

Public Comments regarding General Waste Discharge Requirements for
Disaster-Related Wastes

- [Public Notice](#)
- Deadline to receive comments by: November 21, 2019 by 12 noon

Commenter(s)	Submitted by:
California Association of Sanitation Agencies	Jared Voskuhl
General Public	Pat Weatherman
General Public	Robert Grefe
Orange County Sanitation District	Roya Sohanaki
Recology	Bryan Clarkson
Riverside County Department of Waste Resources	Hans Kernkamp

For further information on this topic, please contact:

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Commenter	Comment Received	Water Boards Response
Beth Bax, Sanitation Districts of Los Angeles County	<p>We have a facility currently operating under a Conditional Waiver from the LA Regional Board. Its waiver states:</p> <p>“authorization to discharge under this Conditional Waiver is only in effect temporarily and shall expire under the following conditions, whichever is the earliest, unless otherwise provided in writing by the Regional Board Executive Officer in response to a written request for an extension by the Discharger:</p> <p>a. If the Governor, Legislature, or local government terminates the State of Emergency; or</p> <p>b. The Regional Board terminates enrollment of individual Dischargers, or all Dischargers temporarily enrolled under the Conditional Waiver for a particular emergency, or terminates this Conditional Waiver in its entirety; or</p> <p>c. Six (6) months have elapsed since the Governor or local government issued a proclamation of the State of Emergency in question; or</p> <p>d. Six (6) months have elapsed since emergency activities began.”</p> <p>The proposed WDR from the State only has equivalents to a. and b. above, but not c. and d. I cannot find when State of Emergencies from the governor are terminated. We do not want to be in the middle of accepting waste from an emergency and have to turn waste away. We are still receiving emergency waste from the Woolsey Fire a year after the emergency was declared. <i>Do you know when States of Emergency are normally terminated?</i></p>	<p>As noted, Condition B.2. in the proposed General Order includes similar requirements as the Los Angeles Regional Board waiver. The proposed General Order, Condition B.3., includes requirements for terminating within six months, similar to condition 1.c. noted in the comment. There is not a similar condition to condition 1.d. noted in the comment, but it is anticipated that cleanup and recovery efforts would begin as soon as possible, negating the need to distinguish between the declaration of an emergency and the commencement of emergency response. Six months was included as a time frame to cleanup and restore to encourage expeditious cleanup of disaster-related debris; however, Water Board staff understand bigger emergencies may require longer for entities to permanently dispose material. Therefore, Condition B.2. in the proposed General Order allows for response efforts to continue for longer as authorized by the appropriate Regional Water Board.</p>

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Beth Bax, Sanitation Districts of Los Angeles County	<p>In Section D of the Order, it states that a ROWD (including a completed NOT) is due within 30 days after the completion of discharges for each emergency. But, in Section J “Enrollment Process”, the order states “ To terminate coverage, Dischargers must submit a fully executed Notice of Termination (NOT)(Attachment D) to the Regional Board certifying they have satisfied the conditions of this General Order. The NOT must be submitted within 10 working days of completing removal of all disaster-related wastes and restoring the site to its original condition.” This last sentence does not make sense if the waste is disposed at a regulated facility. Both the 10 days and the removal language comes from requirements on temporary waste piles, so I this only applies to waste piles. Is that correct? <i>If so, can you clarify that in the draft WDR?</i></p>	<p>Section D includes requirements for submitting a revised ROWD with a completed NOT following disposal in permanent waste management unit. The language in Section J was revised to reflect the NOT process for both completion of disposal in permanent waste management units as well as completion of use and restoration of temporary waste management areas.</p>

