

INFORMATION SHEET

ORDER NO. xxxx
GENERAL WASTE DISCHARGE REQUIREMENTS
FOR MAINTENANCE DREDGING OPERATIONS
SACRAMENTO-SAN JOAQUIN DELTA

Background

The removal, transport and placement of dredge sediments are the primary components of the dredging process. Discharges from dredging operations may contain suspended solids, turbidity, oxygen-depleting compounds, metals and other constituents of concern at the dredging site. Upland placement of dredged material may impact groundwater, or erode into surface waters. Although dredged sediments may contain constituents or contamination (defined as waste in this Order) that can render it unsuitable for some or all reuse applications, the material itself represents a potentially valuable and necessary resource required for the maintenance of Delta levees.

Maintenance dredging is necessary to ensure the safe navigation of Delta waterways; to maintain channel capacity for flood flows; and to provide material for the maintenance of the Delta levees. Over 1,100 miles of levees are in place to protect the Delta islands from flooding. The U.S. Army Corps of Engineers and local reclamation districts maintain Delta levees, however access to suitable levee material is problematic due to the high cost of transport and re-handling of the large quantities of earth and sediment that are required.

In addition to dredging operations required to maintain channel capacity, the Delta supports more than 100 marinas and 30 launching ramps, which also require regular maintenance dredging to remain operational.

This General Order addresses the need for regular maintenance dredging to provide channel capacity and marina operation, as well as the need for dredged sediment to be directly reused, where appropriate, as a resource to provide material for levee maintenance and other beneficial uses, in a manner which provides protection of water quality consistent with the mandate of the Central Valley Water Board.

Regulatory Basis for the General Order

Section 13260 of the California Water Code (CWC) requires that any entity discharging waste or proposing to discharge waste which could affect the quality of the waters of the State file a Report of Waste Discharge with the appropriate Regional Board. Discharges from dredging operations can impact water quality near the dredging site, and may contain soluble waste constituents that can migrate to the underlying groundwater when the dredged material is placed on land. Therefore, if not properly regulated, the discharge from dredging operations could impact both surface and groundwater quality.

Section 13263 (a) of the CWC requires that the Regional Boards prescribe waste discharge requirements that implement the relevant water quality control plans adopted by the Regional Board. Section 13263 (i) states that the Regional Boards may adopt general waste discharge requirements for a category of discharges if the following criteria are satisfied:

1. The discharges are produced by the same or similar operations;
2. The discharges involve the same or similar types of waste;
3. The discharges require the same or similar treatment standards; and
4. The discharges are more appropriately regulated under general discharge requirements than individual requirements.

Dredging of accumulated sediment in channels is necessary to maintain channel capacity, safe navigation for recreational boaters, and safe passage of ship traffic. Without a General Order, each dredging project would be required to have an individual WDR, which takes a minimum of four months to be adopted. With the authorization of a General Order, the permitting process is streamlined so that Central Valley Water Board action can occur within a few weeks. Because of the limited time window for dredging operations to occur, streamlining the permitting process for maintenance dredging operation is appropriate.

Enrollment

To obtain coverage under this General Order, a complete Report of Waste Discharge (RWD), a permit fee, and the required sediment analysis must be submitted to the Central Valley Water Board. Once a completed application is submitted, Central Valley Water Board staff will evaluate the project to determine if it is suitable for regulation under this General Order. After a determination of applicability is made the discharger will be issued a Notice of Applicability by the Central Valley Water Board Executive Officer. Only applicants (hereafter Dischargers) who submit a complete RWD, appropriate fee, and are issued a Notice of Applicability are covered under this General Order.

Permit Fees

Dischargers submitting an RWD must pay a fee based on the relative threat to water quality posed by the discharge and the discharge's complexity. Dredging projects covered by this General Order have a "Threat to Water Quality" rating of "III" and a "Complexity" rating of "c", as defined in Section 2200 of the California Code of Regulations.

Public Noticing Requirement

The Discharger must submit a mailing list of the property owners within a 300-foot radius of a new proposed dredged material placement site, as part of the RWD. Such information is usually available from city and/or county assessor's offices.

Authorization of Enrollment

After the Executive Officer determines that a proposed discharge may be eligible for enrollment under this General Order, staff or the Discharger will provide public notice. Assuming there are no significant objections, enrollment of the discharge under the General Order is authorized in writing by the Executive Officer. In the event of significant objections, Central Valley Water Board staff will work with the Discharger and the parties submitting the objections, in order to resolve the objections. If the objections cannot be resolved, the Executive Officer may recommend that the objections be set for consideration by the Central Valley Water Board.

CEQA Compliance

Maintenance dredging and the placement of dredged materials in sites previously authorized by applicable government agencies are both categorically exempt under CEQA.

Order Limitations

Limitations proposed in this General Order are intended to protect beneficial uses of inland surface waters, and other water resources, and are based on limitations specified in the Basin Plan. State Water Resources Control Regional Board Resolution No. 68-16 requires the Regional Boards to maintain high quality waters of the state in regulating discharges until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in the Regional Board's policies.

Maintenance dredging operations regulated under this General Order incorporate:

1. Pre-dredge testing and site-specific studies to provide assurance that dredged sediments will not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives. Only dredge material that is classified as "inert waste" as defined in Title 27 Subchapter 2 Section 20230 of the California Code of Regulations is eligible for coverage under this General Order; and
2. Inspection and monitoring to ensure that wastes are properly handled and comply with discharge limitations.

Therefore, this General Order does not permit groundwater degradation. Accordingly, the discharge is consistent with the anti-degradation provisions of Resolution 68-16. If there is evidence that degradation is occurring at any regulated facility, the Executive Officer may revoke coverage for that facility. Additionally, the Central Valley Water Board may reopen this Order at any time to reconsider groundwater limitations and other requirements to comply with Resolution No. 68-16 as appropriate.

Monitoring and Reporting Program

Section 13267 of the CWC authorizes the Central Valley Water Board to require monitoring and technical reports as necessary to investigate the impact of a waste discharge on waters of the state.

The Monitoring and Reporting Program (MRP) requires monitoring for the dredging operation, confined disposal facility, and sediment (if sediment is reused). The MRP also requires effluent and receiving water monitoring to verify compliance with the conditions of this Order and protection of water quality. Section 13268 of the CWC authorizes assessment of civil administrative liability where appropriate.