

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906**

DRAFT ORDER NO. R3-2016-0001

Proposed for May 12, 2016

**Conditional Waiver of Waste Discharge Requirements
For
Disaster Related Emergency Waste Handling and Disposal**

The California Regional Water Quality Control Board, Central Coast Region (hereafter Central Coast Water Board) finds:

1. Fires, storms, floods, landslides, earthquakes, mass mortality of animals, spills, and other emergencies can create large amounts of waste that must be removed for disposal or recycling in order to restore property and public services facilities, repair and reopen highways, protect public health and the environment, or otherwise prevent or mitigate an emergency. These cleanup activities often necessitate temporary waste staging areas on land or at regulated waste management facilities, may involve wastes that wouldn't normally be accepted at a particular regulated waste management facility, and can create unusually large amounts of waste for landfills to handle in a short amount of time.
2. Temporary waste staging areas are portions of regulated waste management facilities, or other designated areas where emergency waste is temporarily discharged, stored, treated, or sorted for recycling, and where containment features and ancillary features for precipitation and drainage control are present. Temporary waste staging areas are temporary de facto waste management units.
3. Discharges of emergency waste or the temporary staging of large amounts of waste at regulated waste management facilities could cause a violation of the facility's WDRs unless coverage under the Conditional Waiver is obtained and its conditions are met.
4. The following active landfills and respective owners may be designated to receive nonhazardous emergency waste, and have waste management units underlain by engineered composite liner systems and leachate collection and removal systems, pursuant to waste discharge requirements implementing California Code of Regulations, Title 27 (CCR Title 27), State Water Resources Control Board Resolution No. 93-62, and federal Municipal Solid Waste Landfill Criteria in Code of Federal Regulations Title 40 Parts 257 and 258 (40 CFR 258):
 - a. Santa Barbara County
 - i. Tajiguas Class III Landfill (Order No. R3-2010-0006), County of Santa Barbara

- ii. Santa Maria Regional Landfill (Order No. R3-2007-0045), City of Santa Maria
 - iii. Santa Maria Integrated Waste Management Facility Los Flores Class III Landfill (Order No. R3-2014-0024), City of Santa Maria (Permitted but not yet constructed)
- b. San Luis Obispo County
- i. Cold Canyon Class III Landfill (Order No. R3-2015-0021), Waste Connections, Inc.
 - ii. Chicago Grade Class III Landfill (Order No. R3-2009-0001), Chicago Grade Landfill and Recycling, LLC
 - iii. Paso Robles Class III Landfill (Order No. R3-2008-0050), City of Paso Robles
 - iv. Camp Roberts Class III Landfill (Order No. R3-2010-0038), California Army National Guard
- c. Monterey County
- i. Johnson Canyon Road Class III Landfill (Order No. R3-2008-0011), Salinas Valley Solid Waste Authority
 - ii. Monterey Peninsula Class III Landfill (Order No. R3-2006-0017), Monterey Regional Waste Management District
- d. Santa Cruz County
- i. Buena Vista Class III Landfill (Order No. R3-2006-0002), County of Santa Cruz
 - ii. City of Watsonville Class III Landfill (Order No. R3-2006-0001), City of Watsonville
 - iii. Santa Cruz Resource Recovery Facility (Order No. R3-2006-0018), City of Santa Cruz
- e. San Benito County
- i. John Smith Road Class III Landfill (Order No. R3-2013-0047), County of San Benito Integrated Waste Management Department

