

**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.

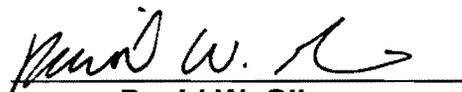

David W. Gibson
Executive Officer

Table of Contents

Part I. General Findings.....	1
Part II. Conditional Waivers of Waste Discharge Requirements.....	9
Waiver No. 1: Discharges from On-site Graywater Disposal Systems	9
Waiver No. 2: Discharges to Land of Recycled Water	13
• <i>Discharges to Land of Recycled Water from Short-Term Projects</i>	
• <i>Discharges to Land of Recycled Water from Permanent Projects</i>	
Waiver No. 3: Miscellaneous “Low Threat” Discharges to Land.....	17
• <i>Discharges to Land of Air Conditioner Condensate and Non-Contact Cooling Water</i>	
• <i>Discharges of Water to Land from Swimming Pools</i>	
• <i>Discharges to Land from Construction and Test Pumping of Water Wells</i>	
• <i>Discharges to Land from Short-Term Construction Dewatering Operations</i>	
• <i>“Low Threat” Discharges to Land and/or Groundwater</i>	
• <i>Discharges to Land from Flushing Water Lines</i>	
• <i>Discharges to Land from Washing Vehicles, Pavement, Buildings, etc</i>	
• <i>Discharges to Land from Irrigated Lawns and Landscaping Using Groundwater or Municipal Supply Water</i>	
• <i>Discharges to Land from Structural Infiltration-based Best Management Practices</i>	
• <i>Discharges to Land of Groundwater from Foundation Drains, Crawl Space Pumps, and Footing Drains</i>	
• <i>Discharges to Land from Utility Vaults and Underground Structures to Land</i>	
Waiver No. 4: Discharges of Winery Process Water to Lined Evaporation Ponds at Small Wineries.....	24
Waiver No. 5: Discharges of Waste to Land at Composting Facilities	26
Waiver No. 6: Discharges from Silvicultural Operations.....	30
• <i>Discharges of Storm Water Runoff</i>	
• <i>Discharges from Timber Harvesting Projects</i>	
• <i>Discharges from Wildfire Suppression and Fuels Management Activities</i>	
Waiver No. 7: Discharges from Animal Operations.....	32
• <i>Discharges from Small Animal Feeding Operations</i>	
• <i>Discharges from Medium Animal Feeding Operations</i>	
• <i>Discharges of Storm Water Runoff</i>	
• <i>Discharge/Application of Manure to Soil as an Amendment or Mulch</i>	
• <i>Discharges from Grazing Lands</i>	

Table of Contents (continued)

Waiver No. 8: Discharges from Aquatic Animal Production Facilities37

- *Discharges of wastewater from facilities producing less than 9,090 harvest weight kilograms per year of cold water aquatic animal species*
- *Discharges of wastewater from facilities which produce less than 45,454 harvest weight kilograms per year of warm water aquatic animal species*

Waiver No. 9: Discharges of Slurries to Land43

- *Discharges of Drilling Muds to Land*
- *Discharges of Concrete Grinding Residues to Land*
- *Discharges of Slurries from Sand and Gravel Mining Operations to Land*

Waiver No. 10: Discharges/Disposal of Solid Wastes to Land45

- *Discharge/Application of Amendments and/or Mulches to Soil*
- *Discharges/Disposal of Inert Wastes to Solid Waste Disposal Facilities only Accepting Inert Wastes*
- *Discharges of Soils Containing Wastes to Temporary Waste Piles*
- *Discharge/Disposal/Reuse of Soils Characterized as Inert from Contaminated Sites to Land*

Waiver No. 11: Aerially Discharged Wastes Overland61

- *Discharges of Waste Related to Fireworks Displays Over Land*
- *Other Periodic Aerial Discharges of Wastes Over Land*

Waiver No. 12: Discharges of Emergency/Disaster Related Wastes63

- *Incidental Discharges of Oil and Oily Water within a Response Area During an Oil Spill Response in Marine Waters*
- *Discharges of Disaster Related Wastes to Temporary Waste Piles and Surface Impoundments*
- *Discharges of Mass Mortality Wastes to Temporary Waste Piles and Emergency Landfills*
- *Discharges of Dredge or Fill Material into Non-Federal Waters of the State, Under Emergency Conditions*
- *Emergency Repair and Protection Activities in Non-Federal Waters of the State.*
- *Other Discharges of Emergency/Disaster Related Wastes*

Attachments

Attachment A: Notice of Intent (All Waivers) i

Attachment B: Compost Facility Certification (Waiver No. 5) iii

Attachment C Inert Waste Certification (Waiver No. 10)

- Section A: Enrollment vi
- Section B: Notice of Termination x

Table of Contents (*continued*)

Attachment D Temporary Waste Pile Certification (Waiver No. 10)

 Section A: Generator Information xi

 Section B: Final Disposal Information xiii

Attachment E: Notice of Termination (Waiver No. 12) xiv

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. 10 – Discharges/Disposal to Land of Solid Wastes.

