliance with the applicable water quality control plan; and
 - iii. the wastewater does not need to be managed according to California Code of Regulations, title 22, chapter 11, division 4.5, as a hazardous waste.
 - c. Subparagraph (d) Regional Water Board Cleanup Actions – Actions taken by or at the direction of public agencies to cleanup or abate conditions of pollution or nuisance resulting from unintentional or unauthorized releases or waste or pollutants to the environment. These actions are exempt from Title 27 provided that wastes, pollutants, or contaminated materials removed from the immediate place of release shall be discharged according to the State Water Board-promulgated sections of Article 2, Subchapter 2, Chapter 3, Subdivision 1 of this division (section 20200 et seq.); and that remedial actions intended to contain such wastes at the place of release shall implement applicable provisions of the CWC to the extent feasible.
 - d. Subparagraph (f) Soil Amendments—Use of nonhazardous decomposable waste as a soil amendment pursuant to applicable best management practices, provided that Regional Water Boards may issue waste discharge or reclamation requirements for such use.

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- e. Subparagraph (h) Reuse – Recycling of other use of materials salvaged from waste or produced by waste treatment, such as scrap metal, compost, and recycled chemicals, provided that discharges of residual wastes from recycling or treatment operations to land shall be according to applicable provisions of Title 27 regulations.

MONITORING AND REPORTING

- 19. Water Code section 13269(a)(2) requires waivers be conditioned upon the performance of individual, group, or watershed-based monitoring unless the regional board determines the discharges do not pose a significant threat to water quality. Dischargers regulated under this Order may be required to implement a monitoring and reporting program to verify compliance with the conditions of the waiver. The Regional Water Board Executive Officer may establish monitoring requirements based on the volume, duration, frequency, and constituents of the discharge, the extent and category of existing monitoring activities including, but not limited to, existing watershed-based monitoring.

APPLICATION PROCESS

- 20. Any person seeking coverage for any specific category of waste discharge specified in this Order shall file a full and complete Notice of Intent (NOI), Attachment B, with the Regional Water Board. When submitted to the Regional Water Board, such NOI must be certified and accompanied by the requisite fee pursuant to the Water Code section 13260. Upon review of the NOI, Regional Water Board staff will determine if coverage under the Conditional Waiver is appropriate.
- 21. Although a Discharger may be eligible for coverage under this Conditional Waiver, the Regional Water Board Executive Officer may determine that due to specific circumstances of the project and threats to water quality, the discharge would be more appropriately regulated by individual WDRs, general WDRs, or an enforcement order.

ANNUAL FEES

- 22. The 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 California Code Regulations. title 23, section 2200.7.

PUBLIC NOTIFICATION

- 24. The Regional Water Board has notified interested parties of its intent to renew and modify the Conditional Waiver. The Regional Water Board, in a public hearing on

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December 8, 2022, heard and considered all comments pertaining to this renewed Order.

PUBLIC MEETING

25. The Regional Water Board has notified the public, all known potential Dischargers and all other known interested parties of the intent to adopt this Order.

IT IS HEREBY ORDERED, that Regional Water Board Order No. R1-2017-0039 is rescinded upon the effective date of this Order, except for enforcement purposes, and that pursuant to Water Code section 13269, and Water Code section 13267, subject to the conditions set forth in this Order, the Regional Water Board waives the issuance of waste discharge requirements for the specific categories of waste discharge listed in Findings six and seven of this Order and shown in Attachment A to this Order, except for those waste discharges for which waste discharge requirements have been adopted.

Any Discharger proposing to discharge waste to land under Order No. R1-2022-0031, in order to meet the conditions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, must comply with the following requirements:

I. PROHIBITIONS

- A.** The discharge of any waste not specifically regulated by the waivers described herein is prohibited.
- B.** The creation of pollution, contamination, or nuisance, as defined by Water Code section 13050 is prohibited.
- C.** The discharge of waste to land that is not owned by or under agreement to use by the Discharger is prohibited.
- D.** Discharges of waste that violate any narrative or numerical water quality objective that are not authorized by waste discharge requirements or other order or action by the Regional or State Water Board are prohibited.

