



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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Arnold Schwarzenegger
Governor

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<http://www.waterboards.ca.gov/sandiego>

October 25, 2007

To: Interested / Affected Parties

**RE: AUTHORIZATION TO USE CONDITIONAL WAIVER FOR DISCHARGES OF
EMERGENCY/DISASTER RELATED WASTES**

At this time, the conditional waivers, including the conditional waiver for management of disaster-related waste streams, included in Resolution No. R9-2007-0104, are not yet in effect, pending review and approval by the California State Water Resources Control Board and the Office of Administrative Law.

On October 21, 2007, the Governor proclaimed a State of Emergency in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura due to more than eleven major wildfires. In the San Diego Region alone, more than 300,000 acres have already burned, including over 1,300 structures destroyed or damaged, and more areas are threatened by the wildfires. Over 500,000 residents have been evacuated from dangerous areas of San Diego County.

Based upon the urgency of the current circumstances in the San Diego Region, the Regional Board has decided to authorize the use of Conditional Waiver No. 10 for discharges of emergency or disaster-related wastes. Dischargers of emergency or disaster-related wastes who apply to the Regional Board for coverage and who comply with the requirements of Conditional Waiver No. 10 and the three general conditions applicable to all waivers will not face enforcement for violation of statutory requirements to submit a Report of Waste Discharge and obtain waste discharge requirements prior to discharging waste.

Included with this letter is a copy of Resolution No. R9-2007-0104 and excerpts of its Attachment A containing Conditional Waiver No. 10 for Discharges of Emergency/Disaster Related Wastes, the general conditions applicable to all conditional waivers, the Notice of Intent and the Notice of Termination for Waiver No. 10. This letter is being sent to you as a discharger identified by the California Regional Water Quality Control Board – San Diego Region (“Regional Board”) as either:

A.) a discharger responsible for one or more of the following Class III Landfills located in the San Diego Region: Otay Class III Landfill, Sycamore Class III Landfill, West

California Environmental Protection Agency

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Miramar Class III Landfill, Ramona Class III Landfill, Las Pulgas Class III Landfill, San Onofre Class III Landfill, and/or Prima Deshecha Class III Landfill; or

B.) a discharger who may initiate a temporary waste staging area, to store or treat waste derived from the cleanup of burned areas in the San Diego Region, prior to disposal.

Conditional Waiver No. 10 provides emergency discharge prohibitions and specifications for the management and disposal of solid wastes generated during the cleanup of burned areas in the San Diego Region.

This conditional waiver also applies to individuals discharging emergency/disaster-related waste. Please bring this letter to the attention of any individual, including homeowners or business owners, you think might be interested in this conditional waiver.

Please note the following:

Anyone wishing to store or treat waste derived from burned areas in the San Diego Region at a temporary waste staging area under the conditions of this conditional waiver must submit to the Regional Board a completed Notice of Intent to Establish Temporary Wildfire Waste Staging Operation form (see attached) no less than 30 days after initiating staging operations. Waiver applicants may submit their completed Notice of Intent: a) by mail, sending via mail to California Regional Water Quality Control Board – San Diego, Attention: Land Discharge Unit Supervisor, 9174 Sky Park Court, Suite 100, San Diego California 92123, b) via fax to 858-571-6972 or c) via email to Bob Morris at bmorris@waterboards.ca.gov.

Should you have any questions concerning the attached Resolution, please contact Mr. Bob Morris at (858) 467-2962 or by email at bmorris@waterboards.ca.gov.

Sincerely,



JOHN H. ROBERTUS
Executive Officer

Interested/Affected Parties List
Resolution R9-2007-0104: Conditional Waivers
Including Management and Disposal of Wildfire
Wastes in the San Diego Region.

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October 25, 2007

- Attachments: (1) Resolution No. R9-2007-104: Amendment to the *Water Quality Control Plan for the San Diego Basin (9)* to Incorporate the Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region, adopted October 10, 2007, with excerpted Attachment A (pages 1 to 5, and D-49 to D-60);
- (2) Notice of Intent to Comply With Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge Within the San Diego Region; and
- (3) Temporary Waste Pile Certification and Notice of Termination

cc: Interested Parties List

**INTERESTED/AFFECTED
PARTIES LIST**

Mr. Neil Mohr, General Manager
San Diego Landfill Systems
8514 Mast Boulevard
Santee, CA 92071

Mr. Steve Fontana, Deputy Director
City of San Diego – Environmental Services
Division, 9601 Ridgehaven Court, Suite 310
San Diego, CA 92123

Ms. Tracy Sahagun, Office of the Assistant
Chief of Staff, Environmental Security
Building 22165, U.S. Marine Corps Base
Camp Pendleton, CA 92055

Mr. Kevin Kondru, Manager
County of Orange, Waste Management
Department, 320 North Flower Street,
Suite 400, Santa Ana, California 92703

Mr. Joseph Mello,
Division of Clean Water Programs
State Water Resources Control Board
P.O. Box 944212
Sacramento, CA 94244-2120

Ms. Rebecca Lafreniere
San Diego County Local
Enforcement Agency
9325 Hazard Way
San Diego, CA 92123-1217

Ms. Vicky Gallagher
County of San Diego
Department of Public Works
5201 Ruffin Road, (MS O83)
San Diego, CA 92123

Mr. William Prinz
City of San Diego
Local Enforcement Agency
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San Diego, CA 92101-4998

Ms. Patricia Henshaw
Orange County Department of
Environmental Health –
Local Enforcement Agency
1241 East Dyer Road, Suite 120
Santa Ana, CA 92705

Mr. Mark McPherson
County of San Diego
Department of Environmental Health
P.O. Box 129261
San Diego, CA 92112-9261

Ms. Anne Ennesser
Principal Engineer
Waste Management Department
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Moreno Valley CA 92553

Ms. Laura Wallace
Riverside County Department of Environmental
Health, Local Enforcement Agency
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P.O. Box 1280
Riverside, CA 92502-1280

Mr. Thomas Wheeler, City Engineer
22112 El Paseo
Rancho Santa Margarita, CA 92688-2824

Mr. Tom Bonigut, Principal Engineer
910 Calle Negocio, Ste. 100
San Clemente, CA 92673

Interested/Affected Parties List
Resolution R9-2007-0104: Conditional Waivers
Including Management and Disposal of Wildfire
Wastes in the San Diego Region.