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Bryan Clarkson, Group Environmental Manager (Recology)	Prohibition A.5. (page 8) – This prohibits designated wastes for use as daily cover. How will designated wastes be identified?	Water Board staff included the definition for designated waste in Attachment A, Definitions. Because the nature of what may be considered designated waste is site-specific, it is not possible to specify designated wastes for every facility. The facility operators should coordinate with the appropriate agencies to assist in determining what material is appropriate to use as daily cover.
Bryan Clarkson, Group Environmental Manager (Recology)	Prohibition A.8. (page 8) – Add asbestos to the list of wastes that are prohibited from the disaster-related waste stream.	Prohibition A.8 includes a list of materials that are prohibited from the disaster-related wastes stream. This is not an exhaustive list. Facilities may accept asbestos or materials containing asbestos in accordance with established regulatory requirements.
Bryan Clarkson, Group Environmental Manager (Recology)	Specification C.10. (page 11) – This specifies that all disaster-related wastes must be setback at least 100 feet from any surface water or well. Landfill monitoring wells may be located within 100 feet of waste. It should clarify that the specification pertains to drinking water wells.	Water Board staff agree that groundwater monitoring wells may be located closer than 100 feet from an established waste management unit. Therefore, the language was modified to allow permanent disposal in lined waste management units at distances less than 100 feet from groundwater monitoring wells.
Bryan Clarkson, Group Environmental Manager (Recology)	Specification C.11. (page 11) – “Waste pile” has a specific definition under 27 CCR 20164. Is it intentional to use the term here and throughout the WDRs based on the Title 27 definition? If not, possibly delete “waste piles” and insert “the disaster debris.” If so, include the definition in Attachment A – Definitions.	Water Board staff agree Specification C.11. needed clarification. Water Board staff added a statement clarifying the intent of the specification and also added a definition for waste piles in Attachment A, Definitions.

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Bryan Clarkson, Group Environmental Manager (Recology)	Specification D.4. (pages 11 and 12) – How will it be determined if the solid waste meets the criteria for ADC? Will that be a Regional Board and CalRecycle determination or a landfill operator determination?	Solid waste facility permits and Waste Discharge Requirements specify materials appropriate for use as ADC. Landfill operators should coordinate with Regional Board staff and local enforcement agencies assist in determining what material is appropriate to use as daily cover.
Bryan Clarkson, Group Environmental Manager (Recology)	Attachment A Definitions: Add Waste Pile to definitions.	Water Board staff agree and added Waste Pile to Attachment A, Definitions.

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<p>Hans W. Kernkamp General Manager- Engineer</p>	<p>Revise Attachment B or create a separate attachment to include Active-Unlined Landfills that can be utilized for Temporary Waste Staging Areas:</p> <p>As currently drafted, Attachment B lists composite lined landfills that can accept disaster-related waste. The Department requests Attachment B be revised or a separate attachment created, to specifically list active-unlined disposal facilities that are approved as Temporary Waste Staging Areas. This list shall include the following Department's facilities: Blythe, Desert Center, and Oasis Landfills.</p>	<p>Attachment B lists landfills that have composite-lined cells that can accept material for permanent disposal. This order does not preclude temporary staging areas from being established at locations not specified in Attachment B, including closed and open waste management units without composite-lined cells.</p>
<p>Hans W. Kernkamp General Manager- Engineer</p>	<p>Revise Section E. Conditions for Discharge of Disaster-Related Wastes at Temporary Waste Staging Areas (Waste Piles) Located at Regulated Disposal Facilities, to include the use of all active, closed and inactive landfills for temporary waste storage.</p> <p>The Department requests Section E of WDRs to be revised to indicate that all active landfill facilities are acceptable for use as Temporary Waste Staging Areas since they are already subject to SWRCB regulations including land disposal and storm water discharges. In addition, we request that all closed and inactive landfill facilities that meet the conditions of Section E be accepted as Temporary Waste Staging Areas.</p> <p>All of the Department's active, closed, and inactive landfill facilities are currently identified as debris management sites in Riverside County's (County) proposed disaster emergency response plan. This incorporation of the above-mentioned updates will provide explicit approval of these facilities as Temporary Waste Staging areas; therefore improving the County's capability in managing disaster-related debris that may potentially be generated throughout the County's 7,300 square miles.</p>	<p>Section E includes requirements for establishing temporary waste staging areas at regulated disposal facilities. Section E.2. specifies the staging areas (for the purposes of this section) may only be located at MSW landfills, inert landfills, or other designated areas. This Order does not preclude using established facilities, whether open or closed, as temporary staging areas. Section E is not limited to those facilities identified in Attachment B.</p>

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Jared Voskuhl, California Association of Sanitation Agencies	On page 2 (page 5 of 31 of the pdf), the “except” clause at the end of ¶ 3 may inadvertently allow one to infer that a community sewer system is not subject to the General Order and therefore does not have to comply with the requirements in Water Code § 13263 (a). To address this concern, we would suggest adding a line to this provision to make clear that under the General Order, no one can discharge into a community sewer system unless they have permission from the sewer agency.	Finding 3 describes the Water Code section that requires discharges not to a community sewer system to have discharge requirements. Water Board staff added a statement to this section to clarify the intent of the finding. These waste discharge requirements are for the temporary and permanent surface discharge of debris in response to recovery from disaster events and are not intended to provide authorization to discharge to a community sewer system.
Jared Voskuhl, California Association of Sanitation Agencies	On page 13 (page 16 of 31 of the pdf), ¶ 3, a line should be added to this recitation noting that the discharge must be in compliance with local discharge requirements.	Finding 13 indicates the General Order does not supersede other requirements. Water Board staff modified Finding 13 to clarify other requirements may still apply and early coordination with other entities is encouraged to streamline the recovery process.
Jared Voskuhl, California Association of Sanitation Agencies	On page 14 (page 17 of 31 of the pdf), ¶ G.2.F., we recommend striking “of the wastewater” from the provision and replacing the term “liquid wastes” with the term “leachate.” It is technically inaccurate to refer to drainage from stockpiled material as wastewater. Additionally, we recommend modifying and updating the term “wastewater” in Attachment A on page 20 (page 23 of 31 of the pdf), so it is clear that the specific “wastewater” referenced here is not wastewater as commonly defined and understood, but rather leachate and/or drainage from stockpiled material.	Section G.2.f. includes requirements for temporary surface impoundments. Water Board staff replaced the reference to “wastewater” with “liquid wastes” so as to not infer a limitation on a general understanding of the term “wastewater.” Attachment A was also updated to reflect the intended definitions of “wastewater” and “liquid waste.”
Jared Voskuhl, California Association of Sanitation Agencies	On pages 16 and 17 (pages 19 and 20 of 31 of the pdf), ¶ I.1.b and ¶ J.2.B, the reference to the Statewide Incident Management System should be updated to reflect the system’s formal title, the Standardized Emergency Management System.	Water Board staff corrected all references to the Statewide Incident Management System to the Standardized Emergency Management System.

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<p>Patrick Weatherman</p>	<p>The general waste discharge requirements for disaster wastes improperly relies on CEQA section 15269 (paragraph 8). The section addresses emergency construction activities not waste disposal. The section is appropriate for activities such as damaged bridge demolition and reconstruction. Furthermore, the waste disposal authorized in the requirements is not an emergency and should not be treated as one. As stated in paragraph 9, an emergency must present a "clear and imminent danger that demands immediate attention." The extension of the CEQA exemption to non-governor declared disasters is similarly improper.</p> <p>The failure to perform a CEQA analysis prevents public disclosure and the opportunity to comment that is required in the CEQA. Residents near waste disposal facilities should have an opportunity to evaluate the impacts (i.e. truck traffic, noise, dust, light glare, and air, water, and soil pollution). The requirements do not address any of those issues or many others.</p> <p>Please perform an appropriate CEQA analysis as required by law.</p>	<p>In addition to the emergency construction projects mentioned in the comment, CEQA also exempts actions necessary to prevent or mitigate an emergency (CCR, title 14, section 15269, subdivision [c], and PRC, section 21080, subdivision [b][4]). The actions described in this General Order are required to mitigate an emergency condition. Failure to promptly dispose of disaster-related wastes presents a significant risk to public health, safety, and the environment. The General Order is not authorizing the construction of new waste management units at identified locations to prepare for an emergency situation. The emergencies may vary in size, type, and location. There may be significant differences in debris from fires, floods, and earthquakes. There may also be significant differences in whether an emergency occurred in a rural environment as compared to an industrial setting. Because of the unknowns associated with the mitigation necessary to respond to an unanticipated disaster, it would be impossible to evaluate truck loads, traffic impacts, noise, and light glare. The General Order does include requirements to not impact soil and water quality and fully restore any temporary staging area. The Regional Water Boards have all adopted waivers with similar requirements to</p>

		<p>those proposed in the General Order and that is regulatory baseline from which this project must be evaluated under CEQA. The purpose of the General Order is to consolidate those requirements into a central document to streamline the response in emergency situations. Therefore, it is appropriate to exempt this action from CEQA requirements.</p>
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Robert Grefe	<p>The report is well written; however I think State Water Board is trying look good without protection our water.</p> <ol style="list-style-type: none"> 1. If there is a disaster, You want a Discharger to file a NOI. This will take time, since a Discharger will need to find a consultant to file the documents, before the Discharger cleanup the work. 2. You want the Discharger to file NOT, this is another costly item that has no benefit to water quality. 3. How do you expect a business to know all these rules? <p>A much better solution, only if you really want to protect our water, would be that the State of California do the cleanup. This way it would be done correctly, quickly and per the State specification and any revision needed with a new document. Very little paper work would be needed or energy, this would save trees, and climate change.</p> <p>Since I believe your real intention is to past the buck. Forget the NOI and NOT, just a report on the discharge and cleanup, as done with SWPPP.</p> <p>Thank</p>	<p>Generally, cleanup of wastes from disaster events are performed by entities with experience with similar activities in coordination with State, Federal, and local agencies as appropriate. The intent of the NOI is for the entity performing cleanup activities to confirm they intend to handle the material in accordance with the requirements of this Order. The intent of the NOT is to confirm the temporary storage areas are restored to natural conditions and no constituents remain that could impact water quality or the environment or to confirm the material was disposed in a permanent disposal facility (such as a landfill). Both of these documents can be submitted electronically to the appropriate Regional Water Board and do not need to be printed on paper. The requirements in this Order are similar to those already required by Regional Water Board waivers. Additionally, it is beneficial to have these requirements available for review prior to an emergency occurring so entities responsible for cleanup can become familiar with the requirements in advance.</p>

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<p>H. Ted Gerber, Orange County Sanitation District (OCSD)</p>	<p>Page 2 Findings ... 3. California Water Code (Water Code), section 13260, subdivision (a)(1), requires any person (including any city, county, district, or other entity) discharging, or proposing to discharge, wastes within the State of California that could affect the quality of waters of the state, other than into a community sewer system with authorization from the local sewer authority, to file a Report of Waste Discharge (ROWD) with the Water Board. Unless exempted, Water Code, section 13263, subdivision (a), requires that the Water Board adopt discharge requirements for any existing or proposed waste discharges within its area of jurisdiction, except discharges into a community sewer system with authorization from the local sewer authority, even if no ROWD has been filed.</p>	<p>Finding 3 is restating Water Code section 13260, (a)(1), that requires discharges other than into a community sewer system to have discharge requirements.</p>
<p>H. Ted Gerber, Orange County Sanitation District (OCSD)</p>	<p>Page 13F. CONDITIONS FOR DISCHARGE OF DISASTER-RELATED WASTES AT TEMPORARY WASTE STORAGE AREAS (WASTE PILES) NOT LOCATED AT REGULATED WASTE DISPOSAL FACILITIES...3. Owners/operators of temporary waste piles not on regulated facilities must discharge any return water or ponded water contained within the temporary waste pile to a sanitary sewer system with authorization from the local sewer authority, a regulated facility permitted to receive the wastewater, or a temporary surface impoundment.</p>	<p>Water Board staff modified Condition F.3. to indicate discharge of water may go to an authorized sanitary sewer system.</p>

<p>H. Ted Gerber, Orange County Sanitation District (OCSD)</p>	<p>Given the potential for disaster-related wastes to be non-compliant with discharge requirements or prohibitions in OCSD's Ordinances, or the regulations of the jurisdictional sewer agencies affected, it seems appropriate that owners/operators of sanitary sewer systems should be afforded the opportunity to evaluate disaster-related waste prior to its discharge. Therefore, OCSD recommends adding the language as shown above to preempt disaster-affected entities who are attempting to comply with this Order, from discharging to the sewer without first seeking authorization from their local sewer authority.</p>	<p>Water Board staff modified Finding 3 and Finding 13 to clarify this General Order does not require any entity to accept disaster-related wastes; other requirements may apply and early coordination with other entities is encouraged to streamline the recovery process.</p>
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Adam Harper, CalCIMA	<p>1) <u>Insuring Disposal of inert debris in engineered fill operations (IDEFO's) including such operations at mine sites where it is for reclamation backfilling.</u></p> <p>a. Also clarify inert debris recycling although we recognize your language likely does accomplish this.</p> <p>Note: here is the definition of inert debris engineered fill operation from title 14 17381(l) – see use of term disposal which we fear might preclude use of inert debris without the suggested edit we made on page 12 or 4 of our word draft. I linked to regulatory citation in our word draft so you can quickly reference them in your review.</p> <p><i>The language we suggested which we believe addresses this issue is on our page 4</i></p> <p><u>13 This General Order does not preclude the acceptance recycling disposal of disaster related wastes which are inert debris as defined in Title 14, CCR § 17381 (k) and are recycled disposed of at Inert debris Engineered Fill operations under 17388.3, CDI recycling centers and inert debris recycling centers under Title 14 17381.1, and other eligible inert debris recycling processing disposal facilities regulated under Title 14.</u></p> <p><i>And on our page 12 – Note 17388.4 is type a inert disposal facilities which as far as I know are not in our membership but are also places such inert wastes are diverted from primary waste facilities. Thought clarity for them might be prudent particularly for earthquake scenarios where large volumes of concrete would likely be disposed.</i></p> <p>4. Inert wastes derived from cleanup of disaster-impacted areas shall be separated and recycled when appropriate and practicable. Inert wastes that are suitable for reuse or recycling do not require permanent disposal at a classified waste management or disposal facility (i.e., permitted landfill). If not disposed of, or when disposed under Title 14 17388.3 or 17388.4 these materials do not need coverage under this General Order.</p>	<p>Specification C.4. indicates materials may be separated and recycled when appropriate. If inert wastes are not disposed in a classified waste management or disposal facility, the materials do not need coverage under this General Order. Water Board staff understand your concern with the disposal language in this specification and allowing segregated materials to be used in Inert Debris in Engineered Fill Operations, which indicates that inert debris used for engineered fill is considered disposal. The intent of this specification is to indicate once material has been segregated and identified as inert, then it is not subject to these requirements. Inert debris is not required to be disposed in classified waste management units. Requirements for engineered fill operations is outside the scope of this General Order.</p> <p>The General Order does not preclude particular facilities from being used as a temporary staging area. However, permanent disposal should be done in accordance with appropriate requirements.</p>

