

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE ORDER No. R9-2014-0059

**EMERGENCY CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR THE MANAGEMENT AND DISPOSAL OF DISASTER RELATED WASTES
FROM THE 2014 WILDFIRES IN THE SAN DIEGO REGION**

The Discharger, as described in the following table is subject to the waiver of waste discharge requirements as set forth in this Order:

Table A. Discharger Information

Discharger	Any person responsible for the discharge of low threat discharges which in accordance with the general and specific conditions specified in each of the waivers are unlikely to affect the quality of the waters of the State.
Dischargers regulated under this Order and the waiver contained within, are exempted from annual fees identified in California Code of Regulations, Title 23, section 2200.	

Discharges of wastes by persons from their locations in the San Diego Region are subject to the requirements set forth in this Order. Administrative information regarding this Order is contained in Table B below.

Table B: Administrative Information

This Order was adopted by the California Regional Water Quality Control Board, San Diego Region on:	May 27, 2014
This Order shall become effective on the date of adoption.	

I, David W. Gibson, Executive Officer, do hereby certify that this Order with all appendices is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on May 26, 2014.

TENTATIVE

David W. Gibson
Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE ORDER NO. R9-2014-0059

PART I GENERAL FINDINGS

The California Regional Water Quality Control Board, San Diego Region (hereinafter **San Diego Water Board**), finds that:

A. LEGAL AUTHORITY TO ISSUE WAIVERS. Water Code section 13260(a) and (c) require persons proposing to discharge waste,¹ or proposing to make a material change in the character, location, or volume of a discharge to file a report of waste discharge (ROWD) with the appropriate California Regional Water Quality Control Board (Regional Water Board). Under authority of Water Code 13263(d), the San Diego Water Board may prescribe WDRs although no ROWD has been filed.

Pursuant to Water Code section 13269(c), the San Diego Water Board may waive the provisions of sections 13260(a) and (c), 13263(a), and 13264(a) for a specific discharge or type of discharge, in the event that a state of emergency is declared by the Governor pursuant to Government Code, section 8850 et seq. Waivers issued by the San Diego Water Board, in accordance with Water Code section 13269(c), must be consistent with the Water Quality Control Plan for the San Diego Basin (Basin Plan) and are in the interest of the public. Furthermore, Water Code section 13296(a)(2) stipulates a waiver may not exceed five years in duration, but may be renewed by the San Diego Water Board. Waivers must be conditional and may be terminated at any time by, the State Water Resources Control Board (State Water Board), or the San Diego Water Board.

In accordance with the Basin Plan, Chapter 4, a waiver of WDRs would not be against the public interest if either of the following circumstances apply to the discharges in that category:

1. The type of discharge does not adversely affect the quality or the beneficial uses of the waters of the State.
2. The type of discharge is not readily amenable to regulation through the adoption of WDRs but warrants San Diego Water Board oversight to ensure compliance with mandated conditions.

Water Code section 13269 does not authorize the San Diego Water Board to issue waivers of WDRs for waste discharges subject to federal regulations implementing the federal Clean Water Act and the federal National Pollutant Discharge Elimination System (NPDES) regulations.

B. PURPOSE. The devastation caused by the Bernardo, Cocos, Freeway, Highway, Poinsettia, River, and Tomahawk wildfires has resulted in

¹ The term "waste" is as defined in Water Code section 13050(d).

widespread damage to private and public property in the San Diego Region. The destruction of structures and facilities by the wildfires has created an emergency need for the management and disposal of solid wastes in the San Diego Region. The Governor has issued a proclamation of a state of emergency pursuant to Government Code section 8558(b), the purpose of this Order is to:

1. provide general waiver conditions applicable to the discharge or discharge operations for all specific types of discharge within a discharge classification; and
 2. provide specific waiver conditions for each specific type of discharge within a discharge classification, if applicable.
- C. DISCHARGER.** As the term applies in this Order, a “Discharger” is any person or persons that discharge, have the potential to discharge, or propose to discharge waste that could directly or indirectly affect the quality and/or beneficial uses of the waters of the State.
- D. DISCHARGE LOCATION.** All discharges subject to this Order are located within the boundaries of the San Diego Region.
- E. WASTE DISCHARGES SUBJECT TO THIS ORDER.** For the purposes of this Order, a completed Notice of Intent (NOI) may serve as the Dischargers’ ROWD. As documented in the Technical Report for Tentative Order No. R9-2014-0059, waivers for these specific types of discharges are in the public interest.
1. Incidental discharges of oil and oily water within a response area during an oil spill response in marine waters;
 2. Discharges of disaster related wastes to temporary waste piles and surface impoundments;
 3. Discharges of mass mortality wastes to temporary waste piles and emergency landfills;
 4. Discharges of dredge or fill material into non-federal waters of the State;
 5. Emergency repair and protection activities in non-federal waters of the State; and
 6. Other discharges of emergency/disaster related wastes.

Each of the discharge types listed above may originate from a single Discharger, have similar discharge sources and/or environmental settings, and have similar waiver conditions. Therefore, these types of discharges are grouped together into a singular discharge classification. Discharges which comply with the waiver conditions in this Order are not expected to pose a threat to the quality of waters of the State.

F. THREAT TO WATER QUALITY. Discharges from the proceeding categories can and/or do contain wastes, as defined in Water Code section 13050, that could affect the beneficial uses and quality of the waters of the State. If not properly managed, these discharges can percolate to groundwater or runoff to surface waters, adversely affecting both surface water and groundwater. Such wastes that enter or threaten to enter into waters of the State include, but may not be limited to:

1. earthen materials (i.e., soil, silt, sand, clay, and rocks);
2. inorganic materials (i.e., metals, salts, etc.);
3. organic materials (i.e., organic pesticides, hydrocarbons, etc.)

Discharges which comply with the waiver conditions in this Order are not expected to pose a threat to the quality of waters of the State.