A. Specific Findings for Discharges/Disposal to Land of Solid Wastes

1. The conditional waiver for Discharges/Disposal to Land of Solid Wastes (Solid Waste Waiver) is for discharges of solid wastes to land which may be a source of pollutants that can adversely affect the quality of waters of the State.
2. The following types of discharge not regulated under WDRs may be eligible for the Solid Waste Waiver:
 - a. Discharges/application to land of amendments⁵⁸ and/or mulches⁵⁹;
 - b. Discharges to land of soils containing wastes to temporary waste piles;
 - c. Discharges/disposal to land of inert wastes to solid waste disposal facilities only accepting inert wastes; and
 - d. Discharges to land for the disposal/reuse of soils characterized as inert from known contaminated sites.
3. In order to be eligible for the Solid Waste Waiver, discharges must comply with both the general and specific conditions of this waiver.
4. Discharges of solid wastes to land that comply with the general and specific waiver conditions in the Solid Waste 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 solid wastes 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 Discharges/Disposal of Solid Wastes to Land.

1. Discharges/Disposal of solid wastes to land must:
 - a. Not be allowed to directly or indirectly enter any MS4s or surface waters of the State, including ephemeral streams and vernal pools; and
 - b. Not cause or threaten to cause a condition of contamination, pollution, or nuisance.
2. Discharge operations/facilities accepting and/or discharging solid wastes to land must:
 - a. Comply with local, State, and federal ordinances and regulations and obtain any required permits, certifications, and/or licenses;

⁵⁸ For the purposes of this waiver, the term “amendments” refers to materials (e.g., compost) added to the soil to improve its nutrient, water, and air holding abilities. Soil amendments may be incorporated into the soil, or placed on top of the ground surface.

⁵⁹ For the purposes of this waiver, the term “mulches” refers to chipped and ground materials consisting of, but may not be limited to leaves, bark, straw, and pine needles. Mulches are typically applied to the ground surface for weed and erosion suppression, and water conservation efforts.

- b. Prevent the discharge of any pollutants to MS4s and surface waters that could adversely affect the quality or beneficial uses of waters of the State; and
 - c. Allow the San Diego Water Board and/or other local regulatory agencies reasonable access to the site in order to perform inspections and conduct monitoring.
 3. Discharges eligible for enrollment in the Solid Waste Waiver must submit a complete NOI,⁶⁰ as specified in the respective specific waiver conditions.
 4. Discharger must submit a technical and/or monitoring program reports when directed by the San Diego Water Board.
 - C. **Specific Waiver Conditions for Discharges/Disposal to Land of Solid Wastes**
 1. Discharges/Application to Land of Amendments and/or Mulches.
 - a. Discharges of amendments and/or mulches to soil applied at the following locations for erosion control and soil stabilization, landscaping and water conservation efforts, are not expected to pose a threat to the quality of the water of the State, and are therefore exempt from the specific waiver conditions of this waiver, and are not required to file an NOI.
 - i. Residential properties
 - ii. Educational institutions
 - iii. Parks
 - iv. Hospitals
 - v. Prisons
 - vi. Community gardens
 - vii. Commercial, construction, industrial, and/or business parks
 - viii. State, county, or city roadways, and other right of ways
 - ix. Other government properties (e.g., courthouses, administrative offices, training facilities)
 - b. Discharges of amendments and mulches to soils, not specifically listed in section C.1.a of this waiver, must submit:
 - i. A complete NOI;⁶¹ and
 - ii. The first annual fee if applicable. The amount of the annual fee will be determined by the San Diego Water Board, in accordance with Water Code sections 13269(a)(4) and 13260, and the fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23 section 2200.7.

⁶⁰ A Notice of Intent required to be submitted for enrollment in the Solid Waste Waiver is located in Attachment A of Order No. R9-2014-0041 (*Appendix B of this Technical Report*).

⁶¹ Ibid.