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Ziad Mazboudi, Stormwater Manager
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

Mr. Grant Sharp, Storm Water Section
Supervisor
1750 South Douglass Road, Anaheim, CA
92806

Mr. Jason Uhley
Riverside Co. Flood Control
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Riverside, CA 92501

Nadeem Majaj
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Santa Ana, CA 92703-5000

Mr. Alex Gann
Riverside County Exec. Office
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Riverside, CA 92501

Moy Yahya
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Ms. Farida Naceem
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26442 Beckman Court
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Ms. Lisa Zawaski, Senior Water Quality
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Dana Point, CA 92629-1805

Mr. Ron Parks
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Mr. Will Holoman
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Mr. Ken Rosenfield, City Engineer
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Ms. Mary Anne Skorpanich, Manager (Water
and Coastal Resources Division
P.O. Box 4048, Santa Ana, CA 92702-4048

Ms. Nancy Palmer
27821 La Paz Road
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949-362-4384

Chris Crompton, Environmental Resources
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92702-4048

Sammy Rake, Associate Planner
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Ms. Sonia Nasser, Engineering and Project
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Mr. Devin Slaven
25550 Commercenter Dr., Ste. 100
Lake Forest, CA 92630

Mr. Richard Boon, Supervisor, Storm Water
Program, P.O. Box 4048, Santa Ana, CA
92702-4048

Mr. Joe Ames, City Engineer
200 Civic Center
Mission Viejo, CA 92691

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

RESOLUTION NO. R9-2007-0104

**AMENDMENT TO THE
WATER QUALITY CONTROL PLAN FOR THE
SAN DIEGO BASIN (9) TO INCORPORATE THE REVISED
CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS
FOR SPECIFIC TYPES OF DISCHARGE WITHIN THE SAN DIEGO REGION**

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

1. Section 13260(a)(1) of the Water Code requires that any person (including any city, county, district, or other entity) discharging, or proposing to discharge, wastes within the San Diego Region that could affect the quality of waters of the state, other than into a community sewer system, must file a report of waste discharge (RoWD) with the San Diego Water Board.
2. Section 13050 of the Water Code defines waters of the state as any surface or groundwater, including saline waters, within the boundaries of the state.
3. Section 13263(a) of the Water Code requires that the San Diego Water Board prescribe discharge requirements for any existing or proposed waste discharges within its area of jurisdiction, except discharges into a community sewer system, even if no RoWD has been filed.
4. Section 13269 of the Water Code gives the San Diego Water Board the authority to conditionally waive the provisions of sections 13260(a)(1) and/or 13263(a) for a specific discharge or specific type of discharge where such a waiver is consistent with the Basin Plan and in the public interest and the following conditions are met: 1) the waiver is conditional, 2) waiver conditions include performance of individual, group, or watershed-based monitoring, except for discharges that the State Water Resources Control Board (State Water Board) or a Regional Water Quality Control Board (Regional Water Board) determines not to pose a significant threat to water quality, 3) compliance with waiver conditions by the discharger, and 4) a public hearing is held.
5. According to Water Code section 13350(a)(2), any person who discharges waste in violation of any waiver condition shall be liable civilly, and remedies may be proposed, in accordance with Water Code section 13350(d) or (e).
6. Section 13269 of the Water Code does not give the San Diego Water Board the authority to issue conditional waivers of waste discharge requirements for

discharges subject to federal regulation under Chapter 5.5, commencing with section 13370, Division 7 of the Water Code, implementing the federal Clean Water Act and the Federal National Pollutant Discharge Elimination System (NPDES) regulations.

7. A conditional waiver for a specific discharge or specific type of discharge may be terminated at any time by the State Water Board or San Diego Water Board. A conditional waiver is not required to be used by the San Diego Water Board. Even if a discharger complies with all the conditions of a conditional waiver, the San Diego Water Board may choose to regulate any specific discharge with waste discharge requirements.
8. Nevertheless, there are several types or categories of discharge for which waivers are desirable. Conditional waivers allow the San Diego Water Board to utilize fewer resources, allowing it to focus on discharges that have a higher potential threat to water quality in the Region. Dischargers also benefit from fewer resource requirements when discharging in compliance with a conditional waiver. Therefore, issuing conditional waivers for discharges, whenever possible, is in the best interest of the San Diego Water Board, the dischargers, and the public.
9. The 26 existing conditional waivers renewed by Resolution No. R9-2002-0186 became effective January 1, 2003 and will expire December 31, 2007.
10. When the existing 26 waivers were originally adopted in either 1983, 1993, and/or 1995, the San Diego Water Board acted as lead agency for the projects under the California Environmental Quality Act (CEQA) [Public Resources Code section 21000 et seq.] and adopted Negative Declarations concurrently with the resolutions adopting those conditional waivers. Because the proposed conditions in this Basin Plan amendment for the 26 existing waivers do not differ significantly from the current waiver conditions, the CEQA does not require additional environmental analysis of these waivers in order to renew them with this Resolution.
11. The San Diego Water Board, in compliance with Water Code section 13269, reviewed the waiver conditions for the specific types of discharge eligible for the existing conditional waivers and determined that the waiver conditions should be revised to improve the protection of water quality in the San Diego Region. The existing conditional waivers and proposed revisions to the waiver conditions are reviewed and discussed in Appendix A of the Technical Report entitled *Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region*.
12. The San Diego Water Board also reviewed other specific types of discharge in the San Diego Region that should be allowed to be eligible for conditional waivers. Nine (9) additional specific types of discharge were identified that could be allowed to be eligible for conditional waivers, which include the following:
 - a) *"Low threat" discharges to land.*
 - b) *Discharges from on-site graywater systems.*
 - c) *Discharges from grazing lands.*

- d) *Wildfire suppression and fuels management activities.*
- e) *Discharge/reuse of soils characterized as inert from known contaminated sites.*
- f) *Concrete grinding residues.*
- g) *Temporary waste piles and surface impoundments for disaster related wastes.*
- h) *Temporary waste piles and emergency landfills for mass mortality wastes.*
- i) *Discharges of wastes related to fireworks displays.*

These new types of discharge and proposed waiver conditions are reviewed and discussed in Appendix B of the Technical Report entitled *Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region*.