G. ANTIDegradation Policy. This Order is consistent with the provisions of Resolution No. 68-16 "*Statement of Policy with Respect to Maintaining High Quality Waters in California*" (Antidegradation Policy). Likewise, this Order is consistent with the federal Antidegradation Policy.² The San Diego Water Board, in regulating the discharge of waste, must have sufficient ground to adopt findings which demonstrate that any water quality degradation resulting from this Order will:

1. be consistent with the maximum benefit to the people of the State;
2. not unreasonably affect existing and potential beneficial uses of such water; and
3. not result in water quality less than that described in the Basin Plan.

Dischargers, who enroll in these waivers are required to manage their wastes in a manner that protects beneficial uses, and prevent nuisance³ by implementing management measures (MMs) and best management practices (BMPs).

H. WATER QUALITY STANDARDS. The Basin Plan and relevant statewide water quality control plans (collectively Plans) establish water quality standards for the San Diego Region. These water quality standards consist of designated beneficial uses, WQOs, and the antidegradation policy. These Plans also contain implementation plans and policies for interpreting and achieving water quality standards.

Table 2 below identifies the beneficial uses designated in the Basin Plan for groundwater and surface water in the San Diego Region.

² Code of Federal Regulations Title 40, section 131.12.

³ The term "nuisance" is as defined in Water Code section 13050(m).

Table 2: Beneficial Uses for Groundwater and Surface Waters

Beneficial Uses	Abbreviations
Agricultural Supply	AGR
Cold Freshwater Habitat	COLD
Commercial and Sport Fishing	COMM
Estuarine Habitat	EST
Freshwater Replenishment	FRSH
Industrial Process Supply	PROC
Industrial Service Supply	IND
Inland Saline Water Habitat	SAL
Marine Habitat	MAR
Municipal and Domestic Supply	MUN
Noncontact Recreation	REC2
Preservation of Rare and Endangered Species	RARE
Warm Freshwater Habitat	WARM
Water Contact Recreation	REC1
Wildlife Habitat	WILD

The requirements of this Order implement the Basin Plan by ensuring discharge types maintained and monitored to prevent releases of wastes or waste constituents to waters of the State in a manner which could impair these beneficial uses.

- I. **ENFORCEMENT ACTIONS.** Any person in violation of any waiver condition, prohibition issued or reissued, or amended by the San Diego Water Board, must be liable civilly under Water Code sections 13323 and 13350(d) and (e).
- J. **CALIFORNIA ENVIRONMENTAL QUALITY ACT.**⁴ In accordance with California Code of Regulations Title (Calif. Code Regs. title) 14, section 15000 et seq., the San Diego Water Board is the lead agency for this emergency project, and the project is exempt from the requirements of the California Environmental Quality Act (CEQA)⁵.
- K. **PUBLIC PARTICIPATION.** All of the findings contained within this Order, supplemental information and details in the attached Technical Report, and incorporated references were considered in establishing the following conditions, requirements, provisions, and specifications.

All known Dischargers and other interested parties and persons were notified of the intent to adopt this Order, and were provided with an opportunity for a public hearing and an opportunity to submit written comments.

⁴ Codified in PRC section 21000 et seq., and promulgated in Calif. Code of Regs. title 14, Chapter 3, Division 6.

⁵ Calif. Code Regs. title 14, section 15269(a).

In a public meeting, all comments pertaining to this Order were heard and considered on May 14, 2014

- L. STRATEGIC PLAN.** The issuance of this Order and the requirements herein are consistent with the goal to provide water resources protection, enhancement and restoration while balancing economic and environmental impacts as stated in the Strategic Plan of the State Water Board and the San Diego Water Board.
- M. DECLARED STATE OF EMERGENCY.** On May 14, 2014, under authority of Government Code, Division 1, Title 2, Chapter 7, section 8558(b), the Governor issued a proclamation identifying the County of San Diego as being in a state of emergency due to devastation created by Wildfires.
- N. APPLICABILITY.** Order No. R9-2014-0059 supersedes the waivers adopted as a Basin Plan amendment in Resolution No. R9-2007-0104 except for enforcement purposes regarding violations of Resolution No. R9-2007-0104. All Dischargers previously regulated by this waiver in Resolution No. R9-2007-0104 are automatically enrolled under Order No. R9-2014-00459.

PART II CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS

Waiver for Discharges of Emergency/Disaster Related Wastes

- O. Specific Findings for Discharges of Emergency/Disaster Related Wastes**
 - 1. The Waiver for Discharges of Emergency/Disaster Related Wastes (Emergency Waste Waiver) is for discharges of wastes resulting from an emergency or disaster, which may be a source of pollutants that can adversely affect the quality of waters of the State.
 - 2. The following types of discharge not regulated under WDRs may be eligible for the Emergency Waste Waiver:
 - a. Incidental discharges of oil and oily water within a response area during an oil spill response in marine waters;
 - b. Discharges of disaster related wastes to temporary waste piles and surface impoundments;
 - c. Discharges of mass mortality wastes to temporary waste piles and emergency landfills;
 - d. Emergency repair and protection activities in non-federal waters of the State;
 - e. Discharges of dredge or fill material into non-federal waters of the State, under emergency conditions; and/or
 - f. Other discharges of emergency/disaster related wastes.
 - 3. These types of discharges are generated during emergency and disaster related situations, requiring expedited handling and disposal of wastes or emergency discharges of fill material into non-federal waters

of the State. Therefore, emergency/disaster related waste discharges were grouped into one discharge classification. Emergency/disaster related waste discharges or discharges of fill material into non-federal waters of the State that comply with the waiver conditions should minimize the potential impact and should not pose a significant threat to the quality of waters of the State.

