FOR CONTRACT NO.: 01-0A430**4**

INFORMATION HANDOUT

WATER QUALITY

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION
RESOLUTION NO. R1-2007-0098
Policy for Waiving Waste Discharge Requirements
For Specific Types of Waste Discharge

ROUTE: 01-LAK/MEN-Var-Var

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

October 31, 2012

Ms. Allison Kunz
California Department of Transportation
703 B Street
Marysville, CA 95901

Dear Ms. Kunz:

Subject: Six Transportation Structure Maintenance Projects on State Route 101 in Mendocino County subject to coverage under the Policy for Waiving Waste Discharge Requirements

File: CDOT Mendocino County Bridge Maintenance Orders

North Coast Regional Water Quality Control Board (Regional Water Board) staff has completed review of the report of waste discharge (ROWD) received September 27, 2012, describing six transportation structure maintenance projects on State Route 101 (hereinafter Projects) located in Mendocino County. These transportation structures include Ash Creek Bridge (postmile (PM) 0.0), Pieta Creek Bridge (PM R5.9), Russian River Bridge (PM 9.2), Doolin Creek Bridge (PM R23.6), Orrs Creek Bridge (PM R25.0), and Ackerman Creek Bridge (PM 26.7). The ROWD was submitted on behalf of the owner and operator of the Projects, the California Department of Transportation (hereinafter Permittee). Based on technical review of the ROWD, Regional Water Board staff has determined that the proposed projects qualify for coverage under a specific "waiver category" under Regional Water Board Resolution No. R1-2007-0098, *Policy for Waiving Waste Discharge Requirements for Specific Types of Waste Discharge* (Categorical Waiver Policy) and as such, the action of issuing waste discharge requirements (WDRs) is waived.

The following maintenance activities are to take place on these transportation structures:

1. Ash Creek Bridge
    a. Patching potholes and spalls; and
    b. Removing the existing open expansion joints and constructing asphaltic plug joint seals.

2. Pieta Creek
    a. Treating the deck with methacrylate.

3. Russian River Bridge
    a. Cleaning out and repairing/sealing/filling paving notches;
    b. Cleaning out the expansion joints at all of the bents, at all of the intermediate joints in the main span, and at both abutments;
    c. Placing a foam backer rod in all of the expansion joints and then installing a joint seal in all of the expansion joints;
    d. Rebuilding joint seal assemblies;
    e. Repairing the deck where there are spalls;
    f. Removing all unsound concrete; and
    g. Chipping concrete around exposed rebar, cleaning steel reinforcing bars of corrosion, and re-casting the affected areas.

4. Doolin Creek Bridge
    a. Injecting epoxy in large cracks;
    b. Repairing spalls; and
    c. Removing all unsound concrete, cleaning any exposed rebar of corrosion, and re-casting the affected areas.

5. Orrs Creek Bridge
    a. Repairing potholes and spalls;
    b. Removing all unsound concrete;
    c. Chipping concrete around any exposed rebar, cleaning the steel reinforcing bars of corrosion, and re-casting the affected areas; and
    d. Repairing the outside of the bridge deck.

6. Ackerman Creek Bridge
    a. Repairing spalls; and
    b. Removing all unsound concrete, cleaning any exposed rebar of corrosion, and re-casting the affected areas.

Technical review of the submitted ROWD indicates that the projects are consistent with the North Coast Region's Water Quality Control Plan for the North Coast Region (Basin Plan) and meets the requirements of the Categorical Waiver Policy.

As a condition of coverage under the Categorical Waiver Policy, the Permittee shall complete the Projects as described in the September 26, 2012 ROWD, including using all proposed Best Management Practices (BMPs), containing all waste, and notifying Regional Water Board staff of the commencement and completion of the Projects.

Enclosed is a copy of the Categorical Waiver Policy. Coverage under this Policy will remain in place until coverage is terminated by Regional Water Board staff in writing or in five years from the date of this letter.

If you have any questions, please contact Heidi Otten at Heidi.Otten@waterboards.ca.gov or (707) 576-2701 or me at Mona.Dougherty@waterboards.ca.gov or (707) 570-3761.

Sincerely,

Mona Dougherty
Senior Water Resource Control Engineer

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Enclosures:

1) Regional Water Board Resolution No. R1-2007-0098

California Regional Water Quality Control Board
North Coast Region

RESOLUTION NO. R1-2007-0098

Policy for Waiving Waste Discharge Requirements
for Specific Types of Waste Discharge

WHEREAS, California 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 such information and data as may be required by the regional water board; and

WHEREAS, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), has a statutory obligation, pursuant to California Water Code Section 13269, to prescribe waste discharge requirements except where the Regional Water Board finds that a waiver of waste discharge requirements for a specific type of discharge is consistent with the Water Quality Control Plan for the North Coast Region (Basin Plan) and is in the public interest; and

WHEREAS, California Water Code Section 13269 provides that any such waiver of waste discharge requirements shall be conditional and may be terminated at any time by the Regional Water Board; and

WHEREAS, the Regional Water Board, in accordance with California Water Code Section 13269, waived waste discharge requirements for certain categories of discharge as set forth in Regional Water Board Resolution No. R1-2002-0080 ("Waiver Resolutions"); and

WHEREAS, amendments to California Water Code Section 13269 (SB 390) provide that waivers of waste discharge requirements for specific types of discharges must be renewed every five years; and

WHEREAS, the Regional Water Board, in compliance with California Water Code Section 13269, reviewed Regional Water Board Resolution No. R1-2002-0080 and considered at several public meetings whether the discharges for which the categorical waivers were established should be subject to general or individual waste discharge requirements, and

WHEREAS, under the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (CEQA), the renewal of the categorical waivers is a "project" and Regional Water Board is the lead agency responsible for approving that project; and

WHEREAS, section 15061(b)(3) of the CEQA Guidelines (section 15000 et seq of title 14 of the California Code of Regulations) allows a lead agency to find a project exempt from CEQA if "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment;" and

WHEREAS, the Regional Water Board can see with certainty that readoption of the categorical waivers set out in R1-2002-0080 with no changes will not have any effect on the environment because the environmental baseline, against which the Regional Water Board considers the environmental impacts of a project, includes the existing categorical waivers; and

WHEREAS, the Regional Water Board conducted public hearings on October 25, 2007 in Weaverville, California, and December 6, 2007 in Eureka, California, and considered all evidence concerning this matter.

THEREFORE BE IT RESOLVED, that the Regional Water Board, based on the aforementioned hearings and review of Resolution No. R1-2002- 0080, finds that waivers of waste discharge requirements for the specific categories of waste discharge identified herein in Attachment A of this Resolution are consistent with the Basin Plan and in the public interest provided that all dischargers –

(a) comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region (Basin Plan);

(b) comply with the conditions for waivers of waste discharge as set forth herein;

(c) file with the Regional Water Board, or with the appropriate permitting agency by written agreement with the Regional Water Board, a ROWD, or functional equivalent, to demonstrate that compliance with the waiver conditions specified herein can be achieved;

(d) comply with applicable State Water Resources Control Board policies including, but not limited to, Resolution 68-16 relating to maintaining high quality waters in California.

BE IT FURTHER RESOLVED, that the Regional Water Board finds, after reviewing Resolution No. R1-2002-0080, that the existing list of categorical waivers is appropriate and should remain unchanged at this time, and that the discharges for which the categorical waivers were established should not be subject to general or individual waste discharge requirements.

BE IT FURTHER RESOLVED, that the Regional Water Board, in accordance with CEQA and the CEQA Guidelines, determines that because the proposed project is to renew the categorical waivers contained in Resolution No. R1-2002-0080 with no changes, there is no possibility that the project will have a significant effect on the environment, and is, therefore, exempt from CEQA.

BE IT FURTHER RESOLVED, that this Resolution shall serve as a certificate of determination that the project is exempt from CEQA, and the Regional Water Board directs the Executive Officer to file a notice of such determination with the appropriate agencies.

BE IT FURTHER RESOLVED, that pursuant to California Water Code Section 13269, and subject to the conditions set forth in this Resolution, the Regional Water Board waives the issuance of waste discharge requirements for the specific categories of waste discharge shown in Attachment A of this Resolution,

except for those waste discharges for which waste discharge requirements have been adopted.

BE IT FURTHER RESOLVED, that a person whose waste discharge requirements have been waived pursuant to this Resolution, in accordance with the following general conditions, shall

(a) comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region;

(b) discharge only in accordance with a complete ROWD or equivalent;

(c) not create a pollution, contamination, or nuisance, as defined by California Water Code Section 13050;

(d) not discharge any waste not specifically regulated by the waivers described herein;

(e) implement a monitoring and reporting program, unless this requirement is waived as not against the public interest, according to criteria to be subsequently developed by the Regional Water Board Executive Officer;

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

BE IT FURTHER RESOLVED, that the additional conditions specified herein for waivers of specific waste discharges or categories of waste discharge, as shown in Attachment A to this Resolution, incorporated herein by reference, are hereby adopted.

BE IT FURTHER RESOLVED, that the discharge of any waste not specifically regulated by the categorical waivers described herein is prohibited.