13. In order to simplify the use of the conditional waivers and waiver conditions, the types of discharge with similar discharge properties, locations, and/or waiver conditions were grouped according to discharge classifications, as shown in Table D-1 in Attachment A. General waiver conditions were developed for a discharger or discharge operation, or all specific types of discharge within a discharge classification. Specific waiver conditions were developed for specific types of discharge within a discharge classification, as applicable.
14. The conditional waivers in the Basin Plan should be amended and issued in accordance with the revisions proposed in section 7 of the Technical Report to allow the certain specific types of discharge to be eligible for conditional waivers. Discharges that can comply with waiver conditions are not expected to pose a significant threat to the quality or beneficial uses of waters in the San Diego Region.
15. Because the conditional waivers are part of the Basin Plan, renewing and issuing the conditional waivers with the proposed revisions require a Basin Plan amendment.
16. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the California Regional Water Quality Control Boards' basin planning process as a "certified regulatory program" that adequately satisfies the CEQA (Public Resources Code, section 21000 et seq.) requirements for preparing environmental documents [California Code of Regulations Title 14 section 15251(g) and Title 23 section 3782]. As such, the documents supporting the San Diego Water Board's proposed basin planning action contain the required environmental documentation, including an environmental checklist, under the CEQA and serve as "substitute documents" [California Code of Regulations Title 23 section 3777]. The substitute documents for this project include the environmental checklist, the detailed Technical Report, the Resolution and Basin Plan amendment, and responses to comments submitted during the public participation phase in the development of this Resolution.
17. Because the San Diego Water Board already approved and adopted Negative Declarations for the specific types of discharge adopted by Resolution No. R9-2002-0186, the scope of the environmental analysis required to satisfy CEQA for this Basin Plan amendment was limited to the 9 specific types of discharge added to the revised conditional waivers.

18. The San Diego Water Board circulated a draft Technical Report and environmental checklist and analysis describing the proposed activity to interested individuals and public agencies for review and comment.
19. The accompanying substitute environmental documents satisfy the requirements of substitute documents for a Tier 1 environmental review under CEQA, pursuant to Public Resources Code section 21159 and California Code of Regulations Title 14 section 15187. Project level impacts will need to be considered in any subsequent environmental analysis performed by other entities implementing projects to comply with waiver conditions pursuant to Public Resources Code section 21159.2.
20. The Basin Plan amendment and conditional waivers are consistent with State Water Board Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality Waters in California*), the state's "Antidegradation Policy." Likewise, the Basin Plan amendment and conditional waivers are consistent with the federal Antidegradation Policy [Code of Federal Regulations Title 40 section 131.12]. The San Diego Water Board must maintain high quality waters of the state unless it is demonstrated that any degradation will be consistent with the maximum benefit to the people of the state, will not unreasonably affect beneficial uses, and will not result in water quality worse than that described in the San Diego Water Board's policies. The conditional waivers in the Basin Plan amendment include conditions that require dischargers to minimize or eliminate discharges of pollutants that can have adverse impacts on the water quality that supports beneficial uses of waters of the state. Conditional waivers for specific discharges can be terminated if waiver conditions are not met.
21. The San Diego Water Board has notified all known interested persons and the public of its intent to consider adoption of the proposed Basin Plan amendment in accordance with Water Code section 13244. Interested persons and the public have had reasonable opportunity to participate in review of the proposed Basin Plan amendment. Efforts to solicit public review and comment have included a public workshop and CEQA scoping meeting held on April 5, 2007; a public review and comment period beginning at least 30-days preceding the public hearing; and a public hearing held on August 8, 2007.
22. The San Diego Water Board has considered all comments pertaining to this Basin Plan amendment submitted to the San Diego Water Board in writing, or by oral presentations at the public hearing held on August 8, 2007. Detailed responses to relevant comments have been incorporated into a Response to Comments document (Appendix E to the Technical Report).
23. The San Diego Water Board has considered the costs of implementing the proposed Basin Plan amendment. The proposed amendment will not result in any additional economic burden for dischargers, except for dischargers that would like to be eligible for Conditional Waiver No. 4, which is for discharges from agricultural and nursery operations. Agricultural and nursery operations that would like to be enrolled under Conditional Waiver No. 4 must prepare a Monitoring and Reporting Program Plan

(MRPP) and Quality Assurance Project Plan (QAPP), conduct monitoring, and submit a Monitoring Program Report (MPR).