4. In the event of an emergency or disaster, significant amounts of wastes may be generated. Cleanup, management and disposal of emergency/disaster related waste can result in the discharge of multiple waste streams which can adversely affect the quality of surface water and/or groundwater. The issuance of WDRs would significantly impede the cleanup of emergency/disaster related wastes, which would likely increase the threat to public health and the environment. Therefore, in the interest of expediting the cleanup of emergency/disaster related wastes, issuing a waiver for these types of discharge would be in the public interest.
5. The issuance of waiver conditions should be developed in order for members of the public, cities, counties, local agencies and organizations, and/or the San Diego Water Board to determine if dischargers of any emergency/disaster related wastes are in conformance with this waiver. If dischargers are not in compliance with waiver conditions, they can be issued a Notice of Violation and required to correct deficiencies in order to be eligible for the Emergency Waste Waiver. If dischargers of emergency/disaster related wastes violate any waiver conditions, the San Diego Water Board has the option to terminate the waiver for the discharge and begin regulating the discharge with individual WDRs and/or take other enforcement actions.
6. Discharges of dredged or fill material into non-federal waters of the State⁶ may be necessary for repair and protection measures associated with an emergency situation to mitigate and abate threats caused by emergencies, as defined under CEQA.⁷
7. Discharges of dredged or fill material for emergency repair and protection measures may constitute discharges of waste that could affect the quality of waters of the State. Repair and protection activities that may result in such discharges can include, but are not limited to, the cleaning of culverts and associated concrete aprons, bank or slope stabilization, removal of debris (e.g., trash, dead

⁶ Non-federal waters of the State include surface waters determined by the U.S. Army Corps of Engineers and / or the U.S. Environmental Protection Agency to be outside of federal jurisdiction (e.g., certain vernal pools, other isolated water bodies, and certain intermittent or ephemeral streambeds that lack a significant nexus to traditionally navigable waters).

⁷ In addition, wildfires can exacerbate the risk of flooding, erosion, debris flows, and slope failures as a result of the loss of vegetated cover within a watershed. Likewise, damage from earthquakes/after shocks, and landslides can affect vital infrastructure and threaten beneficial uses of waters of the State.

vegetation, structural debris), repair of transportation routes, and the construction of check dams and sediment basins. Discharges that may occur during the conduct of emergency repair and protection activities can include, but are not limited to, earth, rock, or similar inert materials and discharges of pollutants associated with construction equipment or materials.

8. Eligible discharges to non-federal waters of the State, associated with emergency repair and protection activities, could be subject to *Water Quality Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges To Waters Deemed by The U.S. Army Corps of Engineers To Be Outside of Federal Jurisdiction*.⁸ This Emergency Waste Waiver can expedite projects that are not eligible for enrollment in Order No. 2004-0004-DWQ but are conducted in response to emergency situations.
9. In order to be eligible for the Emergency Waste Waiver, discharges must comply with both the general and specific waiver conditions of this waiver.
 - a. Incidental Discharges During an Oil Spill Response
 - b. Disaster Related and Mass Mortality Wastes Disposed at Regulated Waste Disposal Facilities
 - c. Disaster Related and Mass Mortality Wastes Discharged to Temporary Waste Piles Located at Regulated Waste Disposal Facilities
 - d. Disaster Related Wastes Discharged to Temporary Waste Piles not Located at Regulated Waste Disposal Facilities
 - e. Disaster Related Wastes Discharged to Temporary Surface Impoundments not Located at Regulated Waste Disposal Facilities
 - f. Mass Mortality Wastes Discharged to Emergency Landfills not Located at Regulated Waste Disposal Facilities
 - g. Discharges of Dredge or Fill Materials into Non-Federal Waters of the State, Under Emergency Conditions
10. Discharges of emergency/disaster related wastes that comply with both the general and specific waiver conditions in the Emergency Waste Waiver are not expected to pose a significant threat to the quality of waters of the State.

⁸ For instance, the General WDRs in Water Quality Order No. 2004-0004-DWQ are restricted to dredged or fill discharges of not more than two-tenths (0.2) of an acre and 400 linear feet for fill and excavation discharges, and of not more than 50 cubic yards for dredging discharges. Projects that may be covered include land development, detention basins, disposal of dredged material, bank stabilization, revetment, channelization, and other similar projects.

IT IS HEREBY ORDERED, that any Discharger proposing to discharge emergency/disaster related wastes, in order to meet the provisions contained in Division 7 of the Water Code, section 13269, must comply the following requirements.

A. General Conditions for Discharges of Emergency/Disaster Related Wastes

1. The Emergency Waste Waiver becomes active only after one of the following:
 - a. The Governor of California issues a proclamation, pursuant to Government Code sections 8625 and 8558(b), identifying a portion of the San Diego Region as being in a state of emergency⁹ or
 - b. An oil spill incident occurs in the marine waters of the San Diego Region requiring a response authorized by the Administrator of the Office of Spill Prevention and Response; or
 - c. A discharge occurs resulting from emergency activities that are waived of the requirements of Water Code sections 13260(a) and (c), 13263(a), and 13264(a), which are described in Water Code sections 13269(c)(1) and 13269(c)(2).
2. This waiver is only in effect temporarily and must expire under the following conditions:
 - a. The state of emergency declared by the Governor expires, or
 - b. The San Diego Water Board takes action to terminate enrollment of individual or all dischargers/Units temporarily enrolled in the waiver, or
 - c. Six (6) months has elapsed since the Governor issued a declaration of the state of emergency for any portion of the San Diego Region, or the oil spill incident occurred, or emergency activities began, unless otherwise directed by the San Diego Water Board.
3. Discharges of emergency/disaster related wastes to land
 - a. Emergency/disaster related waste management and cleanup activities must minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of the waters of the State.
 - b. Temporary waste piles and surface impoundments used to manage emergency/disaster related waste must: prevent the direct or indirect discharge of emergency/disaster related wastes to any surface waters of the State (including ephemeral streams and vernal pools).

⁹ The Emergency Waste Waiver is only applicable to disaster related waste streams from disaster-impacted areas.

