

**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.
<u>Lancaster</u>	<u>6-00-055</u>	<u>6B190343001</u>	<u>Waste Management of Ca Inc</u>
San Bernardino County			
Barstow	R6V-2012-0037	6B360304005	County of San Bernardino
Fort Irwin	6-00-018	6B360344001	U.S. Army -Training Center
<u>Victorville</u>	<u>R6V-2004-0027</u>	<u>6B360304025</u>	<u>County of San Bernardino</u>

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 Control Plan 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, section 13263, 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 wastes⁴ 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

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 waiver 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, section 13300, 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
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

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

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.

NOTICE OF INTENT TO COMPLY WITH EMERGENCY RESOLUTION [PROPOSED]

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