24. This Basin Plan amendment will result in no adverse effect, either individually or cumulatively, on wildlife.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The San Diego Water Board hereby adopts the Amendment to the *Water Quality Control Plan for the San Diego Basin (9)* to Incorporate the Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region as set forth in Attachment A to this Resolution.
2. The San Diego Water Board hereby approves the Technical Report entitled *Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region*, dated October 10, 2007.
3. The substitute environmental documents prepared pursuant to Public Resources Code section 21080.5 are hereby certified, and the Executive Officer is directed to file a Notice of Decision with the Resources Agency after State Water Board and Office of Administrative Law approval of the Basin Plan amendment, in accordance with Public Resources Code section 21080.5(d)(2)(E) and California Code of Regulations Title 23 section 3781.
4. The Executive Officer is authorized to sign a Certificate of Fee Exemption for a no adverse impact finding and shall submit this Certificate *in lieu* of payment of the California Department of Fish and Game (CDFG) filing fee.
5. The Executive Officer is directed to submit this Basin Plan amendment to the State Water Board for approval in accordance with Water Code section 13245.
6. If, during the approval process for this amendment, the San Diego Water Board, State Water Board, or Office of Administrative Law determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the San Diego Water Board of any such changes.

I, John H. Robertus, 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, San Diego Region, on October 10, 2007.


JOHN H. ROBERTUS
Executive Officer

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APPENDIX D
CONDITIONS FOR
CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS
IN TABLE 4-4

In order for the conditional waivers to be consistent with the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan), the following general overall conditions apply to each specific type of discharge to be eligible for a conditional waiver:

- The discharge shall not create a nuisance¹ or pollution² as defined in the Porter-Cologne Water Quality Control Act (Water Code);
- The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), or the State Water Resources Control Board (State Water Board), as required by the Federal Water Pollution Control Act (Clean Water Act); and
- The discharge of any substance in concentrations toxic to animal or plant life is prohibited.

In addition to the general overall conditions listed above, the San Diego Water Board determined that it is consistent with the Basin Plan and in the public interest to issue conditional waivers under one or more of the following circumstances:

- The type of discharge is effectively regulated by other public agencies; or
- The type of discharge does not adversely affect the quality or the beneficial uses of the waters of the state; or
- The type of discharge is not readily amenable to regulation through adoption of waste discharge requirements (WDRs), but warrants San Diego Water Board oversight to ensure compliance with the mandated conditions (e.g., Basin Plan water quality objectives).

There are 35 specific types of discharge that are eligible for a conditional waiver of waste discharge requirements. However, in examining the specific types of discharge that are eligible for a conditional waiver, several of the discharge types are similar and/or related in terms of discharge setting, discharge source, and/or waiver conditions.

Instead of developing conditional waivers for each specific type of discharge, an integrated approach was employed to simplify the conditional waivers. Types of discharge that are similar in nature or originate from a common setting or operation were grouped together into a

¹ "Nuisance" is defined by Water Code section 13050(m) as anything which meets all of the following requirements: (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; and (3) Occurs during, or as a result of, the treatment or disposal of wastes.

² "Pollution" is defined by Water Code section 13050(l)(1) as an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects waters for beneficial uses or facilities which serve these beneficial uses. Pollution may include contamination.

ATTACHMENT A TO RESOLUTION NO. R9-2007-0104

“discharge classification,” as shown in Table D-1. The grouping allows dischargers to easily identify all the waiver conditions that may apply to their operations.

For example, discharge types that typically require a Clean Water Act section 401 Water Quality Certification (401 Certification) were grouped together in Conditional Waiver No. 6. A type of discharge that typically requires a 401 Certification is one where dredged and/or fill material may be discharged to land and/or surface waters. These types of discharge include sand and gravel mining operations, dredging project wastes, and stream channel alterations. All of these types of discharge have similar waiver conditions.

There are several types of discharge classified as discharges from agricultural and/or nursery operations in Conditional Waiver No. 4. Discharges of plant crop residues, storm water runoff from agricultural lands, mulches and/or amendment applied to soil, agricultural return water or nursery irrigation return water, and green wastes for composting can all occur on the same site. Many of the proposed waiver conditions are similar, and many, if not all, of these types of discharge are found on nursery or agricultural operations.

Therefore, as in the examples above, the types of discharge eligible for conditional waivers were grouped into 11 discharge classifications. One type of discharge may be included in more than one discharge classification. For example, discharges of plant crop residues are included in both Conditional Waiver No. 4 for discharges from agricultural and nursery operations, and Conditional Waiver No. 8 for discharges/disposal of solid wastes to land.

Table D-1 lists the discharge classifications and associated conditional waiver identification number, and groups the specific types of discharge according to those discharge classifications.

Table D-1 Conditional Waivers and Discharge Classifications

Conditional Waiver No.	Discharge Classification	Types of Discharge Included in Conditional Waiver Discharge Classification
1	<u>Discharges from on-site disposal systems</u>	<ul style="list-style-type: none"> a) <u>Discharges from conventional septic tank/subsurface disposal systems for residential units</u> b) <u>Discharges from conventional septic tank/subsurface disposal systems for commercial/industrial establishments</u> c) <u>Discharges from alternative individual sewerage systems</u> d) <u>Discharges from conventional septic tank/subsurface disposal systems for campgrounds</u> e) <u>Discharges from on-site graywater disposal systems</u>
2	<u>“Low threat” discharges to land</u>	<ul style="list-style-type: none"> a) <u>Discharges from construction and test pumping of water wells to land</u> b) <u>Discharges of air conditioner condensate and non-contact cooling water to land</u> c) <u>Swimming pool discharges to land</u> d) <u>Discharges from short-term construction dewatering operations to land</u> e) <u>“Low Threat” discharges to land and/or groundwater including the following:</u> <ul style="list-style-type: none"> -<u>Groundwater pumped from drinking water wells</u> -<u>Groundwater from foundation drains, crawl space pumps, and footing drains</u> -<u>Discharges from flushing water lines</u> -<u>Discharges from washing vehicles, pavement, buildings, etc.</u> -<u>Infiltration from residential/commercial/industrial/recreational facility landscape and lawn irrigation using groundwater or municipal supply water</u> -<u>Infiltration from structural infiltration-based BMPs</u>