- c. Emergency/disaster related waste management operations must not be
 - i. performed in a manner that creates or contributes to a condition of pollution or nuisance;
 - ii. performed in a manner that creates or contributes to conditions which violate the waste discharge prohibitions promulgated in the Basin Plan.
 - iii. managed in a manner that causes corrosion, decay, or otherwise reduces or impairs the integrity of containment structures at any waste management unit.¹⁰
 - iv. managed in a manner that mixes or commingles 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 that results in the mixture being classified as a restricted waste.¹¹
- d. Liquid hazardous wastes or “restricted hazardous wastes”¹² cannot be discharged to municipal solid waste (MSW) landfills, temporary waste piles, or temporary surface impoundments.
- e. Temporary waste piles must be covered to adequately prevent rainwater infiltration and runoff, and control fugitive dust, vectors, odors, blowing litter and scavenging. The cover must not consist of or contain material classified as a designated waste.¹³
- f. Inert wastes¹⁴ that are suitable for reuse or recycling do not require permanent disposal at a classified waste management or disposal facility (i.e., permitted landfill).
- g. Waste streams must only originate from disaster-impacted areas of the San Diego Region. These waste streams must 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 San Diego 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

¹⁰ Pursuant to Calif. Code Regs title 27 section 20200(b)(1)

¹¹ Pursuant to Calif. Code Regs title 27 section 20200(b)(2)

¹² Defined in Health and Safety Code section 25122.7

¹³ Defined in Calif. Code Regs title 27 section 20210

¹⁴ Defined in Calif. Code Regs title 27 section 20230

- systems, and that satisfy the requirements of State Water Board Resolution No. 93-62); or
- iii. Emergency landfills established in accordance with the conditions of this waiver; and
 - iv. As allowed by valid WDRs issued by the San Diego Water Board for other categories of waste management units.
4. Discharges of Dredge or Fill Material into Non-Federal Waters of the State, under Emergency Conditions.
- a. Discharge activities must not:
 - i. create or contribute to a condition of pollution or nuisance, as defined by Water Code section 13050;
 - ii. create or contribute to conditions which violate the discharge prohibitions of the Basin Plan for the San Diego Region;
 - iii. result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of such a species, unless the activity is authorized by the Department of Fish and Wildlife pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.
 - b. Discharges must not consist of unsuitable material (e.g., asphalt, hazardous wastes,¹⁵ nonhazardous wastes,¹⁶ designated wastes¹⁷ etc.) and material discharged must be free from toxic pollutants in toxic amounts.
 - c. This waiver is limited to emergency actions that meet the CEQA definition of “emergency” (Public Resources Code section 21060.3)
 - d. Emergency projects exempt from the requirements of CEQA are defined by the Administrative Code (CEQA Guidelines), Calif. Code Regs. title 14, section 15269 as:
 - i. Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act,

¹⁵ Wastes that are required to be managed as hazardous wastes pursuant to Calif. Code Regs title 22, Division 4.5

¹⁶ Nonhazardous wastes are defined in Calif. Code Regs title 27, section 20220.

¹⁷ Designated wastes are defined in Water Code section 13173.

commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.

- ii. Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare.
- iii. Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.
- iv. Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This exemption does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
- v. Seismic work on highways and bridges pursuant to Section 180.2 of the Streets and Highways Code, Section 180 et seq.

B. Specific Conditions for Discharges of Emergency/Disaster Related Wastes

1. Incidental Discharges During an Oil Spill Response
 - a. Incidental discharges¹⁸ are confined to the response area which is defined by the daily work plan approved under the Incident Command System or Unified Command Structure by the

¹⁸ "Incidental discharge" is defined as "the release of oil and/or oily water within the response area in or proximate to the area in which the oil recovery activities are taking place during and attendant to oil spill response activities. Incidental discharges include, but are not limited to, the decanting of oily water; in order to conserve oil storage capacity, and the wash down of vessels, facilities, and equipment used in the response."

Administrator, Federal On-Scene Coordinator, or State On-Scene Coordinator.

- b. Oil spill response must be in marine waters.¹⁹
2. Disaster Related and Mass Mortality Wastes Disposed of at Regulated Waste Disposal Facilities
 - a. Waste (not otherwise suitable for recycling or reuse) derived from cleanup of emergency/disaster-impacted areas in the San Diego Region and managed under provisions of this waiver must only be discharged for permanent disposal into units that are underlain with an engineered composite liner system and a leachate collection meeting the requirements of State Water Board Resolution No. 93-62.
 - b. Wastes derived from cleanup of disaster-impacted areas in the San Diego Region and discharged into regulated waste disposal facilities must be isolated, to the extent practicable, from areas of the facility that are not lined.
 - c. Food wastes, animal carcasses, and other putrescible wastes derived from cleanup of disaster-impacted areas in the San Diego Region must be discharged for disposal in compliance with conditions of this waiver and covered expeditiously.
 - d. Inert wastes contained in mixed emergency wastes derived from cleanup of disaster-impacted areas in the San Diego Region, must be separated and recycled when appropriate and practicable.
 - e. The discharger is responsible for accurately classifying disaster related waste streams in accordance with the applicable regulatory requirements.²⁰
 - f. The regulated waste disposal facility owner/operator is responsible for properly identifying disaster related waste streams²¹ and identifying wastes that may be suitable for use as alternative daily cover (ADC). Solid wastes that may be used as ADC at a regulated disposal facility are as follows:
 - i. Solid wastes that are classified as inert wastes.
 - ii. Solid wastes that meet the criteria for ADC as prescribed in Calif. Code Regs title 27 sections 20690 to 20705, and
 - iii. Other solid wastes identified by the Local Enforcement Agency (LEA) as being suitable for use as ADC; as long

¹⁹ "Marine waters" defined in Government Code section 8670.3(i) as "those waters subject to tidal influence"

²⁰ Requirements are provided in Calif. Code Regs title 27, title 23,, Chapter 15, and/or title 22 Division 4.5.

²¹ Pursuant to Calif. Code Regs title 27 section 20200(c).

as the waste could be accepted at a Class III MSW landfill without special permission from the San Diego Water Board.