II. GENERAL CONDITIONS

A person whose waste discharge requirements have been waived pursuant to this Order, in accordance with the following general conditions, shall:

- A.** comply with all applicable provisions of the Basin Plan for the North Coast Region;
- B.** file a complete NOI with the Regional Water Board to demonstrate that compliance with the waiver conditions specified herein can be achieved;
- C.** discharge only in accordance with a complete NOI;
- D.** comply with a monitoring and reporting program, if required by the Regional Water Board Executive Officer; and

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- E. allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions.

III. SPECIFIC CONDITIONS FOR WAIVER OF WASTE DISCHARGE REQUIREMENTS

Specific conditions for waivers of specific waste discharges or categories of waste discharge are shown in Attachment A to this Order, incorporated herein by reference, are hereby adopted. Specific findings for new waiver categories not previously adopted pursuant to Resolution No. R1-2017-0039 are as follows:

A. Flood Managed Aquifer Recharge

1. “Flood-MAR” is a resource management strategy that uses flood water resulting from, or in anticipation of, rainfall or snow melt for managed aquifer recharge (MAR) on agricultural lands and working landscapes. Flood-MAR can be implemented at multiple scales, from individual landowners diverting flood water with existing infrastructure, to using extensive detention/recharge areas and modernizing flood protection infrastructure/operations. Flood-MAR focuses on the ability to use direct spreading on large acreages of active agricultural land, fallowed land, working landscapes, dedicated recharge basins (new or existing), or open space. For active farmland, recharge water is anticipated to be applied during the non-irrigation season, using existing or additional irrigation equipment or conveyance facilities. Direct spreading is accomplished by ponding water in dedicated percolation basins or spreading across landscapes where it infiltrates downward into unconfined aquifers. Flood-MAR can provide flood risk reduction, drought preparedness, aquifer replenishment, ecosystem enhancement, and other potential benefits. It is also a promising climate change adaptation strategy that takes an integrated approach to help address two of the most challenging elements of future climate changes: more flashy/intense flood flows, and longer/deeper droughts. In addition, agricultural lands and working landscapes are assets as they become effective and essential pathways to water storage. In practice, projects will need to be carefully planned, operated, and designed to achieve these important benefits. Flood-MAR can improve groundwater quality by increasing the amount of water in storage and potentially diluting impaired or contaminated aquifers, where they exist, especially with respect to salts and nutrients. Increasing groundwater levels through Flood-MAR can also help prevent or slow seawater intrusion into coastal aquifer. Flood-MAR may also improve surface water quantity and quality where the infiltrated water is of high quality and groundwater contributes to surface water flows.
2. Executive Order N-7-22¹ finds that the duration of the current drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its

¹ <https://www.gov.ca.gov/wp-content/uploads/2022/03/March-2022-Drought-EO.pdf>

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water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity.

3. Furthermore, Executive Order N-7-22 paragraph 13 provides: "With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended."
4. This waiver category is needed in this Conditional Waiver to provide a streamlined path for the Regional Water Board to issue a conditional waiver for projects proposed by Groundwater Sustainability Agencies and other entities seeking to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife to address the impacts of the drought and changes in the timing and availability of surface waters. The alternatives to issuance of a conditional waiver under this Conditional Waiver are to develop a conditional waiver or general waste discharge requirements for these specific dischargers or adopt individual WDRs or waivers of WDRs for each individual Flood-MAR project. To be eligible for coverage under this Conditional Waiver, dischargers must obtain all relevant approvals from local agencies and comply with the specific conditions of the Conditional Waiver (Attachment A).

IV. GENERAL PROVISIONS

A. Automatic Enrollment

Order No. R1-2022-0031 supersedes Order No. R1-2017-0039 except for enforcement purposes regarding violations of Order No. R1-2017-0039. All Dischargers previously regulated under Order No. R1-2017-0039 are automatically enrolled under Order No. R1-2022-0031 and do not need to submit a new NOI unless information on the NOI needs to be updated to reflect changes in operation, ownership or discharge conditions.

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B. Waiver Duration

Pursuant to Water Code section 13269, the waiver of waste discharge requirements for the categories of waste specified herein shall not exceed five years in duration. Accordingly, this Order will expire five years from the date of adoption.

C. Revision of Requirements

In compliance with Water Code section 13269, this Order and the categorical waivers described herein, shall be reviewed and amended as necessary no later than five years from the date of adoption of this Resolution.

D. Administrative Civil Penalties

As provided by Water Code sections 13350(a) and 13268 any person may be liable for administrative civil penalties if that person violates a waiver condition or certification, and intentionally or negligently discharges waste, or causes waste to be deposited where it is discharged, into the waters of the state and creates a condition of pollution or nuisance; or fails to furnish a technical or monitoring report as required by this Order.

