

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Wednesday, December 13, 2017
Regional Water Quality Control Board Office
Santa Rosa, California

ITEM: 9

SUBJECT: Public Hearing on Order No. R1-2017-0056 to consider adoption of proposed Conditional Waiver of Waste Discharge Requirements for Disaster-Related Wastes During a State of Emergency Within the North Coast Region.

BOARD ACTION: The Board will consider adoption of Conditional Waiver of Waste Discharge Requirements Order No. R1-2017-0056.

BACKGROUND: In October 2017, the North Coast region experienced a number of severe wildfires that cumulatively burned hundreds of thousands of acres across several counties both within and adjacent to the region. Lands burned included wildlands, rural, and urban areas, damaging and destroying thousands of homes and other structures. The fires created large amounts of debris consisting of multiple categories of wastes (e.g., nonhazardous wastes, household hazardous wastes, universal wastes, or inert wastes) that require temporary staging areas and final disposal locations.

In response to the fires, the Governor issued Proclamations of a State of Emergency in Napa, Sonoma, Mendocino, Solano, Lake, Butte, Yuba, and Nevada counties exempting from State statutes, rules, and regulations, and requirements for emergency cleanup activities related to the removal, storage, transportation, and disposal of solid waste and debris resulting from the fires for the purpose of accelerating cleanup and recovery while at the same time protecting human health and the environment. To facilitate emergency cleanup activities in the North Coast Region, the Regional Water Board Executive Officer requested and received authorization from the Secretary of the California Environmental Protection Agency (CalEPA) to issue a temporary conditional waiver of waste discharge requirements, and to temporarily suspend procedural requirements in Water Code section 13269 that require public notice of the board action until such time as the Regional Water Board can fully comply with the procedural requirements of Water Code section 13269.

In accordance with CalEPA approval (Attachment 1), the Regional Water Board Executive Officer, on November 3, 2017, issued Order No. R1-2017-0055, *Conditional Waiver of Waste Discharge Requirements for Disaster-Related Wastes During a State of Emergency within the North Coast Region* (Attachment 2). Order No. R1-2017-0055 (temporary waiver) waives the legal requirement for persons discharging waste associated with emergency/disaster cleanup to submit a report of waste discharge and for the Regional Water Board to prescribe waste discharge requirements for discharges of wastes. The temporary waiver applies to discharges necessary to protect life or property during emergency cleanup

actions following disasters such as fires (and subsequent natural events such as storms that may result in floods and landslides) in which a state of emergency has been proclaimed by the Governor (Emergency Declared Disaster Area) and to discharges from emergencies not within a declared disaster area. The temporary waiver expires December 31, 2017.

To obtain coverage under the temporary waiver, entities accepting disaster-related wastes for staging or final disposal must submit a Notice of Intent (NOI) within 30 days after initial discharge of any disaster-related waste from Declared Disaster Areas or before commencing discharges from emergencies not within a declared disaster area. The NOI must indicate that the proposed discharge meets the conditions of the temporary waiver. Following completion of the discharge/disposal of the waste, dischargers must file a Notice of Termination (NOT) confirming that waste was disposed of in compliance with the conditions of the temporary waiver.

DISCUSSION: The proposed Order that the Board is considering for adoption today, Order No. R1-2017-0056 (Attachment 3), meets the procedural requirements of Water Code section 13269. The proposed Order will replace the temporary waiver on January 1, 2018, and will cover a broader scope of catastrophic events and their resultant debris, including but not limited to storms, floods, landslides, and other natural disasters and events for which a state of emergency has been declared by any federal, state, or local agency. Similar to the temporary waiver, the proposed Order specifies conditions for disaster-waste handling, storage, stockpiling, processing, and disposal. In addition, similar to the temporary waiver, Order No. R1-2017-0056 specifies an enrollment and termination process, and provides NOI and NOT forms. In contrast to the temporary waiver, the proposed Order will not provide coverage for discharges from emergencies not within a declared disaster area. The proposed Order expires on January 1, 2023, unless rescinded, revised, or renewed by the Regional Water Board.

Proposed Order No. R1-2017-0056 was available for public comment between November 10, 2017, and November 27, 2017. No written comments on the proposed Order were received during the comment period. After the close of the comment period, staff made minor editorial changes to the proposed Order and established an effective date of January 1, 2018, for the proposed Order.

RECOMMENDATION: Adopt Order No. R1-2017-0056, as proposed.

SUPPORTING DOCUMENTS:

1. CalEPA letter responding to Regulatory Suspension Request
2. Temporary Conditional Waiver Order No. R1-2017-0055
3. Proposed Conditional Waiver Order No. R1-2017-0056
4. Public Notice