- g. Disposal of large numbers of animal carcasses, and other high-moisture waste streams from mass mortality (e.g., natural disaster, agricultural disease, etc.), may cause wastes to exceed moisture holding capacity at regulated MSW landfills. To limit the impacts from the additional moisture content associated with a mass mortality waste load, the owner/operator responsible for the regulated waste disposal facility should implement the following procedures:
 - i. Discharge high-moisture wastes (animal carcasses, animal related wastes, etc.) only in areas of the composite lined unit with a considerable thickness of other waste.
 - ii. Limit the thickness of the high-moisture waste stream (e.g., animal carcasses, animal related wastes, etc.) to no more than 2 feet.
 - iii. Cover each layer of high-moisture wastes (e.g., animal carcasses, animal related wastes, etc.) with an even thicker layer of absorbent wastes or soil.
 - iv. For disaster related mass mortality wastes streams that are in a liquid form (e.g. raw eggs, etc.) reduce the moisture content prior to discharge by mixing with an absorbent material (e.g., saw dust, mulch, soil, etc.).
 - h. Within 60 days after the expiration in this waiver (see section A of the Emergency Waste Waiver) the owner/operator of the a regulated waste disposal facility that accepted waste from disaster-impacted areas in the San Diego Region must submit an amendment to their ROWD or Joint Technical Document (JTD) describing the material change to their discharge, pertaining to the temporary acceptance, management, and disposal of waste derived from cleanup of disaster-impacted areas of the San Diego Region.
3. Disaster Related and Mass Mortality Wastes Discharged to Temporary Waste Piles Located at Regulated Waste Disposal Facilities
- a. Owners/operators of regulated waste management or disposal facilities proposing to accept discharges of waste from disaster-impacted areas in the San Diego Region to a temporary waste staging area located at a regulated facility must submit a NOI²²

²² A Notice of Intent required to be submitted for enrollment in the Emergency Waste Waiver is located in Appendix A of Order No. R9-2014-0059.

within 30 days of the initial discharge of any disaster related wastes. The NOI must contain:

- i. the name and contact information of the owner/operator of the regulated waste management or disposal facility property,
 - ii. the facility address and contact information,
 - iii. a description of the temporary waste management unit, and
 - iv. a certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "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."
- b. Owners/operators of regulated waste management or disposal facilities must prevent surface runoff and runoff from contacting wastes derived from cleanup of disaster-impacted areas in the San Diego Region and must prevent erosion and transport of soils containing disaster related wastes or waste constituents by surface runoff from all temporary waste piles. The facility owner/operator must implement management measures (MMs) and/or best management practices (BMPs) for storm water conveyance and control.
- c. All wastes derived from disaster-impacted areas in the San Diego Region must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from, and at an elevation that is higher than, any surface water of the State.
- d. All waste derived from disaster-impacted areas in the San Diego Region must be protected from flooding and inundation, in compliance with the current WDRs for the affected unit, or units, at the regulated facility.
- e. Owners/operators of regulated waste management or disposal facilities must manage temporary waste piles for disaster related mass mortality wastes as follows:
- i. Temporary waste piles of mass mortality wastes can only be located in areas underlain by a composite liner system

- (or approved engineered alternative) and a significant thickness of other types of solid wastes.
- ii. Owner/operator must implement a plan to prevent wild animals (e.g., birds, mammals, reptiles, etc.) from coming into contact with mass mortality wastes (e.g., provide and maintain adequate cover for temporary waste piles).
 - iii. Owner/operator must ensure that all temporary waste piles containing mass mortality wastes are discharged into the landfill prior to the end of the working day, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality and human health for a given temporary waste pile.
 - iv. Owner/operator must ensure that all mass mortality wastes are covered with soil or other waste immediately after it is discharged into the landfill.
 - v. Owner/operator must ensure that any storm water runoff that comes into contact with the disaster related wastes or containing waste constituents is managed as leachate.
- f. Disaster related and mass mortality wastes discharged to temporary waste piles at regulated waste management or disposal facilities temporarily enrolled in the Emergency Waste Waiver, together with any materials used to contain the temporary waste piles, must be removed from the site. The site must be restored to its original state no later than the 60 days after expiration of this waiver (see section A of the Emergency Waste Waiver), or as required by the San Diego Water Board. Alternatively, the facility owner/operator must file an amended ROWD/JTD and obtain amended WDRs from the San Diego Water Board for any waste piles that will continue to exist past the expiration date in this waiver.²³
- g. Owners/operators of regulated waste management or disposal facilities must submit a Notice of Termination (NOT) to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The NOT must contain:
- i. the name and contact information of the owner/operator of the regulated facility property,
 - ii. the facility address and contact information,
 - iii. a description of waste that was temporarily stored/staged in the temporary waste management unit,

²³ The Emergency Waste Waiver expires with the Governor of California lifting the declared state of emergency.

- iv. the final waste disposal location, and
 - v. a certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "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."
4. Disaster Related Wastes Discharged to Temporary Waste Piles not Located at Regulated Waste Disposal Facilities
- a. Any agency, jurisdiction or person proposing to establish a temporary waste pile not located at a regulated facility must submit a NOI²⁴ to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The NOI must contain:
 - i. the name and contact information of the owner/operator the property where the temporary waste pile facility is located,
 - ii. the facility address and contact information,
 - iii. a description of temporary waste management unit, and
 - iv. a certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "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."
 - b. Owners/operators of temporary waste piles not on regulated facilities must ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance with the following minimum prescriptive and performance standards:

²⁴ A Notice of Intent required to be submitted for enrollment in the Emergency Waste Waiver is located in Appendix A of Order No. R9-2014-0059.