E. Change in Discharge

The Discharger shall promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge.

F. Change in Ownership

In the event of any change in ownership of land or waste discharge facilities presently owned by the Discharger, the Discharger shall notify the Water Board of such changes in writing, and shall also notify the succeeding owner of the existence of this Order and current compliance status in writing. The succeeding owner, in order to obtain authorization for discharges regulated by this Order, must submit a new NOI that reflects changes in ownership, operation, or discharge conditions.

G. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Discharger from liability under federal, state, or local laws, nor create a vested right for the Discharger to continue the waste discharge.

H. Records Retention

The Discharger shall maintain records of all monitoring information, including calibration and maintenance records and all strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer.

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I. Termination of Waiver Coverage

A waiver of waste discharge requirements for a category of discharge may be superseded by the adoption by the State Water Board or Regional Water Board of waste discharge requirements or general waste discharge requirements for that category of discharge.

Any person aggrieved by this action of the North Coast Regional 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, section 2050 and following. The State Water Board must receive the petitions by 5:00 p.m., 30 days after the date of this Order, except 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 State Water Board's website at http://www.waterboards.ca.gov/public_notices/petitions/water_quality/

I, Matthias St. John, Executive Officer do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on December 8, 2022.

Matthias St. John
Executive Officer

22_0031_ProposedConditionalWaiver

ATTACHMENT A
CONDITIONAL WAIVER CATEGORIES AND REQUIREMENTS ESTABLISHED BY THE ADOPTION OF NORTH
COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2022-0031

Category	<u>Waiver Conditions (Note General Waiver Conditions Below) **</u>
Test Pumping of Fresh Water Wells	Detectable level of chlorine is not present and no other pollutants are present or added, and the well is not part of a groundwater cleanup project.
Flushing of Domestic Water Lines and Tanks	Detectable level of chlorine is not present and no other toxic pollutants are present or added. Best Management Practices will be used to control potential erosion.
Hydrostatic Test Lines	Project is not expected to cause water quality impact, a detectable level of chlorine is not present, no other pollutants are present or added and Best Management Practices will be used to control potential erosion.
Air-conditioner, Non-contact Cooling and Elevated Temperature Water	Discharge to land only and not to a storm drain system, where no water quality problems are anticipated and discharge rates do not result in erosion or any water quality impact.
Minor Dredging and Fill Operations	Discharges are short-term, do not result in net loss of wetlands or beneficial uses, spoil or fill is non-toxic and discharged to land, and operations are not governed by waste discharge requirements.
Confined Animal Wastes	Discharger complies with the California Code of Regulations, Title 27, Division 2, Subdivision 1, Chapter 7, Subchapter 2, Article 1. Confined animal waste operations requiring NPDES permits under federal Clean Water Act regulations and cow dairies constructed and operating as of January 19, 2012, that have subsequently undergone no expansion in size of their facilities are subject to regulation under the North Coast Regional Water Board Dairy & Concentrated Animal Feeding Operations (CAFO) Program and are not eligible for a waiver under this policy.
Storm Water Runoff	Storm water runoff is not subject to NPDES permit or other waste discharge requirements and there is no exposure to materials or activities that are anticipated to introduce waste into the runoff.

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Category	Waiver Conditions (Note General Waiver Conditions Below) **
Non-Commercial One-Time Sand and Gravel Operations and Processing	Operations wash waters are confined to land and stockpiles are protected from erosion. Projects shall comply with applicable local policies. Commercial operations are subject to WDRs and/or storm water regulations, and are not eligible for this waiver.
Swimming Pool Water	Discharges to land only, where beneficial water uses will not be affected. General permit shall be used for other discharges as appropriate.
Food Processing Wastes Spread on Land	Small, seasonal, applied at agronomic rates and confined to land where no water quality problems are anticipated.
Agricultural Commodity Wastes on Land	Small, seasonal, applied at agronomic rates and confined to land where no water quality problems are anticipated.
Industrial Wastes Utilized for Soil Amendments	Industry certifies inert, non-toxic and non-hazardous content, no water quality problems are anticipated, and discharger complies with California Code of Regulations, Title 27, Division 2, Subdivision 1.
Flow-through Seawater Systems and Aquacultural Operations	Project complies with the Basin Plan, no water quality problems are anticipated (including any problems resulting from the discharge of hormones, biocides, parasites, larvae and antibiotics) and no federal NPDES permit is required.
Recycled Wastewater for Soil Compaction or Dust Control, and other Construction Purposes	Use is limited to dry periods or short duration, complies with the Basin Plan, and complies with statewide reclamation requirements.
Lake or Reservoir Drainage Projects	Pollutants are not present, discharge is to land only and no water quality impacts are anticipated.