ATTACHMENT A TO RESOLUTION NO. R9-2007-0104

Table D-1 Conditional Waivers and Discharge Classifications

<u>Conditional Waiver No.</u>	<u>Discharge Classification</u>	<u>Types of Discharge Included in Conditional Waiver Discharge Classification</u>
<u>3</u>	<u>Discharges from animal operations</u>	<ul style="list-style-type: none"> a) <u>Discharges from medium animal feeding operations (300-999 animal units, where 1 animal unit is equivalent to 1 cow or 1,000 animal pounds)</u> b) <u>Discharges from small animal feeding operations (less than 300 animal units)</u> c) <u>Discharges of storm water runoff</u> d) <u>Discharges of manure to composting operations</u> e) <u>Discharge/application of manure to soil as an amendment or mulch</u> f) <u>Discharges from grazing lands</u>
<u>4</u>	<u>Discharges from agricultural and nursery operations</u>	<ul style="list-style-type: none"> a) <u>Discharges of plant crop residues to land</u> b) <u>Discharges of storm water runoff</u> c) <u>Discharge/application of amendments or mulches to soil</u> d) <u>Discharges of agricultural irrigation return water</u> e) <u>Discharges of nursery irrigation return water</u> f) <u>Discharges of green wastes to composting operations</u>
<u>5</u>	<u>Discharges from silvicultural operations</u>	<ul style="list-style-type: none"> a) <u>Discharges of storm water runoff</u> b) <u>Discharges from timber harvesting projects</u> c) <u>Discharges of green wastes to composting operations</u> d) <u>Discharges from wildfire suppression and fuels management activities</u>
<u>6</u>	<u>Discharges of dredged or fill materials nearby or within surface waters</u>	<ul style="list-style-type: none"> a) <u>Discharges from sand and gravel mining operations</u> b) <u>Discharges from dredging projects</u> c) <u>Discharges from stream channel alternation projects</u> d) <u>Other projects proposing to discharge dredged or fill material nearby or within surface waters of the state</u>
<u>7</u>	<u>Discharges of recycled water to land</u>	<ul style="list-style-type: none"> a) <u>Discharges from short-term recycled water projects (without permanent recycled water delivery and/or distribution systems, not to exceed 365 days)</u> b) <u>Discharges from permanent recycled water projects (with permanent recycled water delivery and/or distribution systems, limited to the period prior to the discharge being authorized and regulated under WDRs, WRRs, and/or MRPs, not to exceed 365 days)</u>
<u>8</u>	<u>Discharges/disposal of solid wastes to land</u>	<ul style="list-style-type: none"> a) <u>Discharges of plant crop residues to land</u> b) <u>Discharges of manure and green wastes to composting operations</u> c) <u>Discharge/application of amendments and mulches to soil</u> d) <u>Discharges of inert wastes to solid waste disposal facilities only accepting inert wastes</u> e) <u>Discharges of soils containing wastes to temporary waste piles</u> f) <u>Discharge/disposal/reuse of soils characterized as inert from contaminated sites to land</u>
<u>9</u>	<u>Discharges of slurries to land</u>	<ul style="list-style-type: none"> a) <u>Discharges of on-site drilling mud to land</u> b) <u>Discharges of concrete grinding residues to land</u>
<u>10</u>	<u>Discharges of emergency/disaster related wastes</u>	<ul style="list-style-type: none"> a) <u>Incidental discharges of oil and oily water within a response area during an oil spill response in marine waters</u> b) <u>Discharges of disaster related wastes to temporary waste piles and surface impoundments</u> c) <u>Discharges of mass mortality waste to temporary waste piles and emergency landfills</u> d) <u>Other discharges of emergency/disaster related wastes</u>
<u>11</u>	<u>Aerially discharged wastes over land</u>	<ul style="list-style-type: none"> a) <u>Discharges of wastes related to fireworks displays over land</u> b) <u>Other wastes discharged aerially over land that may adversely affect the quality of the groundwaters of the state, but determined to be "low threat" by the San Diego Water Board</u>

For each conditional waiver, General Waiver Conditions were developed that are applicable to a discharger or discharge operation, or all specific types of discharge within a discharge classification. Specific Waiver Conditions were developed that are applicable to specific types of discharge within a discharge classification, when specific conditions were determined to be necessary. The General and Specific Waiver Conditions for Conditional Waiver Nos. 1 through 11 are given in the following pages.

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CONDITONAL WAIVER NO. 10 – DISCHARGES OF EMERGENCY/DISASTER RELATED WASTES

Conditional Waiver No. 10 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.

The following types of discharge not regulated or authorized under waste discharge requirements (WDRs) may be eligible for Conditional Waiver No. 10:

- Incidental discharges of oil and oily water within a response area during an oil spill response in marine waters
- Discharges of disaster related wastes to temporary waste piles and surface impoundments
- Discharges of mass mortality wastes temporary waste piles and emergency landfills
- Other discharges of emergency/disaster related wastes

In order to be eligible for Conditional Waiver No. 10, discharges must comply with certain conditions to be protective of water quality. Waiver conditions applicable to emergency/disaster related waste discharges include the following:

- 10.I.A. General Waiver Conditions for Discharges of Emergency/Disaster Related Wastes
- 10.II.A. Specific Waiver Conditions for Incidental Discharges During an Oil Spill Response
- 10.II.B. Specific Waiver Conditions for Disaster Related and Mass Mortality Wastes Disposed at Regulated Waste Disposal Facilities
- 10.II.C. Specific Waiver Conditions for Disaster Related and Mass Mortality Wastes Discharged to Temporary Waste Piles Located at Regulated Waste Disposal Facilities
- 10.II.D. Specific Waiver Conditions for Disaster Related Wastes Discharged to Temporary Waste Piles NOT Located at Regulated Waste Disposal Facilities
- 10.II.E. Specific Waiver Conditions for Disaster Related Wastes Discharged to Temporary Surface Impoundments NOT Located at Regulated Waste Disposal Facilities
- 10.II.F. Specific Waiver Conditions for Mass Mortality Wastes Discharged to Emergency Landfills NOT Located at Regulated Waste Disposal Facilities

Discharges of emergency/disaster related wastes that comply with the general and specific waiver conditions in Conditional Waiver No. 10 should minimize the potential impact and should not pose a significant threat to the quality of waters of the state.

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

1. This conditional waiver does not become active and available until one of the following occurs:
 - 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 emergency, and applies only to disaster related waste streams from disaster-impacted areas; 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 section 13269(c)(1) and (2).
2. This conditional waiver is only in effect temporarily and shall 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 granted a 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. 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.
4. For all temporary waste piles and surface impoundments used to manage emergency/disaster related waste, the following conditions apply:
- a) Prevent the direct or indirect discharge of emergency/disaster related wastes to any surface waters of the state (including ephemeral streams and vernal pools).
 - b) Emergency/disaster related waste management operations shall not be performed in a manner that creates, or contributes to a condition of pollution or nuisance.
 - c) Emergency/disaster related waste management operations shall not be performed in a manner that creates, or contributes to conditions which violate the waste discharge prohibitions promulgated in the Basin Plan.
 - d) Emergency/disaster related wastes shall not be managed in a manner that causes corrosion, decay, or otherwise reduces or impairs the integrity of containment structures at any waste management unit.¹²
 - e) Emergency/disaster related wastes shall not be 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 results in the mixture being classified as a restricted waste.¹³
 - f) Liquid hazardous wastes or "restricted hazardous wastes"¹⁴ cannot be discharged to municipal solid waste (MSW) landfills, temporary waste piles, or temporary surface impoundments.
 - g) 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 shall not consist of or contain material classified as a designated waste.¹⁵

¹² Pursuant to California Code of Regulations Title 27 section 20200(b)(1)

¹³ Pursuant to California Code of Regulations Title 27 section 20200(b)(2)

¹⁴ Defined in California Health and Safety Code section 25122.7

¹⁵ Defined in California Code of Regulations Title 27 section 20210

- h) Inert wastes¹⁶ that are suitable for reuse or recycling do not require permanent disposal at a classified waste management or disposal facility (i.e., permitted landfill).
- i) Waste streams must only originate from disaster-impacted areas of the San Diego Region. These waste streams 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 waste discharge requirements (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 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.

10.II.A. Specific Waiver Conditions for Incidental Discharges During an Oil Spill Response

1. Incidental discharges¹⁷ 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 Administrator, Federal On-Scene Coordinator, or State On-Scene Coordinator.
2. Oil spill response must be in marine waters.¹⁸

10.II.B. Specific Waiver Conditions for Disaster Related and Mass Mortality Wastes Disposed at Regulated Waste Disposal Facilities

1. 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 shall 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.
2. 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.
3. Food wastes, animal carcasses, and other putrescible wastes derived from cleanup of disaster-impacted areas in the San Diego Region shall be discharged for disposal in compliance with conditions of this waiver and covered expeditiously.
4. Inert wastes contained in mixed emergency wastes derived from cleanup of disaster-impacted areas in the San Diego Region, shall be separated and recycled when appropriate and practicable.

¹⁶ Defined in California Code of Regulations Title 27 section 20230

¹⁷ "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."

¹⁸ "Marine waters" defined in Government Code section 8670.3(i) as "those waters subject to tidal influence"

5. The discharger is responsible for accurately classifying disaster related waste streams in accordance with the applicable regulatory requirements.¹⁹
6. The regulated waste disposal facility owner/operator is responsible for properly identifying disaster related waste streams²⁰ 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:
 - a) Solid wastes that are classified as inert wastes.
 - b) Solid wastes that meet the criteria for ADC as prescribed in California Code of Regulations Title 27 sections 20690 to 20705, and.
 - c) Other solid wastes identified by the Local Enforcement Agency (LEA) as being suitable for use as ADC; so long as the waste could be accepted at a Class III MSW landfill without special permission from the San Diego Water Board.
7. 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 such a large an 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::
 - a) 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.
 - b) Owner/operator must limit the thickness of the high-moisture waste stream (e.g., animal carcasses, animal related wastes, etc.) to no more than 2 feet.
 - c) Owner/operator must 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.
 - d) 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.).
8. Within 60 days after the expiration of this waiver (see 10.I.A) 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 Report of Waste Discharge (RoWD) (Joint Technical Document) 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.

10.II.C. Specific Waiver Conditions for Disaster Related and Mass Mortality Wastes Discharged to Temporary Waste Piles Located at Regulated Waste Disposal Facilities

1. 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 Notice of Intent to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The Notice of Intent must contain the name and contact information of the owner/operator of the regulated waste management or

¹⁹ Requirements are provided in California Code of Regulations Title 27, Title 23., Chapter 15, and/or Title 22 Division 4.5.

²⁰ Pursuant to California Code of Regulations Title 27 section 20200(c)

- disposal facility property, facility address and contact information, description of temporary waste management unit, 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."
2. Owners/operators of regulated waste management or disposal facilities must prevent surface runoff/runon from contacting wastes derived from cleanup of disaster-impacted areas in the San Diego Region and shall 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.
 3. 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.
 4. 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.
 5. Owners/operators of regulated waste management or disposal facilities must manage temporary waste piles for disaster related mass mortality wastes as follows:
 - a) Temporary waste piles of mass mortality wastes can only be located in areas underlain by a composite liner system (or approved engineering alternative) and a significant thickness of other types of solid wastes.
 - b) 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).
 - c) Owner/operator must ensure that all temporary waste piles containing mass mortality wastes are discharged into 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.
 - d) Owner/operator must ensure that all mass mortality wastes are covered with soil or other waste immediately after it is discharged into the landfill.
 - e) 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.
 6. Disaster related and mass mortality wastes discharged to temporary waste piles at regulated waste management or disposal facilities temporarily granted a waiver, together with any materials used to contain the temporary waste piles, shall be removed from the site. The site shall be restored to its original state no later than the 60 days after expiration of this waiver (see 10.1.A), or as required by the San Diego Water Board. Alternatively, the facility owner/operator must file an amended RoWD (Joint Technical Document) and obtain amended WDRs from the San Diego

Water Board for any waste piles that will continue to exist past the expiration date of this waiver.

7. Owners/operators of regulated waste management or disposal facilities must submit a Notice of Termination 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 Notice of Termination must contain the name and contact information of the owner/operator of the regulated facility property, facility address and contact information, description of waste that was temporarily stored/staged in the temporary waste management unit, the final waste disposal location, 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."

10.II.D. Specific Waiver Conditions for Disaster Related Wastes Discharged to Temporary Waste Piles NOT Located at Regulated Waste Disposal Facilities

1. Any agency, jurisdiction or person proposing to establish a temporary waste pile not located at a regulated facility must submit a Notice of Intent to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The Notice of Intent must contain the name and contact information of the owner/operator the property where the temporary waste pile facility is located, facility address and contact information, description of temporary waste management unit, 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."
2. Owners/operators of temporary waste piles 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:
 - a) 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.
 - b) Temporary waste piles must be protected from inundation or washout due of floods with a 100-year return period.
 - c) Temporary waste piles cannot be located on a known Holocene fault.
 - d) Temporary waste piles cannot be located in areas of potential rapid geologic change (e.g., landslides, debris flows, flashflood areas, etc.).
 - e) 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.

- f) 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.
- g) Temporary waste management operations that include wastes with a liquid content exceeding its moisture-holding capacity and/or containing free liquids, shall comply with requirements for temporary surface impoundments (see 10.II.E).
- h) 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 shall be diverted from the location of the temporary waste pile through implementation of MMs/BMPs for storm water control and conveyance.
- 3. 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.
- 4. 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) shall be maintained as required to keep them legible and shall remain in place while temporary waste piles remain on site.
- 5. 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, shall be removed from the site. The site shall be restored to its original state no later than the 60 days after expiration of this waiver (see 10.I.A), or as required by the San Diego Water Board.
- 6. Owners/operators of temporary waste piles not on regulated facilities must submit a Notice of Termination 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 Notice of Termination must contain the name and contact information of the owner/operator the property where the temporary waste pile facility was located, facility address and contact information, description of waste that was temporarily stored/staged in the temporary waste management unit, the final waste disposal location, 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.”

10.II.E. Specific Waiver Conditions for Disaster Related Wastes Discharged to Temporary Surface Impoundments NOT Located at Regulated Waste Disposal Facilities

1. Any agency, jurisdiction or person proposing to establish a temporary surface impoundment not located at a regulated facility must submit a Notice of Intent to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The Notice of Intent must contain the name and contact information of the owner/operator the property where the temporary surface impoundment facility is located, facility address and contact information, description of temporary waste management unit, 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.”
2. Owners/operators of temporary surface impoundments 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:
 - a) 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.
 - b) Temporary surface impoundments must be protected from inundation or washout due of floods with a 100-year return period.
 - c) Temporary surface impoundments cannot be located on a known Holocene fault.
 - d) Temporary surface impoundments cannot be located in areas of potential rapid geologic change (e.g., landslides, debris flows, flashflood areas, etc.).
 - e) 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.
 - f) 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.
 - g) 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.

- h) Direct pipeline discharges of liquid can occur only into temporary surface impoundments with automatic or manually operated fail-safe systems to prevent overfilling.
 - i) Temporary surface impoundments must be designed and constructed to prevent scouring of containment structures at points of liquid discharge into the impoundments.
 - j) 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 shall be diverted from the location of the temporary waste pile through implementation of MMs/BMPs for storm water control and conveyance.
3. 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.
 4. Owners/operators of temporary surface impoundments not on regulated facilities must ensure that only disaster related waste streams are discharged into temporary surface impoundments.
 5. All visible portions of synthetic liner systems in temporary surface impoundments must be inspected weekly, or daily as necessary, until all free liquid is removed from the surface impoundment as part of closure.²¹ 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 shall be made of the bottom of the liner prior to refilling the impoundment.
 6. 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) shall be maintained as required to keep them legible and shall remain in place while temporary surface impoundments remain on site.
 7. 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, shall be removed from the site. The site shall be restored to its original state no later than the 60 days after expiration of this waiver (see 10.I.A), or as required by the San Diego Water Board.
 8. Owners/operators of temporary surface impoundments not on regulated facilities must submit a Notice of Termination 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 Notice of Termination must contain the name and contact information of the owner/operator the property where the temporary

²¹ Pursuant to California Code of Regulations Title 27 section 21400(a)

surface impoundment facility was located, facility address and contact information, description of waste that was temporarily stored/staged in the temporary waste management unit, the final waste disposal location, 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."

10.II.F. Specific Waiver Conditions for Mass Mortality Wastes Discharged to Emergency Landfills NOT Located at Regulated Waste Disposal Facilities

1. Any agency, jurisdiction or person proposing to establish an emergency landfill not located at a regulated facility must submit a Notice of Intent to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The Notice of Intent must contain the name and contact information of the owner/operator the property where the emergency landfill facility is located, facility address and contact information, description of emergency waste management unit, 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."
2. 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:
 - a) 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.
 - b) Emergency landfills must be protected from inundation or washout due of floods with a 100-year return period.
 - c) Emergency landfills cannot be located on a known Holocene fault.
 - d) Emergency landfills cannot be located in areas of potential rapid geologic change (e.g., landslides, debris flows, flashflood areas, etc.).
 - e) Emergency landfills cannot be located in areas underlain by 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).
 - f) 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.).
 - g) The thickness of each layer of mass mortality wastes must be limited to less than 2 feet.
 - h) Lime (or another liquid abatement material) must be added to each layer to help reduce the generation of liquid by the mass mortality wastes.