- c. Discharges of amendments or mulches applied to soil cannot include any of the following additives, unless sufficient information is provided in the NOI to demonstrate that the waste does not pose a potential threat to water quality:
 - i. Municipal solid wastes;
 - ii. Sludges, including sewage sludge, water treatment sludge, and industrial sludge;
 - iii. Septage;
 - iv. Liquid wastes;
 - v. Oil and grease; and
 - vi. Hazardous, designated, and any other wastes determined by the San Diego Water Board to pose a potential threat to water quality.
 - d. Discharges of amendments applied to soil must comply with the requirements for exemption from Calif. Code Regs. title 27, section 20090(f).
 - e. Soil amendments or mulch materials eligible to be applied to soil, the amount must be reasonable for the crop or plant, soil, climate, special local situations, management system, and type of soil amendment or mulch. Application rates must take into account storm events. Application rates must not allow soil amendment or mulch materials to be transported off the property in storm water runoff during the wet weather season. Resources and assistance may be available from the Natural Resource Conservation Service (NRCS), University of California Cooperative Extension (UCCE), and other organizations. A copy of the calculations and/or estimate of the application rate must be available on site for inspection.
 - f. Soil amendments or mulch materials to soil must be applied at site-specific rates appropriate to the season (i.e., dry vs. rainy).
 - g. Soil amendments or mulch materials must implement MMs/BMPs to minimize or eliminate runoff and leachate to surface waters and groundwater.
2. Discharge to Land of Soils Containing Wastes to Temporary Waste Piles.
- a. For **any soils containing wastes** temporarily stored in waste piles, the following conditions apply:
 - i. The Discharger must submit:
 - (A) A complete NOI,⁶² and Temporary Waste Pile Certification form, section A,⁶³ within 30 days of the initial discharge of any waste piles to be eligible for this

⁶² Ibid.

⁶³ The Temporary Waste Pile Certification required for compliance with the Solid Waste Waiver is located in Attachment D of Order No. R9-2014-0041.

- waiver. The property owner must approve and acknowledge the placement of the waste at the site;
- (B) The first annual fee. The amount of the annual fee will be determined by the San Diego Water Board, in accordance with Water Code sections 13269(a)(4) and 13260, and the fee schedule promulgated in Calif. Code Regs. title 23 sections 2200.7; and
 - (C) A complete Temporary Waste Pile Certification form, section B,⁶⁴ within 10 working days of completing removal of all waste and restoring the site to its original condition.
- ii. The Discharger, unless otherwise specified in the applicable conditions of this waiver, must not allow temporary waste piles to remain on a site for longer than 6 months or 180 days, whichever is longer.
 - iii. The temporary discharge of waste must not cause:
 - (A) The occurrence of coliform or pathogenic organisms in waters pumped from the hydrologic basin;
 - (B) The occurrence of objectionable tastes and odors in water pumped from the hydrologic basin;
 - (C) Waters pumped from the hydrologic basin to foam;
 - (D) The presence of toxic materials in waters pumped from the hydrologic basin;
 - (E) The pH of waters pumped from the hydrologic basin to fall below 6.0 or rise above 9.0;
 - (F) Pollution, contamination or nuisance or adversely affect the quality or beneficial uses of groundwater or surface waters of the hydrologic subareas established in the Basin Plan; and/or,
 - (G) A violation of any discharge prohibitions in the Basin Plan for the San Diego Region.
 - iv. The Discharger must conduct regular inspections of temporary waste piles and associated MMs/BMPs at least once per week. Corrective actions must be taken as necessary to ensure compliance with the conditions of this waiver.
 - v. Surface drainage must be diverted away from the temporary waste piles. For all temporary waste piles, the discharger must implement effective MMs/BMPs to prevent surface water run on and runoff from contacting wastes, and to prevent erosion and transport of wastes by surface runoff. Non-storm water

⁶⁴ The Temporary Waste Pile Certification required for compliance with the Solid Waste Waiver is located in Attachment D of Order No. R9-2014-0041.

discharges to MS4s are prohibited. Discharges of storm water to MS4s containing pollutants as a result of contact with the waste piles are prohibited.

- vi. Temporary waste piles must be:
 - (A) Placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet⁶⁵ from any surface water of the State, or any MS4 facility, unless sufficient information is provided in the NOI, to demonstrate that a proposed alternative is protective of water quality;
 - (B) Protected against 100-year peak stream flows as defined by the county flood control agency;
 - (C) Covered by plastic sheeting (not less than 10 mils thick, unless otherwise specified under the applicable Special Conditions) to adequately prevent rainwater infiltration, control fugitive dust, and prevent other nuisances; and
 - (D) Underlain by either plastic sheeting (not less than 10 mils thick, unless otherwise specified under the applicable conditions) or a liner of low permeability material that will prevent leachate from infiltrating to groundwater.
- vii. Solid wastes discharged to temporary waste piles, together with any containment materials used at the temporary waste pile, and any underlying geologic materials impacted by the discharge, must be removed within 6 months or 180 days (whichever is longer), unless otherwise specified under the applicable Special Conditions. Subsequently, the discharger must remove all wastes, treatment facilities, and related equipment, and dispose of those items in accordance with applicable regulations. The site must be restored to its original state within 30 days after the temporary waste pile is removed, unless otherwise specified under the applicable Special Conditions.
- viii. The discharger must post at least one clearly visible sign listing the following minimum information:
 - (A) Project name,
 - (B) Name and address of discharger,
 - (C) Brief project description, and
 - (D) 24-hour contact information – name, address, facsimile, and telephone number for the project for as long as the temporary waste pile remains on the site.