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Category	Waiver Conditions (Note General Waiver Conditions Below) **
Low-volume, Non-contaminated Wastewaters Generated by the Installation and Purging of Monitoring Wells During Groundwater Contamination Investigations	The discharger files a ROWD which provides the technical information necessary to demonstrate that the discharge will not reach surface waters, will prevent environmental contamination and pollution or nuisance, and is contained on property controlled by the discharger.
Incineration of Soils Contaminated with Petroleum Hydrocarbons	The discharger files a ROWD which provides the technical information necessary to demonstrate that the discharge will not reach surface waters, will prevent environmental contamination and pollution or nuisance, and is contained on property controlled by the discharger.
Pumped/Drained Water from Storage Tank Excavations	Water must be uncontaminated. Location of disposal or reuse must be identified.
Soil Stabilizing Agents	Used for beneficial purposes such as dust control, where water quality will not be adversely impacted and where stabilizing agents cannot reach State waters.
Maintenance Activities on Transportation Structures	The use of effective Best Management Practices that prevent any discharge of pollutants to surface waters or land.
Existing Onsite Wastewater Treatment Systems with Shallow Effluent Dispersal Systems	The project does not meet local requirements to demonstrate at least two feet of separation between the effluent dispersal system and the anticipated highest groundwater level. The project is regulated by the local permitting agency and includes supplement treatment components and/or improved effluent dispersal methods to provide a demonstrable improvement in effluent quality. The OWTS functions as designed with no surfacing effluent. The OWTS complies with all other conditions set forth in section 12.0 (Conditional Waiver of Waste Discharge Requirements) of the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems, including future revisions, which was incorporated into the Basin Plan's Implementation Plan for On-site Wastewater Systems.

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Category	Waiver Conditions (Note General Waiver Conditions Below) **
Existing Onsite Wastewater Treatment Systems from Small Wine, Beverage, and Food Processing Facilities with Combined Domestic Wastewater and Process Wastewater Treatment and Disposal Systems	An existing system with a construction permit issued by the local permitting agency prior to January 1, 2017. Combined domestic and process wastewater production is 1,500 gallons per day or less, as measured during the peak production period. The wastewater discharge is restricted to the subsurface and the OWTS disposal system has at least five feet of separation to the anticipated highest groundwater or the OWTS utilizes supplemental treatment and/or an effluent dispersal method to mitigate for a separation less than the required minimum.
Flood Managed Aquifer Recharge	Discharger has legal rights to divert surface waters and store the water underground, and the activity will not result in a discharge of waste to surface waters including wetlands. The water will be used for one or both of the following beneficial uses: (1) Groundwater Recharge (GWR) uses of water for natural or artificial recharge of groundwater for purposes of future extraction, maintenance of water quality, or halting of saltwater intrusion into freshwater aquifers; and/or (2) Freshwater Replenishment (FRSH) uses of water for natural or artificial maintenance of surface water quantity or quality (e.g., salinity). The surface water shall be of a quality which will not degrade the underlying groundwater. The surface water shall be of a quality to not result in adverse geochemical reactions with the underlying earth materials. Surface soils shall be of a quality to not result in the discharge of pollutants to the underlying groundwater at concentrations that degrade the existing groundwater quality. The recharging of groundwater shall not result in the migration of existing groundwater contamination.

****General Waiver Conditions Applicable to All Waiver Categories:** In addition to the waiver conditions specific to each waiver category, the following general waiver conditions apply to all waiver categories. The discharger: (1) shall comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region; (2) shall discharge only in accordance with a complete ROWD or equivalent; (3) shall not create a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code; (4) shall not discharge any waste not specifically regulated by the waivers described herein; (5) shall implement a monitoring and reporting program unless this requirement is waived as not against

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In The North Coast Region

the public interest, to be subsequently developed by the Regional Water Board Executive Officer; and (6) shall allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions.