222 W. Hospitality Lane, 2nd Floor, San Bernardino, CA 92415-0017 | Phone: 909.386.8701 Fax: 909.386.8900
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SAN BERNARDINO COUNTY

Department of Public Works
- Environmental & Construction
- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

Gerry Newcombe
Director

September 26, 2016

Joshua Dugas, Division Chief
Department of Public Health
Division of Environmental Health Services (LEA)
County of San Bernardino
172 W Third Street
San Bernardino, California 92415

RE: REQUEST FOR EMERGENCY WAIVER OF STANDARDS – MID-VALLEY AND VICTORVILLE SANITARY LANDFILLS, SWFP NO.'s 36-AA-0055 & 36-AA-0045

Dear Mr. Dugas:

The County of San Bernardino Department of Public Works – Solid Waste Management Division (SWMD) hereby formally requests an emergency waiver of standards in accordance with California Code of Regulations (CCR), Title 14, Division 7, Chapter 3, Article 3 at the Mid-Valley (MVSL) and Victorville Sanitary Landfills (VVSL) to dispose of fire debris found to have asbestos containing waste (ACW) with greater than 1% friable asbestos by weight from properties affected by the Blue Cut Fire.

In accordance with the above regulatory section the following request/information is provided:

1. Waiver of prohibited wastes as defined in CCR Title 14 for Class III landfills, specifically asbestos containing wastes which contain greater than 1% friable asbestos by weight.
2. Approximate remaining capacity for MVSL and VVSL is 65,826,764 cubic yards and 78,300,111 cubic yards, respectively.
3. The MVSL and VVSL currently have in place a Comprehensive Disposal Site Diversion (CDSDP) Program. The CDSDP provides for the diversion of recyclable materials based on the waste stream characterization. Fire debris that contains easily separable recycle materials will be removed from the waste stream before being landfilled.
4. All fire debris removed from affected properties will be taken directly to MVSL and VVSL for CDSDP processing and disposal in accordance with the emergency waivers (attached) issued by the Water Boards.

Fire debris found to have ACW with greater than 1% friable asbestos will be handled in accordance with CCR Title 14, Section 17897.18. A site control program will be developed to handle the ACW. Qualifying ACW will be managed in manner to maintain the integrity of leak tight containers and/or packaging and will be controlled at a separate working face, away from the active working face and site customers. Proper personal protective equipment will be used by on-site operational staff.

BOARD OF SUPERVISORS
Robert A. Lovingood, Vice Chairman, First District | Janice Rutherford, Second District | James Ramos, Chairman, Third District | Curt Hagman, Fourth District | Josie Gonzales, Fifth District
Gregory C. Devereaux, Chief Executive Officer

SWMD respectfully request an expedited review and approval of these waivers.

If you have any questions, please contact David Doublet at (909) 386-8688 or you may contact me at (909) 386-8775.

Sincerely,

Arthur L. Rivera

Arthur L. Rivera, P.E.
Deputy Director

cc: David Doublet, Chief Engineer
Brud Hancock, Operations Superintendent

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. R6V-2015-0009

AN EMERGENCY CONDITIONAL WAIVER OF STATUTORY REQUIREMENTS TO FILE A REPORT OF WASTE DISCHARGE AND TO ADOPT WASTE DISCHARGE REQUIREMENTS FOR MANAGEMENT AND DISPOSAL OF SOLID WASTE FROM EMERGENCIES AND DISASTERS

The Executive Officer of the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) finds:

1. Disasters, such as fires, floods, earthquakes, and storms, have occurred throughout the Lahontan Water Board Region (Region) in the past and resulted in damage or destruction of many structures, including private and public property. This destruction may produce a very large volume of solid waste consisting of, or containing, pollutants that could affect the waters of the state. The nature of these wastes include, but is not limited to, burn ash, concrete, wood, green waste, electrical appliances, computer equipment, dead animals, food items, cars, chemicals, paint, refrigerators, etc. These wastes are collectively referred to as disaster debris.

2. The Governor may issue a proclamation that identifies an area as being under a "State of Emergency."

3. Debris derived from the cleanup of such areas under a Governor- declared State of Emergency (emergency/disaster related waste) may be taken to five active Class III lined landfills for disposal and are listed in Finding No. 5 below and are located in Los Angeles or San Bernardino Counties.

4. Composite liner systems that are required for discharges of municipal solid waste (MSW), pursuant to State Water Resources Control Board (State Water Board) Resolution No. 93-62, or engineered alternatives to those prescriptive standards, satisfy minimum containment standards for Class III MSW landfills promulgated in State Water Resources Control Board regulations governing discharges of designated waste (California Code of Regulations, title 27, sections 20260 and 20310).

5. The following active Class III MSW landfills (and respective owners) in Los Angeles and San Bernardino Counties in this Region have engineered composite liner systems and leachate collection and removal systems, pursuant to waste discharge requirements implementing California Code of Regulations (CCR), title 27; State Water Board Resolution No. 93-62; and federal MSW landfill criteria in title 40, Code of Federal Regulations, Part 258:

CLASS III LANDFILL	BOARD ORDER No.	WDID No.	LANDFILL OWNER
Los Angeles County			
Antelope Valley Public	R6V-2012-0042	6B191112004	Waste Management of Ca Inc.
Lancaster	6-00-055	6B190343001	Waste Management of Ca Inc
San Bernardino County			
Barstow	R6V-2012-0037	6B360304005	County of San Bernardino
Fort Irwin	6-00-018	6B360344001	U.S. Army -Training Center
Victorville	R6V-2004-0027	6B360304025	County of San Bernardino

6. Temporary waste staging areas are portions of MSW landfills, inert landfills, or other designated areas where disaster debris is temporarily discharged, stored, treated, or sorted for recycling, and where containment features and ancillary features for precipitation and drainage control are present. Temporary waste staging areas are temporary waste management units, and their condition for removal is described in Section B.1. of this Resolution.

7. The owners/operators of the Class III MSW landfills identified in Finding 5 of this Resolution may find it necessary to establish temporary waste piles for purposes of waste staging at their facilities to facilitate the emergency cleanup and disposal of disaster debris.

8. Other agencies and jurisdictions or persons engaged in cleanup of disaster areas may find it necessary to establish temporary staging areas and temporary waste piles for short-term storage and treatment of debris from the cleanup of these areas. These staging areas may not necessarily be located at MSW landfills or inert landfills.

9. Disaster debris consists of or contains two or more categories of wastes (e.g., non- hazardous solid wastes, household hazardous wastes, universal wastes, or inert wastes) that have been damaged and mixed such that the individual waste components are not practicably separable for purposes of waste management. Wastes from cleanup of property damaged by disasters are often referred to as "mixed wastes."

10. Non-hazardous solid waste is defined in CCR, title 27, section 20220.

11. Universal waste is defined in CCR, title 22, section 66261.9.

12. Inert wastes (CCR, title 27, section 20230) may include uncontaminated demolition debris (e.g., concrete, brick, wood, and metal) that are suitable for recycling or reuse. Such wastes do not require permanent disposal at an MSW landfill.

13. Application of the requirements in Statewide General Construction Stormwater Permit, Order No. 99-08-DWQ (and Order No. 2009-0009-DWQ effective July 1, 2010) pertaining to the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and best management practices (BMPs) that will prevent construction pollutants from contacting stormwater and will prevent or reduce products of erosion from moving off site into receiving waters, is relevant and appropriate for temporary debris staging areas.

14. Material used to cover waste piles at temporary waste staging areas shall adequately minimize rainwater infiltration; control fugitive dust, vectors, odors, and blowing litter; and prevent scavenging.

15. Any material classified as a designated waste cannot be used for daily cover (CCR, title 27, section 20705, subdivision (e)[1]).

16. Under the provisions of the California Water Code (Water Code), section 13269, subdivisions (c)(1) and (d), it is in the public interest to waive issuance of waste discharge requirements for the expeditious management and disposal of solid wastes resulting from the cleanup of burned areas, provided that certain conditions are met.

17. Granting conditional waivers of Water Code, section 13260, subdivisions (a) and (b); section 13263, subdivision (a); and section 13264, subdivision (a) would enable the Lahontan Water Board staff resources to be used more effectively during the State of Emergency.

18. A temporary conditional waiver of the requirements set forth in Water Code sections 13260, subdivisions (a) and (b), 13263, subdivision (a), and 13264, subdivision (a) for the discharge of disaster debris derived from cleanup of disaster areas, and for short term discharges to temporary waste piles, would be in the public interest because these discharges: (1) would comply with the conditions of this Resolution, (2) would be effectively regulated by other public agencies, and (3) would not result in violation of the *Water Quality ControlPlan for the Lahontan Region* (Basin Plan) (Water Code section 13269, subdivision [d]). Furthermore, adoption of a conditional waiver would be in the public interest because this action helps to facilitate the expeditious cleanup of disaster areas in response to the Governor's declared State of Emergency.

19. Waiver of reports of waste discharge and issuance of waste discharge requirements are categorically exempt from the California Environmental Quality Act (CEQA) documentation because the waiver applies only to emergency activities in a disaster area in which a State of Emergency has been proclaimed by the Governor (CCR, title 14, section 15269).

THEREFORE BE IT ORDERED THAT, pursuant to Water Code, section 13269, the Lahontan Water Board waives the requirements to submit a report of waste discharge (Water Code, sections 13260, subdivisions (a) and (b) and 13264, subdivision [a]) and establish waste discharge requirements (Water Code, section13263, subdivision [a]) for the discharges of solid wastes derived from cleanup of disaster areas, provided that the conditions set forth below are met. The conditions set forth in this Resolution are applicable only to the owners of the Class III MSW landfills identified in Finding No. 5, above, and to any persons or entities who have established a temporary waste management unit to temporarily store and segregate waste from the cleanup of disaster areas. These conditions do not apply to persons or entities disposing of debris generated during non-state-of-emergency periods. Solid waste generated by natural and man-made disasters, such as fires, floods, earthquakes and storms, that have not been declared a state of emergency, may continue to be disposed at Class III landfills with approved waste load checking programs permitted by the Lahontan Water Board.

A. **Conditions for Discharge of Disaster Debris at Regulated Class III MSW Landfills within the Region.**

1. Debris derived from cleanup of disaster areas shall be discharged only to the portions of the MSW landfills underlain by engineered liners and leachate collection systems (see Finding No. 5) that satisfy the requirements of CCR, title 27, State Water Board Resolution No. 93-62, and Lahontan Water Board waste discharge requirements. Debris derived from emergency cleanup of disaster areas shall also be isolated from areas of the landfill that are not lined. Disaster debris does not include residual debris waste received by permitted Class III landfills from transfer/processing facilities and transformation facilities permitted by CalRecycle.

2. Liquid hazardous wastes or "restricted hazardous wastes," as defined by California Health and Safety Code, section 25122.7, derived from cleanup of disaster areas shall not be discharged to any Class III MSW landfill.

3. The discharge of disaster debris derived from cleanup of disaster areas shall not create or contribute to a condition of pollution or nuisance as defined in Water Code, section 13050.

4. Disaster related waste management and cleanup activities shall minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of the waters of the state (refer to Attachments 1 through 3, Notice of Intent to Acknowledge Conditions Required, Notice of Intent to Establish Temporary Disaster Debris Staging Operations, and Notice of Termination of Temporary Disaster Debris Staging Operations, respectively).

5. The discharge of disaster debris derived from cleanup of disaster areas shall not create or contribute to conditions that violate the discharge prohibitions of the Basin Plan. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Lahontan Water Board, or the State Water Board, as required by the Federal Water Pollution Control Act (Clean Water Act).

6. Food wastes, animal carcasses, and other putrescible wastes derived from cleanup of disaster areas shall be covered to ensure that there is no threatened or actual condition of pollution or nuisance, as defined in Water Code, section 13050.

7. "Mixed wastes" (as defined in Finding No. 9 of this Resolution) derived from cleanup of disaster areas shall be separated and recycled when appropriate.

8. The following categories of disaster debris derived from burned areas may be discharged as alternative daily cover (ADC) to a Class III MSW landfill:

    a) Solid wastes that are classified as inert wastes (per CCR, title 27, section 20230);

    b) Solid wastes that meet the criteria for ADC (per CCR, title 27, section 20690 et seq.); and

    c) Solid wastes identified by the Local Enforcement Agency (LEA) and approved by Lahontan Water Board staff as being suitable for use as ADC.

9. For management of disaster related waste, the following conditions apply:

    a) Disaster related waste management must prevent the direct or indirect discharge of disaster related wastes to any surface waters of the state (including ephemeral streams and vernal pools).

    b) Disaster related waste management operations shall be performed in a manner that does not create or contribute to a condition of pollution or nuisance.

    c) Disaster related waste management operations shall be performed in a manner that does not create or contribute to conditions which violate the waste discharge prohibitions promulgated in the Basin Plan.

d) Disaster related wastes shall be managed in a manner that does not cause corrosion, decay, or otherwise reduce or impair the integrity of containment structures at any waste management unit.[1]

e) Disaster related wastes shall be managed in a manner that does not mix or commingle other wastes that can produce a violent reaction (including heat, pressure, fire, or explosion), that can produce toxic byproducts, or that can produce any reaction products requiring a higher level of containment, or results in the mixture being classified as a restricted waste.[2]

f) Liquid hazardous wastes or "restricted hazardous wastes"[3] cannot be discharged to municipal solid waste (MSW) landfills, temporary waste piles, or temporary surface impoundments.

g) Inert wastes[4] that are suitable for reuse or recycling do not require permanent disposal at a classified waste management or disposal facility (i.e., permitted landfill).

h) Waste shall only originate from disaster -impacted areas of Los Angeles, San Bernardino, Kern, Inyo, Mono, Tuolumne, Alpine, El Dorado, Placer, Nevada, Sierra, Lassen and Modoc Counties. This waste shall be discharged for treatment and permanent disposal only into:

   i) Waste management or treatment units (e.g., liquid wastes into wastewater treatment plants) as allowed by WDRs issued by the Lahontan Water Board; or

   ii) Solid waste management units or disposal facilities (e.g., solid wastes into Class III MSW landfills underlain with engineered composite liners and leachate collection systems and that satisfy the requirements of State Water Board Resolution No. 93-62); or

   iii) As allowed by valid WDRs issued by the Lahontan Water Board for other categories of waste management units.

10. **Required Notification to the Lahontan Water Board:** Within 10 days of storing or disposing disaster debris waste, the persons storing or disposing disaster debris must acknowledge compliance with the requirements of this Waiver (Attachment No. 1, Notice of Intent to Comply with Conditions Required). Within 60 days after accepting disaster debris from areas for which the Governor

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[1] Pursuant to California Code of Regulations, title 27, section 20200, subdivision (b)(1).
[2] Pursuant to California Code of Regulations, title 27, section 20200, subdivision (b)(2).
[3] Defined in California Health and Safety Code, section 25122.7.
[4] Defined in California Code of Regulations, title 27, section 20230.

declared a State of Emergency, the owner/operator of the landfills listed in Finding No. 5 shall submit a technical report describing the volume of disaster debris discharged to the landfill and specifying circumstances that qualifies the discharge as allowed by this Resolution.

B. **Conditions for Discharge of** Disaster **Wastes to Temporary Waste Staging Areas at Regulated Class III MSW Landfills in the Region.**

In addition to Conditions 1 through 4 in Section A of this Resolution, any person discharging debris from disaster areas to temporary staging areas at a regulated municipal solid waste landfill shall also comply with the following conditions:

1. **Required Notification to the Lahontan Water Board:** The owner/operator of the landfill shall submit a fully executed Notice of Intent to Establish Temporary Disaster Debris Staging Operations (Attachment No. 2) to the Executive Officer of the Lahontan Water Board within 30 days of the initial discharge of any waste piles established under this Resolution. The owner/operator shall submit a fully executed Notice of Termination of Temporary Debris Staging Operations (Attachment No. 3) to the Executive Officer within 10 working days of completing removal of all waste and restoring the site to its original condition.

2. **Liner:** Heavy gauge plastic sheeting (not less than 20 mils thick) or other impermeable material (e.g., asphalt, concrete, compacted Class II roadbase, etc.) shall be installed prior to establishing a temporary waste pile to protect all natural geological materials from contact with the waste or its leachate.

3. **Run-on/Runoff Protection:** The owner/operator shall prevent surface run-on from contacting disaster debris and shall prevent erosion and transport of soils containing disaster debris by surface runoff from all waste piles established under this Waiver. All runoff from the disaster debris waste piles must be fully contained and properly disposed. The owner/operator shall employ applicable best management practices (BMPs) to the maximum extent practicable for stormwater conveyance and control.

4. **Groundwater Protection:** All waste derived from cleanup of disaster areas shall be placed at least five feet above the highest anticipated groundwater elevation.

5. **Surface Water Protection:** All waste piles derived from cleanup of disaster areas shall be located not less than 100 feet from any surface water identified in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan).

6. **Flood Protection:** All waste derived from cleanup of disaster areas shall be protected from flooding and inundation.

7. **Clean Closure of Temporary Waste Piles:** Wastes discharged to temporary waste piles at regulated landfills under this Waiver, together with any materials used to contain the temporary waste piles, shall be removed from the temporary storage/staging location within six months of a declaration of emergency by the Governor or prior to filing a Notice of Termination, whichever occurs first, or as required by the Lahontan Water Board. Alternatively, any person discharging or storing disaster debris shall file an amended Report of Waste Discharge and obtain amended waste discharge requirements from the Lahontan Water Board for any waste piles that will continue to exist after the expiration of this Waiver. The temporary waste staging area shall be restored to its original state no later than the expiration date of this Resolution, or prior to filing a Notice of Termination, whichever occurs first, or as required by the Lahontan Water Board.

C. **Conditions for Temporary Waste Staging Areas NOT Located at a Regulated Class III MSW Landfill Identified in Finding No. 5 of This Resolution.**

1. **Temporary Waste Piles:** The discharge of solid wastes into temporary waste piles located at temporary staging areas shall comply with Conditions 1 through 4 of Section A of this Resolution.

2. **Required Notification to the Lahontan Water Board:** Any person proposing to discharge debris from disaster areas to temporary waste staging areas that are not located at a regulated solid waste management facility identified in Finding 5, shall submit a signed/completed Notice of Intent to the Executive Officer to Establish Temporary Debris Staging Operations (Attachment No. 2), within 30 days of the initial discharge of any waste pile(s) established under this Resolution. The person responsible shall submit a signed/completed Notice of Termination of Temporary Debris Staging Operations (Attachment No. 3) to the Executive Officer within 10 working days of completing removal of all disaster related waste and restoring the site to its original condition.

3. **Cover:** All temporary waste staging areas/piles shall be covered with either a heavy gauge plastic or other material that meets the classification criteria for wastes described in Finding 9 of this Resolution. A material that would be classified as a designated waste cannot be utilized for daily or intermediate cover at a temporary waste staging area. Cover on the temporary waste staging areas/piles shall prevent rainwater infiltration and runoff, and shall control fugitive dust, vectors, odors, blowing litter, and scavenging.

4. **Liner:** Heavy gauge plastic sheeting (not less than 20 mils thick) or other impermeable material (e.g., asphalt, concrete, compacted Class II roadbase, etc.) shall be installed prior to establishing a temporary waste pile to protect all natural geological materials from contact with the waste or leachate.

5. **Surface Water Protection:** All waste piles derived from cleanup of disaster areas shall be located not less than 100 feet from any surface water identified in the Basin Plan.

6. **Precipitation and Drainage Controls:** Temporary waste piles shall be designed, constructed, and operated to limit ponding, infiltration, inundation, erosion, slope failure, and washout to the greatest extent possible. Surface drainage from outside the temporary waste pile shall be diverted away from the waste piles through implementation of BMPs for stormwater control and conveyance to the maximum extent practicable.

7. **Return/Ponded Water:** Written notification shall be submitted to the Executive Officer 30 days prior to initiating the discharge of return water or ponded water contained within the temporary staging area if the discharge is to a location other than a sanitary sewer system. Based on the Executive Officer's determination, the Water Board may: 1) impose waste discharge requirements; 2) adopt a waiver of waste discharge requirements; or 3) make a written determination that the disposal of the return water or ponded water is not subject to regulation by the Lahontan Water Board.

8. **Public Notification Requirement:** The person responsible shall post at least one clearly visible sign (in English) listing the following minimum information: a) project name, b) brief project description, and c) operator name and phone number. The person responsible shall post additional signs, as necessary, in languages other than English to more effectively communicate the minimum contact information, as listed above, to the local community. The sign(s) shall be maintained, as required, to keep them legible and shall remain in place while temporary waste piles remain on site.

9. **Closure of Temporary Waste Piles:** Wastes discharged to temporary waste staging areas for the purpose of storage and treatment, as established under this Resolution, and any materials used to contain the temporary wastes, shall be removed for disposal in accordance with applicable federal, state, and local requirements prior to the expiration of this Waiver. The owner/operator of the temporary waste staging area shall submit a completed and signed Notice of Termination of Temporary Debris Staging Operations (Attachment No. 3) to the Executive Officer within 10 working days of completing removal of all disaster waste and restoring the site to its original condition. All wastes shall be removed within six months of a declaration of emergency declared by the Governor or prior

to filing a Notice of Termination, whichever occurs first or as required by the Lahontan Water Board.

BE IT FURTHER ORDERED THAT, this conditional wavier of statutory requirements in Water Code sections 13260, subdivisions (a) and (b), 13263 subdivision (a), and 13264 subdivision (a), shall remain in effect until **March 11, 2020**, unless the Lahontan Water Board takes action to extend, revise, or rescind these requirements.

BE IT FURTHER RESOLVED THAT, this conditional Waiver is only in effect under a State of Emergency delivered by the Governor that results in debris in the area and which needs prompt and proper disposal/management. This Waiver expires when the Governor declares the State of Emergency has expired or the Lahontan Water Board takes action to terminate enrollment of an individual or all dischargers/Units temporarily granted a waiver.

BE IT FURTHER RESOLVED THAT, the requirements of this conditional Waiver apply only to waste derived from the emergency cleanup of disaster areas and subject to a proclamation of a State of Emergency. All discharges of waste not associated with cleanup of disaster areas shall comply with discharge prohibitions and discharge specifications established in waste discharge requirements for the solid waste management units identified in Finding No. 5 of this Resolution.

BE IT FURTHER RESOLVED THAT, the Lahontan Water Board may issue specific waste discharge requirements for discharges of waste derived from disaster areas.

BE IT FURTHER RESOLVED THAT, any waiver of waste discharge requirements is conditional; may be terminated at any time; does not authorize or excuse an illegal discharge; does not preclude the need for any permits, licenses, or authorizations which may be required by other state or local governmental agencies or landowners; and does not preclude the Lahontan Water Board from administering enforcement remedies pursuant to Water Code, section13300, et seq.

I, PATTY Z. KOUYOUMDJIAN, 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, Lahontan Region, on March 12, 2015.

Patty Z. Kouyoumdjian

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Attachments: 1. Notice of Intent to Comply with Conditions Required
2. Notice of Intent to Establish Temporary Debris Staging Operations
3. Notice of Termination of Temporary Debris Staging Operations

ATTACHMENT 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION
14440 Civic Drive, Suite 200
Victorville, California 92392-2306

NOTICE OF INTENT
TO ACKNOWLEDGE CONDITIONS REQUIRED
IN EMERGENCY RESOLUTION R6V-2015-0009

I. PROPERTY/FACILITY INFORMATION

Property/Facility Name:			
Property/Facility Contact:			
Property/Facility Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):	Hydrologic Area/Subarea:		

II. PROPERTY/FACILITY OWNER INFORMATION

Property/Facility Owner Name:			
Property/Facility Owner Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

III. PROPERTY/FACILITY OPERATOR INFORMATION

Property/Facility Operator Name:			
Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

ACKNOWLEDGE COMPLIANCE WITH CONDITIONAL WAIVER

I certify that I have personally examined and am familiar with the requirements set forth under this Conditional Waiver Emergency Resolution.

Signature (Owner or Authorized Representative)	Date
Print Name	Title
Telephone Number	Email

ATTACHMENT 2

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION
14440 Civic Drive, Suite 200
Victorville, California 92392-2306

NOTICE OF INTENT

TO ESTABLISH TEMPORARY DISASTER DEBRIS STAGING OPERATIONS

IN COMPLIANCE WITH EMERGENCY RESOLUTION R6V-2015-0009

I. PROPERTY/FACILITY INFORMATION

Property/Facility Name:			
Property/Facility Contact:			
Property/Facility Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):	Hydrologic Area/Subarea:		

II. PROPERTY/FACILITY OWNER INFORMATION

Property/Facility Owner Name:			
Property/Facility Owner Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

III. PROPERTY/FACILITY OPERATOR INFORMATION

Property/Facility Operator Name:			
Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

IV. DESCRIPTION OF DISCHARGE

Describe the discharge (i.e., source(s) of discharge, pollutants of concern, period and frequency, etc.). Use additional pages as needed. Provide a map of the property/facility if necessary.

V. DESCRIPTION OF MANAGEMENT MEASURES AND BEST MANAGEMENT PRACTICES

Describe what management measures (MMs) and best management practices (BMPs) will be implemented to minimize or eliminate the discharge of pollutants to waters of the state. Use additional pages as needed. Provide a map of the property/facility showing locations of MMs/BMPs if necessary.

VI. ADDITIONAL INFORMATION

Please provide additional information, as needed or required, about the discharge and/or how the discharger intends to comply with the waiver conditions of the conditional waiver. Use additional pages as needed.

VII. CERTIFICATION

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.

Signature (Owner or Authorized Representative)	Date
Print Name	Title
Telephone Number	Email

ATTACHMENT 3

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION
14440 Civic Drive, Suite 200
Victorville, California 92392-2306

NOTICE OF TERMINATION
OF TEMPORARY DISASTER DEBRIS STAGING OPERATIONS
IN COMPLIANCE WITH REQUIREMENTS IN EMERGENCY RESOLUTION R6V-2015-0009

I. FINAL WASTE DISPOSAL INFORMATION

Final Disposition of Waste:	☐ Off-site/Landfill Disposal	☐ On-site Reuse/Disposal	
	☐ Off-site Reuse/Disposal	☐ Other:	
Property Owner/Discharger Name:			
Property Owner/Discharger Contact and Title:			
Property Owner/Discharger Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):		Hydrologic Area/Subarea:	
Date(s) Waste Disposed:			
Quantity of Waste Disposed: (in cubic yards for each disposal date)			
Disposal Location(s): (for each disposal date)			

II. FINAL DISPOSAL CERTIFICATION

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.

Signature (Owner or Authorized Representative) _____ Date _____

Print Name _____ Title _____

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 - FAX (951) 781-6288 - TDD (951) 782-3221

http://www.waterboards.ca.gov/santaana

RESOLUTION NO. R8-2013-0049
AN EMERGENCY RESOLUTION
FOR
CONDITIONAL WAIVER OF REQUIREMENTS TO FILE A REPORT OF WASTE DISCHARGE AND TO ADOPT WASTE DISCHARGE REQUIREMENTS FOR MANAGEMENT AND DISPOSAL OF SOLID WASTES FROM THE WILDFIRES

1. Two consecutive dry winters in California have led to increasingly severe drought conditions leading to an unusually large number of wildfires. A number of these fires have occurred within the Santa Ana Regional Water Quality Control Board's (hereinafter Regional Water Board) jurisdiction.

2. On August 9, 2013, Governor Jerry Brown declared a state of emergency for Riverside County in the wake of the Silver Fire. The Silver Fire has burned approximately 20,000 acres and 48 buildings, including 26 homes.

3. The wildfires create a very large volume of solid waste consisting of burn ash, concrete, wood, green waste, electrical appliances, computer equipment, dead animals, food items, cars, household chemicals, paint, refrigerators, etc. (hereinafter collectively referred to as fire debris). The fire debris generally include inert wastes, designated wastes and hazardous wastes and may contain pollutants, including hazardous waste constituents. If not properly managed and disposed of, these waste materials could adversely impact water quality.

4. Fire debris consists of or contains two or more categories of wastes (e.g., nonhazardous wastes, household hazardous wastes, universal wastes, or inert wastes) that have been mixed such that the individual waste components are not practicably separable for purposes of waste management. Wastes from cleanup of property damaged by fire are often referred to as "mixed wastes."

5. Universal waste is defined in California Code of Regulations (CCR) Title 22, §66261.9.

6. Inert wastes (as defined in Title 27, §20230) may include uncontaminated demolition debris (e.g., concrete, brick, wood, and metal) that are suitable for recycling or reuse. Such wastes do not require permanent disposal at an MSW landfill.

7. Fire debris is usually taken to temporary staging areas for treatment, recycling, sorting and eventual disposal at regulated Class III landfills within the region. These temporary staging areas may be located within regulated landfills or in unregulated areas. Appropriate pollutant control measures are needed at temporary staging areas to protect water quality.

8. Composite liner systems that are required for discharges of municipal solid waste (MSW), pursuant to State Water Resources Control Board (State Water Board) Resolution No. 93-62, or engineered alternatives to those prescriptive standards, satisfy minimum containment standards for Class III MSW landfills promulgated in State Water Board regulations governing discharges of designated waste (Title 27, California Code of Regulations, Division 2, §§20260 and 20310).

9. The following active landfills have been designated to receive fire debris and have engineered composite liner systems and leachate collection and removal systems. These landfills have waste discharge requirements implementing California Code of Regulations, Title 27 (Title 27), State Water Board Resolution No. 93-62, and federal Municipal Solid Waste Landfill Criteria in 40 CFR 258.

   a. Orange County
   1. Frank R. Bowerman Landfill (Order No. R8-2010-0017), Orange County Integrated Waste Management Department.
   2. Olinda Landfill (Order No. R8-2010-0006), Orange County Waste and Recycling [exempt from liner requirements per waste discharge requirements; however, it has a modified liner system].

   b. Riverside County
   1. Badlands Landfill (Order No. 91-105, as amended by Orders No. 98-99, R8-2002-0085, R8-2006-0053, and R8-2010-0051), Riverside County Waste Management Department.
   2. Lamb Canyon Landfill (Order No. 81-127, as amended by Orders No. 98-99, 01-18, R8-2006-0054, and R8-2007-0044), Riverside County Waste Management Department.
   3. El Sobrante Landfill (Order No. R8-2011-0014), Waste Management, Inc.

   c. San Bernardino County
   1. Mid-Valley Landfill (Order No. 98-95, as amended by Order No. R8-2006-0040), San Bernardino County Department of Public Works, Solid Waste Management Division.
   2. San Timoteo Landfill (Orders No. 78-151, 98-99), San Bernardino County Department of Public Works, Solid Waste Management Division.
   3. California Street Landfill (Orders No. R8-2004-0008, R8-2008-0094), City of Redlands.

10. The owners/operators of the municipal solid waste landfills identified in Finding 9 of this Resolution may find it necessary to establish temporary waste piles to facilitate the emergency cleanup and disposal of fire debris. Temporary waste staging areas may be located within MSW landfills, inert landfills, or other designated areas where fire debris is temporarily discharged, stored, treated, or sorted for recycling, and where containment features and ancillary features for precipitation and drainage controls are present. Temporary waste staging areas are temporary de facto waste management units.
11. Other agencies and jurisdictions or persons engaged in cleanup of burned areas may find it necessary to establish temporary staging areas and temporary waste piles for short-term storage and treatment of fire debris. These staging areas may not necessarily be located at MSW landfills or inert landfills.

12. Temporary fire debris staging areas should implement erosion and sediment controls to prevent pollutants from construction activities and the waste materials from entering receiving waters.
13. Material used to cover waste piles at temporary waste staging areas must minimize rainwater infiltration; control fugitive dust, vectors, odors, and blowing litter; and prevent scavenging. Any material classified as a designated waste cannot be used for daily cover [Title 27, §20705(e)(1)].

14. Under the provisions of California Water Code (CWC) §13269(c)(1), it is not against the public interest to waive issuance of waste discharge requirements for the expeditious management and disposal of solid wastes resulting from the cleanup of burned areas provided that certain conditions are met.

15. A conditional waiver of the requirements of CWC §§13260(a) and (b), 13263(a), and 13264(a), under the authority of CWC §13269(c)(1), would enable Regional Water Board staff resources to be used more effectively during the state of emergency.

16. A conditional waiver of the requirements set forth in CWC §§13260(a) and (b), 13263(a), and 13264(a) for the discharge of fire debris derived from cleanup of burned areas as a result of the wildfires, and for short term discharges to temporary waste piles, would not be against the public interest because these discharges are required to comply with the conditions of this Resolution and should not result in any violation of the of the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan).

17. This waiver only applies to emergency situations in a disaster area where a state of emergency has been proclaimed by the Governor and is categorically exempt from California Environmental Quality Act (CEQA) (Title 14, California Code of Regulations, §15269).

BE IT RESOLVED THAT, pursuant to California Water Code §13269, the Santa Ana Regional Water Quality Control Board waives the requirements to submit a report of waste discharge [CWC §§13260(a) and (b) and 13264(a)] and establish waste discharge requirements [CWC §13263(a)] for the discharges of solid wastes derived from cleanup of burned areas as a result of the wildfires provided that the conditions set forth below are met. The conditions set forth in this Resolution are applicable to the MSW landfills identified in Finding No. 9, above, and to any discharger who establishes a temporary waste management unit to temporarily store and segregate wastes from cleanup of burned areas.

In order for this Resolution to be invoked for any of the Region's landfills, the Governor must first proclaim a state of emergency for the specific county in which landfills will be accepting fire debris.

A. Conditions for Discharge of Fire Debris at Regulated Class III Municipal Solid Waste Landfills within the Region.

1. Fire debris derived from cleanup of burned areas must be discharged only to MSW landfills underlain by engineered liners and leachate collection systems that satisfy the requirements of Title 27, State Water Board Resolution No. 93-62, and Regional Water Board waste discharge requirements. Fire debris derived from cleanup of burned areas must also be isolated to the extent practicable, from areas of the landfill that are not lined.

2. Liquid hazardous wastes or "restricted hazardous wastes," as defined by California Health and Safety Code §25122.7, derived from cleanup of burned areas must not be discharged to any MSW landfill.

3. The discharge of fire debris derived from cleanup of burned areas must not create or contribute to a condition of pollution or nuisance as defined in CWC §13050.

4. The discharge of fire debris derived from cleanup of burned areas must not create or contribute to conditions that violate the discharge prohibitions of the Basin Plan.

5. Food wastes, animal carcasses, and other putrescible wastes derived from cleanup of burned areas must be covered expeditiously.

6. "Mixed wastes" (as defined in this Resolution) derived from cleanup of burned areas must be separated and recycled when appropriate.

7. The following categories of fire debris derived from burned areas may be discharged as alternative daily cover (ADC) to a Class III MSW landfill:

    a. Solid wastes that are classified as inert wastes (per Title 27, §20230).

b. Solid wastes that meet the criteria for ADC as prescribed in Title 27, §20690et seq.

c. Solid wastes identified by the Local Enforcement Agency (LEA) and approved by Regional Water Board staff as being suitable for use as ADC.

B. Conditions for Discharge of Wildfire Wastes to Temporary Waste Staging Areas at Regulated Class III MSW Landfills in the Region.

In addition to Conditions 1 through 4 in Section A of this Resolution, any person discharging fire debris from burned areas to temporary staging areas at a regulated municipal solid waste landfill must also comply with the following conditions.

1. **Required Notification to the Regional Board:** The discharger must submit a fully executed Notice of Intent to Establish Temporary Fire Debris Staging Operations (Attachment No. 1) to the Executive Officer of the Regional Board within 30 days of the initial discharge to any waste staging areas established under this Resolution. The discharger must submit a fully executed Notice of Termination of Temporary Wildfire Waste Staging Operations (Attachment No. 2) to the Executive Officer within 30 working days of completing removal of all waste and restoring the site to its original condition. All wastes must be removed and the site returned to its original condition prior to filing a Notice of Termination.

2. **Liner:** Heavy gauge plastic sheeting (not less than 20 mils thick) or other impermeable material (e.g., asphalt, concrete, compacted Class II roadbase, etc.) must be installed prior to establishing a temporary waste pile to protect all natural geological materials from contact with the waste or its leachate.

3. **Run-on/Runoff Protection:** The discharger must prevent surface run-on from contacting fire debris and must prevent erosion and transport of soils containing fire debris by surface runoff from all waste piles established under this waiver. All runoff from the fire debris waste piles should be fully contained and properly disposed of. The discharger must employ applicable best management practices (BMPs) to the maximum extent practicable for storm water conveyance and control.

4. **Ground Water Protection:** All waste derived from cleanup of burned areas must be placed at least five feet above the highest anticipated ground water elevation.

5. **Surface Water Protection:** All waste piles derived from cleanup of burned areas must be located at least 100 feet from any surface water identified in the Basin Plan for the Region.

6. **Flood Protection:** All waste derived from cleanup of burned areas must be protected from flooding and inundation.

7. **Clean Closure of Temporary Waste Piles:** Wastes discharged to temporary waste piles at regulated landfills under this waiver, together with any materials used to contain the temporary waste piles, must be removed from the temporary storage/staging location. The temporary waste staging site must be restored to its original state.

C. Conditions for Temporary Waste Staging Areas NOT Located at a Regulated Class III MSW Landfill Identified in Finding No. 9 of This Resolution.

1. **Temporary Waste Piles:** The discharge of solid wastes into temporary waste piles located at temporary staging areas must comply with all the discharge prohibitions identified in Sections A.1 through 4 of this Resolution.

2. **Required Notification to the Regional Board:** Any person proposing to discharge fire debris from burned areas to temporary waste staging areas that are not located at a regulated solid waste management facility must submit a signed/completed Notice of Intent to the Executive Officer to Establish Temporary Wildfire Waste Staging Operations (Attachment No. 1), within 30 days of the initial discharge of any wildfire wastes to waste staging areas established under this Resolution. The discharger must submit a signed/completed Notice of Termination of Temporary Wildfire Waste Staging Operations (Attachment No. 2) to the Executive Officer within 30 working days of completing removal of all wildfire waste and restoring the site to its original condition. All wastes must be removed and the site restored to its original condition.

3. **Cover:** All temporary waste staging units/piles must be covered with either a heavy gauge plastic or other material that meets the classification criteria for wastes described in Finding 13 of this Resolution. A material that would be classified as a designated waste cannot be utilized for daily or intermediate cover at a temporary waste staging area. Cover on the temporary waste staging units/piles must prevent rainwater infiltration and runoff, and must control fugitive dust, vectors, odors, blowing litter, and scavenging.

4. **Liner:** Heavy gauge plastic sheeting (not less than 20 mils thick) or other impermeable material (e.g., asphalt, concrete, compacted Class II roadbase, etc.) must be installed prior to establishing a temporary waste pile to protect all natural geological materials from contact with the waste or leachate.

5. **Surface Water Protection:** All waste piles derived from cleanup of burned areas must be located at least 100 feet from any surface water identified in the Basin Plan.

6. **Precipitation and Drainage Controls:** Temporary waste piles must be designed,

constructed, and operated to limit ponding, infiltration, inundation, erosion, slope failure, and washout to the greatest extent possible. Surface drainage from outside the temporary waste pile must be diverted away from the waste piles through implementation of BMPs for storm water control and conveyance to the maximum extent practicable.

7. **Return/Ponded Water:** A discharger must submit written notification to the Executive Officer 30 days prior to initiating the discharge of return water or ponded water contained within the temporary staging area if the discharge is to a location other than a sanitary sewer system. Based on the Executive Officer's determination, the discharger may receive: 1) waste discharge requirements; 2) a waiver of waste discharge requirements; or 3) a written determination that the disposal of the return water or ponded water is not subject to regulation by the Regional Board.

8. **Closure of Temporary Waste Piles:** Wastes discharged to temporary waste staging areas for the purpose of storage and treatment as established under this Resolution, and any materials used to contain the temporary wastes, must be removed for disposal in accordance with applicable federal, state, and local requirements. The owner/operator of the temporary waste staging area must submit a completed and signed Notice of Termination of Temporary Wildfire Waste Staging Operations (Attachment No. 2) to the Executive Officer within 10 working days of completing removal of all wildfire waste and restoring the site to its original condition.

BE IT FURTHER RESOLVED THAT, this conditional wavier of statutory requirements in CWC §§13260(a) and (b), 13263(a), and 13264(a) shall remain in effect until **September 13, 2018**, unless the Regional Water Board takes action to extend, revise, or rescind these requirements.

BE IT FURTHER RESOLVED THAT, the requirements of this Emergency Conditional Waiver apply only to waste derived from the cleanup of areas burned by wildfires. All discharges of waste not associated with cleanup of fire debris from burned areas must comply with discharge prohibitions and discharge specifications established in waste discharge requirements for the solid waste management units identified in Finding 9 of this Resolution.

BE IT FURTHER RESOLVED THAT, the Regional Board may issue specific waste discharge requirements for discharges of waste derived from burned areas.

BE IT FURTHER RESOLVED THAT, any waiver of waste discharge requirements is conditional; may be terminated at any time; does not authorize or excuse an illegal discharge; does not preclude the need for any permits, licenses, or authorizations which may be required by other state or local governmental agencies or landowners; and does not preclude the Regional Water Board from administering enforcement remedies pursuant to CWC §13300, et seq.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an emergency Resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 13, 2013.

Kurt V. Berchtold
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION
3737 Main Street, Suite 500
Riverside, California 92501-3348

NOTICE OF INTENT

TO ESTABLISH TEMPORARY FIRE DEBRIS STAGING OPERATIONS

IN COMPLIANCE WITH EMERGENCY RESOLUTION R8-2013-0049

I. PROPERTY/FACILITY INFORMATION

Property/Facility Name:			
Property/Facility Contact:			
Property/Facility Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):	Hydrologic Area/Subarea:		

II. PROPERTY/FACILITY OWNER INFORMATION

Property/Facility Owner Name:			
Property/Facility Owner Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

III. PROPERTY/FACILITY OPERATOR INFORMATION

Property/Facility Operator Name:			
Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

IV. DESCRIPTION OF DISCHARGE

Describe the discharge (i.e., source(s) of discharge, pollutants of concern, period and frequency, etc.). Use additional pages as needed. Provide a map of the property/facility if necessary.

V. DESCRIPTION OF MANAGEMENT MEASURES AND BEST MANAGEMENT PRACTICES

Describe what management measures (MMs) and best management practices (BMPS) will be implemented to minimize or eliminate the discharge of pollutants to waters of the state. Use additional pages as needed. Provide a map of the property/facility showing locations of MMs/BMPs if necessary.

VI. ADDITIONAL INFORMATION

Please provide additional information, as needed or required, about the discharge and/or how the discharger intends to comply with the waiver conditions of the conditional waiver. Use additional pages as needed.

VII. CERTIFICATION

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.

Signature (Owner or Authorized Representative)	Date
Print Name	Title
Telephone Number	Email

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION
3737 Main Street, Suite 500
Riverside, California 92501-3348

NOTICE OF TERMINATION
OF TEMPORARY FIRE DEBRIS STAGING OPERATIONS
IN COMPLIANCE WITH REQUIREMENTS IN EMERGENCY RESOLUTION R8-2013-0049

I. FINAL WASTE DISPOSAL INFORMATION

Final Disposition of Waste:	☐ Off-site/Landfill Disposal	☐ On-site Reuse/Disposal	
	☐ Off-site Reuse/Disposal	☐ Other:	
Property Owner/Discharger Name:			
Property Owner/Discharger Contact and Title:			
Property Owner/Discharger Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):		Hydrologic Area/Subarea:	
Date(s) Waste Disposed:			
Quantity of Waste Disposed: (in cubic yards for each disposal date)			
Disposal Location(s): (for each disposal date)			

II. FINAL DISPOSAL CERTIFICATION

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.

Signature (Owner or Authorized Representative) _____ Date _____

Print Name _____ Title _____