⁶⁵ Other federal, State, or local requirements may require larger setbacks. This condition does not excuse the discharger from complying with other applicable setback requirements.

- b. For ***soils containing petroleum hydrocarbons*** temporarily stored in waste piles, the following conditions apply:
 - i. Soils and associated solid waste containing petroleum hydrocarbons discharged into temporary waste piles must be limited to a maximum time period of 3 months or 90 days on a site.
 - ii. Soils and associated solid waste containing petroleum hydrocarbons discharged into temporary waste piles under an initial certification report must be derived from only one source (e.g., one unauthorized release site).
 - iii. Temporary waste piles must be covered by plastic sheeting (not less than 10 mils thick) to adequately prevent rainwater infiltration, control fugitive dust, and prevent other nuisances.
 - iv. Temporary waste piles must be underlain by either plastic sheeting (not less than 10 mils thick) or a liner of low permeability that will prevent leachate from infiltrating to groundwater.
 - v. In addition to the conditions stated herein, temporary waste piles must conform to applicable provisions of ordinances and regulations issued by the local regulatory agencies for Orange, Riverside, or San Diego Counties.
 - vi. The site must be restored to its original state within 30 days after removal of the temporary waste pile from the site.
- c. For ***dredged spoils containing heavy metals*** temporarily stored in waste piles, the following conditions apply:
 - i. Dredged spoils and associated solid waste containing heavy metals discharged into temporary waste piles must be limited to a maximum time period of 270 days on a site, whichever is longer.
 - ii. Temporary waste piles must be covered by either a plastic sheeting to adequately prevent rainwater infiltration, control fugitive dust, and prevent other nuisances. Alternative control methods may be utilized if sufficient information is provided in the NOI to demonstrate that the proposed alternative is protective of water quality and human health.
 - iii. Temporary waste piles must be underlain by plastic sheeting (not less than 20 mils thick) or a liner of lower permeability that will prevent leachate from infiltrating to groundwater. Sufficient information must be provided in the NOI demonstrating that the liner and containment facility has been designed to contain all solid wastes and fluids.
 - iv. Materials used in containment structures must have the appropriate chemical and physical properties to ensure that

such structures do not fail to contain waste because of: the stress of installation, pressure gradients, physical contact with the waste or leachate, or chemical reactions with soil and rock.

- v. The site must be restored to its original state within 60 days after removal of the temporary waste pile from the site.
3. Discharges/Disposal to Land of Inert Wastes to Solid Waste Disposal Facilities Accepting Only Inert Wastes.⁶⁶
 - a. Discharges/disposal to land of inert wastes to solid waste disposal facilities accepting only inert wastes, must submit:
 - i. A complete NOI,⁶⁷ and
 - ii. The first annual fee if applicable. The amount of the annual fee will be determined by the San Diego Water Board, in accordance with Water Code sections 13269(a)(4) and 13260, and the fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23 section 2200.7.
 - b. Inert solid waste must not contain hazardous waste, or soluble or decomposable constituents.
 - c. Inert solid waste cannot contain any “free liquids.”⁶⁸
 - d. Owner/operator of disposal facility must secure the disposal site and prevent unauthorized disposal by the public.
 - e. Inert solid wastes exclude any wastes determined by the San Diego Water Board to potentially have an adverse effect on the quality or beneficial uses of waters of the State, even if classified as inert waste.
 4. Discharges to Land for the Disposal/Reuse of Soils Characterized as Inert from Known Contaminated Sites.
 - a. Discharges to land for the disposal/reuse of soils characterized as inert from known contaminated sites, must submit:
 - i. A complete NOI;⁶⁹ and
 - ii. The first annual fee if applicable. The amount of the annual fee will be determined by the San Diego Water Board, in accordance with Water Code sections 13269(a)(4) and 13260, and the fee schedule established by the State Water Board pursuant to Calif. Code Regs. title 23 section 2200.7.

⁶⁶ According to Calif. Code Regs title 27 section 20230(a) “Inert waste” is defined as “that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste.”

⁶⁷ Ibid.

⁶⁸ “Free liquids” defined by Calif. Code Regs title 27 section 20164 as “liquid which readily separates from the solid portions of waste under ambient temperature and pressure.”

⁶⁹ Ibid.