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Adam Harper, CalCIMA	<p>2) <u>Clarity on Reclassification of Emergency Waste to other things such as inert debris at the end of emergency– the language I have added the provision to is the language we were concerned would prohibit keeping reclassified disaster related wastes at existing facilities that may be able to use them where they had served as temporary staging areas during the disaster.</u> <i>This change is on our proposed page 10 changes and is in the following language.</i> Conditions(3) Wastes discharged to temporary waste management units under this General Order (whether located at a regulated disposal facility or not), together with any materials used to contain the temporary waste piles, must be removed from the temporary storage/staging location and restored to its original state within six months of a declaration of emergency by the Governor or prior to filing a Notice of Termination, whichever occurs first, or as a required by the Regional Water Board. Any person permanently discharging or storing disaster-related waste longer than noted above must file a Report of Waste Discharge and obtain waste discharge requirements. <u>Where the temporary staging area was at an existing facility such as a construction aggregate mine or recycling facility which will retain reclassified disaster related wastes which were identified as inert debris recyclables soil or dirt this order does not preclude that those materials may remain on site and managed under the facilities existing waste discharge obligations.</u></p>	<p>Water Board staff do not concur with the proposed change. If material is identified and classified as inert debris and can be segregated as discussed in the previous comment, then the material is no longer required to comply with the provisions of this General Order. If debris is to be stockpiled at locations with other waste discharge requirements, then the discharge at that facility must comply with the requirements for that operation.</p>

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Adam Harper, CalCIMA	<p>3) <u>Our concern with the geologic limitation language in temporary staging areas and how limiting it could be on site availability.</u></p> <p>Note we went out to existing waivers and did find the language you use in documents such as the central valley waiver https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0017.pdf – Pages 18-19 - is the only use of that geologic definition within the order and it applies to siting for mass mortality emergency landfills as shown below;</p> <p>3. Owners/Operators of mass mortality emergency landfills not on regulated facilities shall ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance the following minimum prescriptive and performance standards:</p> <p>We do not believe temporary staging areas within the proposed disaster order would allow such landfills but do respect you may have had other concerns. We would suggest the following modification to the geologic language for temporary staging areas which can be found on our page 10 (your page 9). Our members think such clarity is important particularly in regions such as the alluvial valleys of California covered by region 7. They also understand one might be concerned by abandoned facilities vs active managed sites such as their active regulated mining facilities.</p> <p><i>From our page 10</i></p> <p>(9) Temporary staging areas shall not 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). <u>Unless all disaster related wastes are placed on a constructed and compacted base layer at least 24" thick in addition to the other proscriptions of this WDR.</u></p>	<p>Temporary staging areas not at regulated facilities are not required to have liners or other containment features such as concrete pads. Therefore, it is appropriate for temporary staging areas to be required to not be sited in areas with coarse grained sands or gravels in order to protect water quality. Temporary staging areas at regulated facilities are required to have a liner or other containment feature such as a concrete pad. Water Board staff understand a gravel quarry facility may be used as a staging area; should that facility have appropriate waste discharge requirements, that facility may be considered a regulated facility and the facility would need to construct a containment feature for the temporary staging area. If the facility was not a regulated facility, the temporary staging area should be located in an area with finer grained soils to reduce the potential threat to water quality.</p>