BE IT FURTHER RESOLVED, that any person seeking coverage for any specific waste discharge or category of waste discharge specified in this Resolution shall file a full and complete ROWD or its functional equivalent to the Regional Water Board or to the appropriate permitting agency by written agreement with the Regional Water Board. When submitted to the Regional Water Board, such ROWD or equivalent must be certified and accompanied by the requisite fee pursuant to the California Water Code Section 13260.

BE IT FURTHER RESOLVED, that, pursuant to California Water Code Section 13269, the waiver of waste discharge requirements for the categories of waste specified herein shall not exceed five years in duration.

BE IT FURTHER RESOLVED, that, in compliance with California Water Code Section 13269, this Resolution 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.

BE IT FURTHER RESOLVED, that, in compliance with California Water Code Section 13269, the Executive Officer will develop and implement a program to require compliance with the conditions pursuant to which waste discharge requirements are waived by this Resolution.

BE IT FURTHER RESOLVED, that this action waiving the issuance of waste discharge requirements for certain specific types of discharges (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Regional Water Board from administering enforcement remedies (including civil penalties) pursuant to the California Water Code.

BE IT FURTHER RESOLVED, that a waiver of waste discharge requirements for a type of discharge may be superseded by the adoption by the State Water Resources Control Board or Regional Water Board of waste discharge requirements or general waste discharge requirements for that type of discharge.

BE IT FURTHER RESOLVED, that, as provided by California Water Code Section 13350(a), any person may be liable for civil penalties if that person in violation of a waiver condition or certification, 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.

BE IT FURTHER RESOLVED, that the Regional Water Board hereby adopts the aforementioned findings and directs the Executive Officer to file all appropriate notices.

Certification:

I, Robert R. Klamt, Interim Executive Officer
do hereby certify that the foregoing
is a full, true, and correct copy of
a Resolution adopted by the California
Regional Water Quality Control Board,
North Coast Region, on December 6, 2007.

Original signed by
Robert R. Klamt
Interim Executive Officer

ATTACHMENT A CATEGORICAL WAIVERS ESTABLISHED BY THE ADOPTION OF NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD RESOLUTION NO. R1-2007-0098

Waiver Category	Waiver Conditions (Note General Waiver Conditions Below **)
Test Pumpings of Fresh Water Wells	No residual chlorine is present and no other pollutants are neither present nor added, and the well is not part of a groundwater cleanup project.
Discharge from Flushing of Domestic Water Lines and Tanks	Residual chlorine is not present and no toxic pollutants are present.
Discharge from Hydrostatic Test Lines	Project is not expected to have a significant water quality impact, no residual chlorine is present, and discharge will be done in a manner so as to minimize erosion.
Air-conditioner, Non-contact Cooling and Elevated Temperature Water	Discharges to land only, where no water quality problems are anticipated and discharge rates are satisfactory.
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 General WDRs.
Confined Animal Wastes	Discharger complies with the California Code of Regulations, Title 27, Division 2, Subdivision 1, Chapter 7, Subchapter 2, Article1. Confined animal waste operations requiring NPDES permits under federal Clean Water Act regulations must obtain such permits and are not eligible for waivers under this policy.
Storm Water Runoff	Storm water runoff is not governed by statewide regulations, no water quality problems are anticipated and no NPDES permit is required.
Non-commercial One-time Sand and Gravel Operations and Processing	Operations wash waters are confined to land and stockpiles are protected from storm flows. Projects shall comply with with applicable local policies. Commercial operations are subject to General WDRs and/or storm water regulations.
Swimming Pool Discharges	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, and confined to land where no water quality problems are anticipated.

Agricultural Commodity Wastes	Small, seasonal, 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.
Individual Sewage Disposal Systems and Small Community, Commercial, Institutional, and Industrial Operations Which Utilize On-site Wastewater Treatment and Disposal for Domestic Wastes.	Project has approval of local permitting agencies and complies with the Basin Plan, including the Basin Plan Policy on the Control of Water Quality with Respect to On-site Waste Treatment and Disposal Practices.
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.
Use of Reclaimed 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.
Low-volume, Noncontaminated 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.
Discharges Associated with the 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 further environmental contamination and pollution or nuisance, and is contained on property owned or 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.
Winery Operations	Non-commercial wineries producing less than 200 gallons of wine per year provided that discharge is to land and no adverse water quality impacts are anticipated. (**Note:** Commercial wineries and non-commercial wineries producing over that 200 gallons of wine per year are now regulated by General Waste Discharge Requirements for Discharges of Winery Wastes to Land.)

** **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 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.