- b. For **all waste soils characterized as inert (Tier 1 or Tier 2)**, the following conditions apply:
- i. Inert waste soils from known contaminated sites cannot be transported off site and discharged/disposed/reused directly or indirectly to any MS4s or surface waters of the State, including ephemeral streams and vernal pools.
 - ii. Inert waste soils from known contaminated sites cannot contain significant quantities of decomposable wastes, refuse, or trash.
 - iii. Inert waste soils from known contaminated sites cannot contain any “free liquids.”⁷⁰
 - iv. Inert waste soils that are discharged/disposed/reused at any site cannot have any hydrocarbon, chlorinated solvent, or other contaminant-based odor.
 - v. Sites that export or import soils characterized as inert from known contaminated sites for use as fill material or any other purpose must comply with any applicable federal, State, or local permitting requirements, regulations, and/or ordinances pertaining to the use of imported soil.
 - vi. Sites that export or import soils characterized as inert from known contaminated sites for use as fill material or any other purpose must implement MMs/BMPs to eliminate the potential for erosion and transport of sediment off the site.
 - vii. This waiver does not authorize the discharge/disposal/ reuse of soil characterized as inert from known contaminated sites outside the boundaries of the San Diego Region.
 - viii. Prior to exporting soil characterized as inert from a known contaminated site, the owner/operator of the export site must file a NOI⁷¹ with the San Diego Water Board. The NOI must:
 - (A) Be filed no less than 5 working days prior to the beginning of export shipments; and
 - (B) Include a map of the site showing the locations of excavations, borings and/or stockpiles, MMs/BMPs that will be taken to eliminate any discharge of water that has come into contact with waste soils to MS4s, and prevent discharges of waste soil that could affect surface water and groundwater quality, estimated volumes (can be a range of volumes) of inert waste soil that will be generated for use off the site, estimated

⁷⁰ “Free liquids” defined by Calif. Code Regs title 27 section 20164 as “liquid which readily separates from the solid portions of waste under ambient temperature and pressure.”

⁷¹ A Notice of Intent required to be submitted for enrollment in the Solid Waste Waiver is located in Attachment A of Order No. R9-2014-0041 (*Appendix B of this Technical Report*).

number (can be a range) and locations of samples that will be collected for characterization, and name of the certified environmental analytical laboratory that will perform the analysis.

- c. Waste soils from a site with a known or discovered unauthorized release must be characterized and certified as inert in order for the soil to be reused off site. Characterization and certification must include the following minimum requirements:
 - i. All temporary waste piles of soils generated during remediation or corrective action must be managed in accordance with the waiver conditions for the discharge of specified soils containing wastes to temporary waste piles. Or, waste soils may be sampled and characterized in-situ prior to transport and disposal or reuse off site.
 - ii. Waste soil must be segregated into 2 categories:
 - (A) Soil that is impacted by the unauthorized release must be characterized as hazardous, designated, and/or non-hazardous waste and handled in accordance with regulatory requirements for the disposal of solid wastes. Waste soils that do not visually appear impacted, but have detectable odors, must be treated as impacted soil and cannot be characterized as inert.
 - (B) Soil that does not appear to be impacted by the unauthorized release by visual inspection and odor must be sampled and analyzed to confirm the soil can be characterized as inert waste soil.
 - iii. Samples must be collected from the waste soil suspected to be inert for laboratory analysis. The minimum number of samples required to characterize the soil are specified in Table No. 1 of the Solid Waste Waiver.

Table No. 1: Sample Analysis Required

Volume of Soil	Required Number of Samples Analyzed
<100 cy	4 samples
100 cy to <500 cy	4 samples, plus 1 sample for every additional 25 cy over 100 cy
500 cy to <5,000 cy	20 samples plus 1 sample for every additional 500 cy over 500 cy
5,000 cy or more	29 samples, plus 1 sample for every additional 1,000 cy over 5,000 cy ⁷²

⁷² Volumes greater than 10,000 cubic yards (cy) may rely on fewer samples than 1 per each additional 1,000 cy if characterization complies with SW846 methods for selecting appropriate numbers of samples for waste characterization and statistical analyses. The appropriate number of samples is the least number of samples required to generate a sufficiently representative estimate of the true mean concentration of a chemical contaminant of a waste.

- iv. Samples must be analyzed by a State-certified analytical laboratory using USEPA approved analytical methods for the following constituents:
 - (A) Total concentrations of those Calif. Code Regs title 22 metals identified as contaminants of concern for the export site. For sites identified with burn ash⁷³, the site must be investigated and the burn ash must be characterized for disposal purposes according to the protocol established by the lead regulatory agency (e.g., Department of Toxic Substances Control, California Department of Resources Recycling and Recovery, or others) to identify contaminants of concern at the site. The soil outside of the area of impact of the burn ash must be tested for the total concentration of those metals identified as contaminants of concern based on the findings of the burn ash investigation technical study.
 - (B) Total petroleum hydrocarbons (by USEPA Method 8015 – full scan if export site includes oil or fuel as potential or actual contaminants of concern).
 - (C) Polychlorinated biphenyls (if export site includes PCBs as potential or actual contaminants of concern)
 - (D) Volatile and semi-volatile organic compounds (if export site includes volatile and semi-volatile organic compounds as potential or actual contaminants of concern)
 - (E) Pesticides (if export site includes a known agricultural area, or pesticides as potential or actual contaminants of concern)
 - (F) Other constituents (if contaminated portion of the export site is found to contain other pollutants or contaminants)
- v. For detected concentrations of constituents (as defined in section C.4.b.iv(F) of this waiver) other than Calif. Code Regs title 22 metals, a representative number of soil samples must also be analyzed by a State-certified analytical laboratory using a zero headspace extractor and the Synthetic Precipitation Leaching Procedure (SPLP).⁷⁴
- vi. If analytical results indicate leachable detectable concentrations of constituents, the NOI must also explain why the wastes qualify as inert waste under Calif. Code Regs. title 27, section 20230.