- i. The bottom of a temporary waste pile must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from, and at an elevation that is higher than, any surface water of the State.
- ii. Temporary waste piles must be protected from inundation or washout due of floods with a 100-year return frequency.
- iii. Temporary waste piles cannot be located on a known Holocene fault.
- iv. Temporary waste piles cannot be located in areas of potential rapid geologic change (*e.g.*, landslides, debris flows, flashflood areas, *etc.*).
- v. Temporary waste piles must be underlain by a temporary impermeable barrier (*e.g.*, heavy gauge plastic) or located in an area covered by a relatively impermeable surface (*e.g.*, asphalt, concrete, *etc.*). The liner must be installed prior to establishing a temporary waste pile to protect all natural geological materials from contact with the waste and from contact with leachate.
- vi. Temporary waste piles must be covered daily with either a heavy gage plastic or material that meets the classification criteria for inert wastes. A material that would be classified as a designated waste cannot be utilized for daily cover at a temporary waste staging area. Cover on the temporary waste piles must be designed, installed, and maintained to prevent rainwater infiltration and runoff, and control of fugitive dust, vectors, odors, blowing litter, and scavenging.
- vii. Temporary waste management operations that include wastes with a liquid content exceeding its moisture-holding capacity and/or containing free liquids, must comply with requirements for temporary surface impoundments (see section B.5 of the Emergency Waste Waiver).
- viii. Temporary waste piles must be designed, constructed and operated to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, and washout. Surface drainage from outside of the temporary waste pile must be diverted from the location of the temporary waste pile through implementation of MMs/BMPs for storm water control and conveyance.

- c. Owners/operators of temporary waste piles not on regulated facilities must submit written notification to the San Diego Board at least 30 days prior to initiating the discharge of return water or ponded water contained within the temporary waste pile if the discharge is to a location other than a sanitary sewer system. Based on the San Diego Water Board determination, the discharger may receive: 1) WDRs; 2) a waiver of WDRs, or 3) written determination that the disposal of the return water or ponded water is not subject to regulation by the San Diego Water Board.
 - i. Owners/operators of temporary waste piles not on regulated facilities must 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 discharger must post additional signs as necessary (in languages other than English) to more effectively communicate the minimum contact information (listed above) to the local community. The sign(s) must be maintained as required to keep them legible and must remain in place while temporary waste piles remain on site.

- d. Solid wastes discharged to temporary waste piles not at regulated waste management or disposal facilities temporarily granted a waiver, together with any materials used to contain the temporary waste piles, must be removed from the site. The site must be restored to its original state no later than the 60 days after expiration of this waiver (see section A of the Emergency Waste Waiver), or as required by the San Diego Water Board.
- e. Owners/operators of temporary waste piles not on regulated facilities must submit a NOT to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The NOT must contain:
 - i. the name and contact information of the owner/operator the property,
 - ii. where the temporary waste pile facility was located,
 - iii. the facility address and contact information,
 - iv. a description of waste that was temporarily stored/staged in the temporary waste management unit,

- v. the final waste disposal location, and
 - vi. a certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "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."
5. Disaster Related Wastes Discharged to Temporary Surface Impoundments not Located at Regulated Waste Disposal Facilities
- a. Any agency, jurisdiction or person proposing to establish a temporary surface impoundment not located at a regulated facility must submit a NOI²⁵ to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The NOI must contain
 - i. the name and contact information of the owner/operator the property,
 - ii. where the temporary surface impoundment facility is located,
 - iii. the facility address and contact information,
 - iv. a description of the temporary waste management unit, and
 - v. a certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "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."
 - b. Owners/operators of temporary surface impoundments not on regulated facilities must ensure that they are sited, designed,

²⁵ A Notice of Intent required to be submitted for enrollment in the Emergency Waste Waiver is located in Appendix A of Order No. R9-2014-0059.

constructed, operated, and maintained to ensure compliance the following minimum prescriptive and performance standards:

- i. The bottom of a temporary surface impoundment must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from, and at an elevation that is higher than, any surface water of the State.
- ii. Temporary surface impoundments must be protected from inundation or washout due of floods with a 100-year return frequency.
- iii. Temporary surface impoundments cannot be located on a known Holocene fault.
- iv. Temporary surface impoundments cannot be located in areas of potential rapid geologic change (*e.g.*, landslides, debris flows, flashflood areas, *etc.*).
- v. Temporary surface impoundments must be underlain by a temporary impermeable barrier (*e.g.*, heavy gauge plastic) or a relatively impermeable surface (*e.g.*, asphalt, concrete, *etc.*). The liner must be installed prior to establishing a temporary surface impoundment to protect all natural geological materials from contact with the waste.
- vi. Berms and containment structures of temporary surface impoundments must be composed of inert materials that will not cause adverse reactions (*e.g.*, corrosion, decay, or otherwise reduce or impair the integrity of the containment structure) when placed in contact with the liquid wastes stored within the temporary surface impoundment.
- vii. Temporary surface impoundments must be designed, operated and maintained to ensure that liquid wastes are at least 2 feet below the top of the impoundment (measured vertically from the surface of the liquid up to the point on the surrounding lined berm or dike having the lowest elevation), and must be designed and constructed to prevent overtopping as a results of wind conditions likely to accompany precipitation conditions.
- viii. Direct pipeline discharges of liquid can occur only into temporary surface impoundments with automatic or manually operated fail-safe systems to prevent overfilling.
- ix. Temporary surface impoundments must be designed and constructed to prevent scouring of containment structures at points of liquid discharge into the impoundments.

