

California Regional Water Quality Control Board
Santa Ana Region

November 21, 2008

Resolution No. R8-2008-0100

Emergency Resolution

Expressing Support for the Use of Class A Biosolid and
Green Waste Compost Products for Erosion Control Applications
Within the Areas Burned During the November 2008 Fires (Freeway Complex Fires)
in Orange, Riverside and San Bernardino Counties
Within the Santa Ana Region

The California Regional Water Quality Control Board, Santa Ana Region, finds that:

1. Devastating wild fires, now known as the Freeway Complex Fires, beginning at approximately 9:00 a.m. on November 15, 2008 have burned an estimated 28,900 acres of residential areas and undeveloped open space habitat within portions of Orange, Riverside and San Bernardino Counties within the Santa Ana River Basin Region and Watershed.
2. Estimates are still being generated, but it has been reported that approximately 250 residences were lost to the fires on November 15 and 16, 2008.
3. Governor Schwarzenegger proclaimed a State of Emergency for Riverside and Orange Counties on November 15, 2008, and he proclaimed a State of Emergency for San Bernardino County on November 16, 2008.
4. The State of Emergency declarations by Governor Schwarzenegger include an order that: "...all agencies of the state government utilize and employ state personnel, equipment and facilities for the performance of any and all activities consistent with the direction of my Office of Emergency Services (OES) and the State Emergency Plan..."
5. Many of the burned areas are in canyons and terrain where vegetation is perhaps the most important factor in controlling erosion during rainfall events. In the vast majority of the burned areas, it is expected that there will be complete loss of vegetation going into the rainfall season (typically designated as beginning October 15th each year).
6. The erosion potential in the burned areas is expected to be severe. Water quality impacts in areas downgradient from sites subject to severe erosion may be enormous, and slope stability in residential areas may be significantly compromised without emergency erosion control response.

7. Responsible agencies are encouraged to quickly initiate erosion control projects to protect water quality, slope stability, recharge areas, debris basins, and habitat areas.
8. Composted green waste and biosolids products are often utilized as part of erosion control projects as both soil amendments and as nutrient sources for new plantings or hydroseeding.
9. In consideration of the Governor's State of Emergency declarations, the Regional Board hereby clarifies that the use of Class A compost (for biosolids compost, material that meets the 40CFR Part 503 regulations) for a soil amendment or as a nutrient source in erosion control projects in the burned areas does not require a Report of Waste Discharge and that no permits for the use of Class A compost product in the burned areas are required for projects that will apply and utilize the compost product at agronomic rates.
10. The Regional Board recognizes that the emergency response erosion control activities will be implemented in conformance with all environmental laws and regulations, including, but not limited to, the California Environmental Quality Act (CEQA).

THEREFORE, the California Regional Water Quality Control Board, Santa Ana Region, hereby declares that:

1. The use of Class A green waste compost or biosolids compost (meeting the 40CFR Part 503 regulations) products as a soil amendment or at agronomic rates within the areas damaged during the Freeway Complex Fires will require only prior notice of that use to the Regional Board.
2. No raw green wastes or biosolids (green wastes or biosolids that have not been composted into Class A compost product) shall be utilized in the burned areas.
3. This resolution is intended to be modified, if necessary, to adapt to the needs for protection of water quality in the areas burned by the Freeway Complex Fires, and it may be modified at subsequent meetings of the Regional Board.
4. Unless future amendments to this Resolution modify this declaration, this Resolution will expire twelve months after adoption.
5. The Executive Officer is hereby directed to distribute this Resolution to interested agencies and parties.

I, Gerard J. Thibeault, 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, Santa Ana Region, on November 21, 2008.

A handwritten signature in black ink, appearing to read "Gerard J. Thibeault", written over a horizontal line.

Gerard J. Thibeault
Executive Officer