⁷³ For the purposes of the Solid Waste Waiver, “burn ash” sites are those where solid waste has been burned at low temperature and the residual burn ash pits and burn ash layers are present in soil.

⁷⁴ See USEPA SW846 methods, EPA Method 1312 (Synthetic Precipitation Leaching Procedure – SPLP), available online at: <http://www.epa.gov/osw/hazard/testmethods/sw846/online/>.

- d. For reuse of ***Tier 1 inert waste soils (full unrestricted reuse within the San Diego Region)***, the following conditions apply:
- i. Soil cannot contain any detectable concentrations of contaminants other than Calif. Code Regs title 22 metals, or leachable concentrations of constituents that do qualify under the definition of “inert waste” specified in Calif. Code Regs title 27, section 20230. If analytical results indicate leachable detectable concentrations (see sections C.4.b.v and C.4.b.vi of this waiver) of constituents the NOI must also explain why the wastes qualify as inert waste under Calif. Code Regs. title 27, section 20230.
 - ii. For those Calif. Code Regs title 22 metals that have been identified as contaminants of concern for the export Site, samples must be analyzed by an SW846 method using the reporting limits set forth in Table No. 2 below. From these data, the 90 percent upper confidence level (UCL) must be determined. Prior to calculating the 90 percent UCL, the discharger must determine whether the sample set is normally, log-normally or non-normally distributed. If log-normally distributed, one must determine the 90 percent UCL on the log-normal mean. If non-normally distributed, but sufficiently symmetrical, calculate the 90 percent UCL on the median (50th percentile), instead of the mean. See USEPA SW846 Chapter 9 and the USEPA Guidance for Data Quality Assessment for a discussion of waste characterization and statistical analysis; in particular the guidance on testing for normality, calculating a 90 percent UCL, and handling of non-detected values.⁷⁵
 - iii. For those Calif. Code Regs title 22 metals that have been analyzed in accordance with section C.4.c.ii of this waiver, must be equal to or less than the concentrations provided in Table No. 2, section C.4.c of this waiver.
 - iv. An Inert Waste Certification must be filed with the San Diego Water Board by the owner/operator of the export site within 30 days following completion of export activities. The Inert Waste Certification must include the following information:
 - (A) Generator name and contact information;
 - (B) Export site location, owner name and contact information;
 - (C) Map of the export site showing the location of the excavation, borings, stockpiles, and/or samples collected;

⁷⁵ See U.S. Environmental Protection Agency, Office of Solid Waste. 1986. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods; <http://www.epa.gov/epaoswer/hazwaste/test/pdfs/chap9.pdf>; and USEPA 2002, RCRA Waste Sampling Draft Technical Guidance, EPA 530-D-02-002 (Appendix F). Office of Solid Waste.

- (D) Approximate volume of inert waste soil exported from the site;
- (E) Description of BMPs implemented to prevent discharge of waste soil off the export site during excavation and transport;
- (F) Laboratory analytical data, including number of samples collected, USEPA approved analytical methods used, the 90 percent UCL of the data for the contaminants of concern, and name of certified environmental analytical laboratory that performed the analysis; and
- (G) The export site owner, principal executive officer, or authorized representative, and a California licensed professional engineer or geologist must sign and certify the Inert Waste Certification. The Inert Waste Certification must include the statement, *"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."*

Table No. 2: Tier 1 Soil Screening Levels

Calif. Code Regs Title 22 Metals	Inert Waste Target ^a (mg/kg)	Residential CHHSL ^b (mg/kg)	e-PRG ^c (mg/kg)	Background ^d Mean (mg/kg)	Tier 1 SSL ^{e,f} (mg/kg)
Antimony	6.0	30	5.0	0.60	5.0
Arsenic	50	0.07	9.9	3.5	3.5
Barium	1,000	5,200	283	509	509
Beryllium	4.0	150	10	1.28	4.0
Cadmium	5.0	1.7	4.0	0.36	1.7
Chromium, Total	50	NA	0.4	122	50
Chromium, Hexavalent	50	17	NA	NA	17
Cobalt	NA	660	20	14.9	20
Copper	1,300	3,000	60	28.7	60
Lead	15	150	40.5	23.9	15
Mercury	2.0	18	0.00051	0.26	0.26
Molybdenum	NA	380	2.0	1.3	2.0