- i) 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.
 - j) 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
 - k) 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 shall 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 good drainage that does not impair the integrity of the emergency landfill.
 - l) Owner/operator should also evaluate, implement, and document other effective waste isolation (and waste moisture reducing methods) in conjunction with the procedures identified above
3. 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 by erosion by installing and maintaining MMs/BMPs, including:
- a) Installation of runoff control features on the upgradient side of the emergency landfill to divert offsite storm water from the emergency landfill.
 - b) Installation of an effective runoff collection and conveyance ditch.
 - c) Grading and maintenance of the final cover to eliminate ponding of water over the emergency landfill.
 - d) Installation and maintenance of erosion control measures on the cover of the emergency landfill (e.g., install straw mulch and/or a vegetative cover).
 - e) Installation of a deer fence around the perimeter of the emergency landfill to discourage access by digging of carnivores.
4. 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.), the type(s) of waste buried at the site (e.g., types of carcasses, egg wastes, manure, etc.), and d) 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) shall be maintained as required to keep them legible and shall remain in place while the emergency landfill remains on site.
5. Owners/operators of emergency landfills not on regulated facilities must submit Notice of Termination 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 Notice of Termination must contain the name and contact information of the owner/operator the property where the temporary waste pile facility was located, facility address and contact information, description of waste that was temporarily stored/staged in the temporary waste management unit, the final waste disposal location, 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. 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 shall include the following information:
 - a) A short description of the emergency conditions that made the emergency landfill necessary.
 - b) The identity, physical address, mailing address and telephone number of the current land owner.
 - c) 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.
 - d) 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 provide Geographical Information System (GIS) data as available.
 - e) A simple cross section of the emergency landfill and a description of the construction (depth, thickness of layers and final cover).
 - f) An estimate of the amount of wastes (e.g., in pounds or tons) discharged into the emergency landfill.
 - g) A description of measures taken to ensure that wastes and waste constituents do not migrate outside the emergency landfill.
 - h) Any other site-specific or discharger related information requested by the San Diego Water Board.



NOTICE OF INTENT

TO COMPLY WITH
CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS
FOR SPECIFIC TYPES OF DISCHARGE WITHIN
THE SAN DIEGO REGION

I. PROPERTY/FACILITY INFORMATION

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

II. PROPERTY/FACILITY OWNER INFORMATION

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

III. PROPERTY/FACILITY OPERATOR INFORMATION

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

IV. CONDITIONAL WAIVER FOR NOTICE OF INTENT

Mark (☒) the conditional waiver proposed for the discharge:

<input type="checkbox"/>	<u>Conditional Waiver 1 - Discharges from on-site disposal systems</u>
<input type="checkbox"/>	<u>Conditional Waiver 2 - "Low threat" discharges to land</u>
<input type="checkbox"/>	<u>Conditional Waiver 3 - Discharges from animal operations</u>
<input type="checkbox"/>	<u>Conditional Waiver 4 - Discharges from agricultural and nursery operations</u>
<input type="checkbox"/>	<u>Conditional Waiver 5 - Discharges from silvicultural operations</u>
<input type="checkbox"/>	<u>Conditional Waiver 6 - Discharges of dredged or fill materials nearby or within surface waters</u>
<input type="checkbox"/>	<u>Conditional Waiver 7 - Discharges of recycled water to land</u>
<input type="checkbox"/>	<u>Conditional Waiver 8 - Discharges/disposal of solid wastes to land</u>
<input type="checkbox"/>	<u>Conditional Waiver 9 - Discharges/disposal of slurries to land</u>
<input type="checkbox"/>	<u>Conditional Waiver 10 - Discharges of emergency/ disaster related wastes</u>
<input type="checkbox"/>	<u>Conditional Waiver 11 - Aerially discharged wastes</u>

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 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.

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 conditional 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



TEMPORARY WASTE PILE CERTIFICATION
[SECTION B]
and
NOTICE OF TERMINATION

I. FINAL WASTE DISPOSAL INFORMATION

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

II. FINAL DISPOSAL CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

 Signature (Owner or Authorized Representative)

 Date

 Print Name

 Title

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

9174 Sky Park Court, Suite 100
San Diego, California 92123-4340



NOTICE OF INTENT

TO COMPLY WITH
CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS
FOR SPECIFIC TYPES OF DISCHARGE WITHIN
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. CONDITIONAL WAIVER FOR NOTICE OF INTENT

Mark (☒) the conditional waiver proposed for the discharge:

<input type="checkbox"/>	Conditional Waiver 1 - Discharges from on-site disposal systems
<input type="checkbox"/>	Conditional Waiver 2 - "Low threat" discharges to land
<input type="checkbox"/>	Conditional Waiver 3 - Discharges from animal operations
<input type="checkbox"/>	Conditional Waiver 4 - Discharges from agricultural and nursery operations
<input type="checkbox"/>	Conditional Waiver 5 - Discharges from silvicultural operations
<input type="checkbox"/>	Conditional Waiver 6 - Discharges of dredged or fill materials nearby or within surface waters
<input type="checkbox"/>	Conditional Waiver 7 - Discharges of recycled water to land
<input type="checkbox"/>	Conditional Waiver 8 - Discharges/disposal of solid wastes to land
<input type="checkbox"/>	Conditional Waiver 9 - Discharges/disposal of slurries to land
<input type="checkbox"/>	Conditional Waiver 10 - Discharges of emergency/ disaster related wastes
<input type="checkbox"/>	Conditional Waiver 11 - Aerially discharged 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 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.

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 conditional 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

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

9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

VERSION 07.10.24



NOTICE OF TERMINATION

I. FINAL WASTE DISPOSAL INFORMATION

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

II. FINAL DISPOSAL CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

_____ Signature (Owner or Authorized Representative)	_____ Date
_____ Print Name	_____ Title