- x. Temporary surface impoundments must be designed, constructed and operated to limit, to the greatest extent possible, inundation, erosion, slope failure, and washout. Surface drainage from outside of the temporary surface impoundments must be diverted from the location of the temporary waste pile through implementation of MMs/BMPs for storm water control and conveyance.
- c. Owners/operators of temporary surface impoundments not on regulated facilities must submit written notification to the San Diego Board at least 30 days prior to initiating the discharge of return water or ponded water contained within the temporary waste pile if the discharge is to a location other than a sanitary sewer system. Based on the San Diego Water Board determination, the discharger may receive: 1) WDRs; 2) a waiver of WDRs, or 3) written determination that the disposal of the return water or ponded water is not subject to regulation by the San Diego Water Board.
- d. Owners/operators of temporary surface impoundments not on regulated facilities must ensure that only disaster related waste streams are discharged into temporary surface impoundments.
- e. All visible portions of synthetic liner systems in temporary surface impoundments must be inspected weekly (daily, if necessary), until all free liquid is removed from the surface impoundment as part of closure.²⁶ If, during the active life of the temporary surface impoundment, the wastes are removed and the bottom of the impoundment is cleaned down to the liner, an inspection must be made of the bottom of the liner, and observed defects noted prior to refilling the impoundment.
- f. Owners/operators of temporary surface impoundments not on regulated facilities must 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 facility owner/operator must post additional signs as necessary (in languages other than English) to more effectively communicate the minimum contact information (listed above) to the local community. The sign(s) must be maintained as required to keep them legible and must remain in place while temporary surface impoundments remain on site.
- g. Solid wastes discharged to temporary surface impoundments not at regulated waste management or disposal facilities, together with any materials used to contain the temporary surface impoundments, must be removed from the site. The

²⁶ Pursuant to Calif. Code Regs title 27 section 21400(a)

site must be restored to its original state no later than the 60 days after the expiration date in this waiver (see section A of the Emergency Waste Waiver), or as required by the San Diego Water Board.

- h. Owners/operators of temporary surface impoundments not on regulated facilities must submit a NOT to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The NOT must contain:
 - i. the name and contact information of the owner/operator the property,
 - ii. where the temporary surface impoundment facility was located,
 - iii. the facility address and contact information,
 - iv. a description of waste that was temporarily stored/staged in the temporary waste management unit,
 - v. the final waste disposal location, and
 - vi. a certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "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."
6. Mass Mortality Wastes Discharged to Emergency Landfills not Located at Regulated Waste Disposal Facilities
- a. Any agency, jurisdiction or person proposing to establish an emergency landfill not located at a regulated facility must submit a NOI²⁷ to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The NOI must contain:
 - i. the name and contact information of the owner/operator the property where the emergency landfill facility is located,
 - ii. the facility address and contact information,

²⁷ A Notice of Intent required to be submitted for enrollment in the Emergency Waste Waiver is located in Appendix A of Order No. R9-2014-0059.

- iii. a description of the emergency waste management unit, and
 - iv. a certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "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."
- b. Owners/operators of emergency landfills not on regulated facilities must ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance the following minimum prescriptive and performance standards:
- i. The bottom of an emergency landfill must be placed at least 10 feet above the highest historically known or anticipated level of groundwater, and more than 500 feet from any surface water of the State.
 - ii. Emergency landfills must be protected from inundation or washout due to floods with a 100-year return frequency.
 - iii. Emergency landfills cannot be located on a known Holocene fault.
 - iv. Emergency landfills cannot be located in areas of potential rapid geologic change (*e.g.*, landslides, debris flows, flashflood areas, *etc.*).
 - v. Emergency landfills cannot be located in areas underlain by a fractured bedrock aquifer or highly permeable soils (*e.g.*, gravels, sands, and loamy sands) or in facilities that are characterized by such deposits (*e.g.*, gravel quarry).
 - vi. For disaster related mass mortality wastes streams that are in a liquid form (*e.g.* raw eggs, *etc.*) the moisture content must be reduced prior to discharge by mixing with an absorbent material (*e.g.*, saw dust, mulch, soil, *etc.*).
 - vii. The thickness of each layer of mass mortality wastes must be limited to less than 2 feet.
 - viii. Lime (or another liquid abatement material) must be added to each layer to help reduce the generation of liquid by the mass mortality wastes.

- ix. Each layer of lime-covered mass mortality wastes must be covered by at least 3 feet of soil before adding another layer of mass mortality wastes.
 - x. Mass mortality wastes must be discharged for disposal in compliance with the conditions of this waiver and covered at the end of each working day.
 - xi. The final layer of disaster related mass mortality wastes discharged into the emergency landfill must be overlain by a final layer of not less than 3 feet of soil; or alternatively the unit may be covered by a relatively impermeable engineered surface (*e.g.*, asphalt, concrete, *etc.*). The final soil layer must be placed in a mound configuration so that the final soil layer: 1) Overlaps the mass mortality wastes by several feet on each edge of the emergency landfill; 2) is at least 3 feet thick over all portions of the mass mortality wastes; and 3) is sloped to provide drainage that will not impair the integrity of the emergency landfill.
 - xii. The owner/operator should also evaluate, implement, and document other effective waste isolation and waste moisture reducing methods in conjunction with the procedures identified above.
- c. The emergency landfill must be designed, constructed and operated to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, and washout. The owner/operator must protect the integrity of the final cover from adverse impacts from erosion by installing and maintaining MMs/BMPs, including:
- i. Installation of runoff control features on the upgradient side of the emergency landfill to divert offsite storm water from the emergency landfill.
 - ii. Installation of an effective runoff collection and conveyance ditch.
 - iii. Grading and maintenance of the final cover to eliminate ponding of water over the emergency landfill.
 - iv. Installation and maintenance of erosion control measures on the cover of the emergency landfill (*e.g.*, install straw mulch and/or a vegetative cover).
 - v. Installation of a deer fence around the perimeter of the emergency landfill to discourage access by digging of carnivores.