Table No. 2: Tier 1 Soil Screening Levels (*continued*)

Calif. Code Regs Title 22 Metals	Inert Waste Target ^a (mg/kg)	Residential CHHSL ^b (mg/kg)	e-PRG ^c (mg/kg)	Background ^d Mean (mg/kg)	Tier 1 SSL ^{e,f} (mg/kg)
Nickel	100	1,600	30	57	57
Selenium	50	380	0.21	0.058	0.21
Silver	NA	380	2.0	0.80	2.0
Thallium	2.0	5.0	1.0	0.56	1.0
Vanadium	50	530	2.0	112	50
Zinc	NA	23,000	8.5	149	149

^{a-} Calculated using Central Valley Water Board Designated Level Methodology, where the Water Quality Goal is the lower value of the federal or State drinking water primary maximum contaminant level, the Environmental Attenuation Factor is 10, and the Leachability Factor is 100.

^{b-} Values taken from the California Environmental Protection Agency's *Use of California Human Health Screening Levels (CHHSLs) in Evaluation of Contaminated Properties* (CalEPA 2005).

^{c-} Taken from Oak Ridge National Laboratory's *Preliminary Remediation Goals for Ecological Endpoints* (Efroymsen, et al 1997)

^{d-} Taken from Kearney Foundation of Soil Science Division of Agriculture and Natural Resources, University of California *Background Concentrations of Trace and Major Elements in California Soil – Special Report* (Bradford, et al 1996).

^{e-} Tier 1 Soil Screening Level for inert waste soils that can be reused without restriction. Tier I SSLs selected based on the following steps: Step 1) Select lower value of Residential CHHSL or e-PRG; Step 2) Select lower value of Step 1 or Inert Waste Target; and, Step 3) Select higher value of Step 2 and Arithmetic Mean Background.

^{f-} These values are not intended to provide cleanup levels for soil remaining on-site. Such values should be established based on the contaminants of concern, the site use, and in conjunction with the regulatory agency providing oversight for the remediation effort.

- e. For reuse of **Tier 2 inert waste soils (only for commercial or industrial development purposes within the San Diego Region)**, the following conditions apply:
 - i. Soil should not contain any detectable concentrations of contaminants other than Calif. Code Regs title 22 metals, or leachable concentrations of constituents that do not qualify under the definition of “inert waste” specified in Calif. Code Regs title 27, section 20230. If analytical results indicate leachable detectable concentrations (see sections C.4.b.v and C.4.b.vi of this waiver) of constituents, the NOI must also explain why the wastes qualify as inert waste under Calif. Code Regs. title 27, section 20230.
 - ii. Samples must be analyzed by an SW846 method using the reporting limits set forth in Table No. 3 below. From these data, the 90 percent UCL must be determined. Prior to calculating the 90 percent UCL, the discharger must determine whether the sample set is normally, log-normally or non-normally distributed. If log-normally distributed, one must determine the 90 percent UCL on the log-normal mean. If

non-normally distributed, but sufficiently symmetrical, calculate the 90 percent UCL on the median (50th percentile), instead of the mean. See USEPA SW846 Chapter 9 and the USEPA Guidance for Data Quality Assessment for a discussion of waste characterization and statistical analysis; in particular the guidance on testing for normality, calculating a 90 percent UCL, and handling of non-detected values.⁷⁶

- iii. For those Calif. Code Regs title 22 metals that have been analyzed in accordance with section C.4.d.ii of this waiver, must be equal to or less than the concentrations provided in Table No. 3, section C.4.d of this waiver.

Table No. 3: Tier 2 Soil Screening Levels

Pollutant	Inert Waste Target ^a (mg/kg)	Industrial CHHSL ^b (mg/kg)	Background ^c		TTLC ^d	Tier 2 SSL ^{e,f} (mg/kg)
			Max (mg/kg)	½ Max (mg/kg)		
Antimony	6.0	380	1.95	0.98	500	6.0
Arsenic	50	0.24	11	5.5	500	5.5
Barium	1,000	3,000	1,400	700	10,000	1,000
Beryllium	4.0	1,700	2.7	1.4	75	4
Cadmium	5.0	7.5	1.70	0.85	100	5
Chromium, Total	50	100,000	1,579	790	2,500	790
Cobalt	NA	3,200	46.9	23.5	8,000	3,200
Copper	1,300	38,000	96.4	48.2	2,500	1,300
Lead	15	3,500	97.1	48.6	1,000	49
Mercury	2.0	180	0.90	0.45	20	2
Molybdenum	NA	4,800	9.6	4.8	3,500	3,500*
Nickel	100	16,000	509	255	2,000	255
Selenium	50	4,800	0.43	0.22	100	50
Silver	NA	4,800	8.30	4.2	500	500*
Thallium	2.0	63	1.10	0.55	700	2
Vanadium	50	6,700	288	144	2,400	144
Zinc	NA	100,000	236	118	5,000	5,000*

* None of the analytical results from any samples collected to characterize the waste soil can exceed the Tier 2 Soil Screening Level for this pollutant.

^a- Calculated using Central Valley Water Board Designated Level Methodology, where the Water Quality Goal is the lower value of the Federal or State drinking water primary maximum contaminant level, the Environmental Attenuation Factor is 10, and the Leachability Factor is 100.

^b- Values taken from the California Environmental Protection Agency's *Use of California Human Health Screening Levels (CHHSLs) in Evaluation of Contaminated Properties* (CalEPA 2005).

^c- Taken from Kearney Foundation of Soil Science Division of Agriculture and Natural Resources, University of California *Background Concentrations of Trace and Major Elements in California Soil – Special Report* (Bradford, et al 1996).

⁷⁶ See U.S. Environmental Protection Agency, Office of Solid Waste. 1986. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods; <http://www.epa.gov/epaoswer/hazwaste/test/pdfs/chap9.pdf>; and USEPA 2002, RCRA Waste Sampling Draft Technical Guidance, EPA 530-D-02-002 (Appendix F). Office of Solid Waste.

- d- Total Threshold Limit Concentration. Concentrations above the TTLC would be classified as hazardous waste.
- e- Tier 2 Soil Screening Level for inert waste soils that can be reused only for commercial or industrial land use designation. Tier II SSLs selected based on the following steps: Step 1) Select lower value of Industrial CHHSL or Inert Waste Target; Step 2) Select higher value of Step 1 or ½ Maximum Background; and, Step 3) Select lower value of Step 2 and Total Threshold Limit Concentration.
- f- These values are not intended to provide clean up levels for soil remaining on-site. Such values should be established based on the contaminants of concern, the site use, and in conjunction with the regulatory agency providing oversight for the remediation effort.
 - iv. An Inert Waste Certification must be filed with the San Diego Water Board by the owner/operator of the export site within 30 days following export and placement of the soil. The Inert Waste Certification must include the following information:
 - (A) Generator name and contact information;
 - (B) Export site location, owner name and contact information;
 - (C) Approximate volume of inert waste soil exported from the site;
 - (D) Description of BMPs implemented to prevent discharges of waste soil, off the export site, during excavation and transport;⁷⁷
 - (E) Laboratory analytical data, including number of samples collected, EPA approved analytical methods used the 90 percent UCL of the data for the contaminants of concern, and name of certified environmental analytical laboratory performing analysis;
 - (F) Import site owner name and contact information, with a map of the site location showing nearby surface water bodies, approximate depth to groundwater, and BMPs that will be implemented to eliminate the potential for discharge of inert waste soils to surface waters;
 - (G) The import site owner, principal executive officer, or authorized representative must provide a signature acknowledging the receipt or planned receipt of the inert waste soil; and
 - (H) The export site owner, principal executive officer, or authorized representative, and a California licensed professional engineer or geologist must sign and certify the Inert Waste Certification. The Inert Waste Certification must include the statement, *"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document"*

⁷⁷ BMPs implemented to prevent storm water from contacting waste soils.

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.”

- f. Tier 2 inert waste soil reused at commercial or industrial development sites must comply with the following conditions:
- i. Tier 2 inert waste soil may only be reused on commercial or industrial sites. It may not be reused at residential, school, or park sites.
 - ii. Tier 2 inert waste soil must be placed at least 5 feet above the highest historically known or anticipated level of groundwater. The soil that separates the inert waste soil from groundwater must have a clay content greater than 5 percent clay material or an in-situ permeability of less than 10^{-5} cm/sec.
 - iii. Tier 2 inert waste must be placed at least 100 feet⁷⁸ from the nearest surface water body, and any MS4 facility.
 - iv. Tier 2 inert waste must be protected against 100-year peak stream flows as defined by the County flood control agency.
 - v. Tier 2 inert waste must be covered by either:
 - (A) engineered materials such as used as road base, fill beneath buildings, bridge abutments), or
 - (B) not less than 2 feet of non-contaminated, clean fill.

The cover must have a permeability of no more than 10^{-5} cm/sec. Placement of a cover on the inert waste soils must be completed with 30 days of discharging the final load of inert waste soils at the import site.

⁷⁸ Other federal, State, or local requirements may require larger setbacks. This condition does not excuse the discharger from complying with other applicable setback requirements.