- d. Owners/operators of emergency landfills not on regulated facilities must post at least one clearly visible sign (in English) listing the following minimum information: a) clearly identify the area as an emergency landfill for animal and agricultural wastes, b) a warning against trespass, c) a description of the reason for the emergency landfill (e.g., Exotic Newcastle, Avian Flu, etc.), d) the type(s) of waste buried at the site (e.g., types of carcasses, egg wastes, manure, etc.), and e) the name and telephone number of the current property owner. The facility owner/operator must post additional signs as necessary (in languages other than English) to more effectively communicate the minimum contact information (listed above) to the local community. The sign(s) must be maintained as required to keep them legible and must remain in place while the emergency landfill remains on site.
- e. Owners/operators of emergency landfills not on regulated facilities must submit a NOT to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The NOT must contain:
 - i. the name and contact information of the owner/operator of the property where the temporary emergency landfill facility was located,
 - ii. the facility address and contact information,
 - iii. a description of waste that was temporarily stored/staged in the temporary emergency landfill ,
 - iv. the final waste disposal location, and
 - v. a certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, *“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.”*
- f. Owners/operators of emergency landfills not on regulated facilities must submit a ROWD to the San Diego Water Board and apply for WDRs (using Form 200). The ROWD and application for WDRs must be provided to the San Diego Water Board within 6 months of creating the emergency landfill for

disposal of disaster related mass mortality wastes. At a minimum, the ROWD must include the following information:

- i. A short description of the emergency conditions that made the emergency landfill necessary.
 - ii. The identity, physical address, mailing address, and telephone number of the current land owner.
 - iii. Photographs taken to document the location of the emergency landfill, practices used for placement of wastes and soil layers, and the appearance of the emergency landfill after installation of the final cover.
 - iv. A map showing the location and perimeter of the emergency landfill, its location relative to local topographical, geographical, biological, and cultural features (e.g. roads, streams, etc.), and Geographical Information System (GIS) data if available.
 - v. A simple cross section of the emergency landfill and a description of the construction (depth, thickness of layers and final cover).
 - vi. An estimate of the amount of wastes in pounds or tons discharged into the emergency landfill.
 - vii. A description of measures taken to ensure that wastes and waste constituents do not migrate outside the emergency landfill.
 - viii. Any other site-specific or discharger related information requested by the San Diego Water Board.
- g. Discharges of Fill Material into Non-Federal Waters of the State, under Emergency Conditions
- i. Discharge activities must be the minimum necessary to alleviate the immediate emergency, unless complete reconstruction does not result in significantly increased impacts to aquatic resources, and logistical concerns indicate such reconstruction is as expedient, considering the condition of the project site, and is limited to in-kind replacement or refurbishment. Moderate upgrading would be considered by the San Diego Water Board, if the applicant proposes to use bioremediation or other environmentally sensitive solutions.²⁸ The Emergency Waste Waiver may not be used to upgrade an existing

²⁸ For example, it may be determined that reconstruction of a bridge crossing or a roadway damaged by flood flows is a more appropriate course of action than temporarily shoring up the facility to allow an immediate return to its use. When continued public safety is an issue, such reconstruction will remain a viable option for consideration under this waiver.

structure to current standards when that activity would result in additional adverse effects on aquatic resources. Such upgrade projects are separate activities for which a ROWD is required.

- ii. To ensure the project is being or has been accomplished in compliance with the terms and conditions of this waiver, representatives from the San Diego Water Board, or its authorized representatives, must be allowed at all times, upon presentation of credentials:²⁹
 - (A) To enter onto project premises, including all areas on which fill or compensatory mitigation is located, or in which records are kept;
 - (B) To access and copy any records required to be kept under the terms and conditions of this certification;
 - (C) To inspect any treatment equipment, monitoring equipment, or monitoring method required by this certification; and
 - (D) To sample any discharge or surface water covered by the Emergency Waste Waiver for discharge of fill material.
- iii. Work with heavy equipment must be avoided whenever feasible. If necessary, projects requiring heavy equipment to work in wetlands must implement effective measures to minimize soil disturbance. Such measures may include, but are not limited to, the use of wide-treaded equipment, mats, or flotation devices.
- iv. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area. Culverts placed in streams must be installed to maintain low flow conditions.
- v. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.
- vi. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
- vii. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water

²⁹ Pursuant to statutory authority granted under Water Code section 13267.

except within the existing river plain (unless the primary purpose of the activity is to impound waters).

- viii. If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow must be minimized to the maximum extent practicable.
- ix. Any structure or fill subject to the Emergency Waste Waiver for the discharge of fill material must be maintained; including maintenance to ensure public safety, unless it is later determined by federal, State, or local agencies, that the structure is further contributing to other adverse conditions to private or public property. In such situations, corrective measures must be taken to rectify these adverse conditions, including removal and/or redesign of the original emergency corrective action, or appropriate mitigation as determined through coordination among the discharger and appropriate resource agencies. Temporary levees constructed to control flows must not be maintained beyond the current storm season (i.e., maintenance of temporary levees is not authorized after the storm season in which the need arose).

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
 TENTATIVE ORDER NO. R9-2014-0059
 (APPENDIX A)



NOTICE OF INTENT

TO COMPLY WITH THE CONDITIONAL WAIVERS OF WASTE DISCHARGE
 REQUIRMENTS FOR EMERGENCY/DISASTER WASTES IN THE SAN DIEGO REGION

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. NOTICE OF INTENT FOR CONDITONAL WAIVER

Mark (☒) the waiver proposed for the discharge:

<input type="checkbox"/>	Waiver No. 1 – Discharges from on-site graywater disposal systems
<input type="checkbox"/>	Waiver No. 2 – Discharges of recycled water to land
<input type="checkbox"/>	Waiver No. 3 – “Low” threat” discharges to land
<input type="checkbox"/>	Waiver No. 4 – Discharges of winery waste to lined evaporation ponds wineries
<input type="checkbox"/>	Waiver No. 5 – Discharges of wastes at composting facilities
<input type="checkbox"/>	Waiver No. 6 – Discharges from silvicultural operations
<input type="checkbox"/>	Waiver No. 7 – Discharges from animal operations
<input type="checkbox"/>	Waiver No. 8 – Discharges from aquatic animal production facilities
<input type="checkbox"/>	Waiver No. 9 – Discharges of slurries to land
<input type="checkbox"/>	Waiver No. 10 – Discharges/disposal of solid wastes to land
<input type="checkbox"/>	Waiver No. 11 – Aerially discharged wastes over land
<input checked="" type="checkbox"/>	Waiver of WDRs and ROWD for Discharges of emergency/disaster related wastes

V. 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.

VI. DESCRIPTION OF MANAGEMENT MEASURES/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.

VII. 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 waiver. Use additional pages as needed.

VIII. 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