5. The owners/operators of the landfills identified in **Finding 4** of this Order may find it necessary to establish temporary staging areas and temporary waste piles for short-term storage and treatment of emergency waste from cleanup efforts.
6. Other agencies and jurisdictions or persons engaged in cleanup of emergency areas may find it necessary to establish temporary staging areas or temporary waste piles for short term storage and treatment of emergency waste from cleanup efforts. These staging areas may not be necessarily located at regulated waste management facilities.
7. Emergency waste as defined by this order consists of or contains two or more categories of wastes (e.g., non-hazardous solid wastes, household hazardous wastes, universal wastes, or inert wastes) that have been damaged and mixed such that the individual waste components may not be practicably separable for the purpose of waste management. Temporary staging areas provide an opportunity for some separation and sorting of waste, and facilitate appropriate permanent disposal of both mixed emergency waste and segregated emergency waste.
8. Non-hazardous solid waste is defined in CCR Title 27, section 20220.
9. Universal waste is defined in CCR Title 22, section 66261.9.
10. Inert waste is defined in CCR Title 27, section 20230, may include uncontaminated demolition debris (e.g., concrete, brick, wood, and metal) that are suitable for recycling or reuse. Such wastes do not require permanent disposal at a regulated waste management facility.

APPLICABILITY, CONDITIONS, AND NOTICE OF INTENT

11. **Applicability and Conditions** - This Order conditionally waives the legal requirement for persons (including any city, county, district, landfill owner/operator, or other entity) discharging waste from cleanup of an emergency or disaster area ("Dischargers") to submit a report of waste discharge (ROWD) and for the Central Coast Water Board to prescribe WDRs for the following types of emergencies and discharges of wastes:
 - a. Discharges necessary to protect life or property during emergency cleanup actions following fires, storms, floods, landslides, earthquakes, mass mortality of animals, or other emergency in a disaster area in which a "State of Emergency" has been proclaimed by the Governor (Declared Disaster Areas). The requirements for obtaining coverage under this Conditional Waiver and the conditions applicable to each type of discharge are as follows:
 - i. **Discharges to Existing Waste Management Units at Regulated Facilities** - Disaster related emergency wastes disposed at regulated waste disposal facilities and for which such discharge would or could

otherwise cause a violation of the WDRs for the facility. Refer to **Finding 12** below and **Section B** of this Conditional Waiver starting on page 13.

- ii. **Discharges to Temporary Staging Areas at Regulated Facilities –** Disaster related emergency wastes discharged to temporary staging areas or temporary waste piles located at regulated waste disposal facilities. Refer to **Finding 12** below and **Section C** of this Conditional Waiver starting on page 15.
 - iii. **Discharges to Temporary Staging Areas Not at Regulated Facilities -** Disaster related emergency wastes discharged to temporary staging areas or temporary waste piles not located at regulated waste disposal facilities. Refer to **Finding 12** below and **Section D** of this Conditional Waiver starting on page 16.
 - iv. **Discharges to Temporary Surface Impoundments Not at Regulated Facilities -** Disaster related emergency wastes discharged to temporary surface impoundments not located at regulated waste disposal facilities. Refer to **Finding 12** below and **Section E** of this Conditional Waiver starting on page 18.
- b. Discharges of waste due to cleanup actions to prevent or mitigate an emergency that is **not in a Declared Disaster Area**. Refer to **Finding 13** below and **Section F** of this Conditional Waiver starting on page 21.

General conditions applying to all discharges under this Conditional Waiver are included in **Section A** of this Conditional Waiver, starting on page 11.

12. **Notice of Intent for Wastes from a Declared Disaster Area -** Dischargers desiring coverage under this Conditional Waiver when a state of emergency is declared by the Governor must submit a Notice of Intent (NOI) to the Central Coast Water Board, as described in the conditions of this Conditional Waiver, that has been completed with the required information, and signed by the owner or authorized representative of the entity proposing to discharge. To terminate coverage, Dischargers must send a completed and signed Notice of Termination (NOT) to the Central Coast Water Board, as described in the conditions of this Conditional Waiver. The NOI and NOT forms are included in Attachments A and B of this Conditional Waiver.
13. **Notice of Intent for Wastes Not from a Declared Disaster Area -** Dischargers desiring coverage under this Conditional Waiver for emergencies not in a Declared Disaster Area (i.e., declared by the Governor) must either:
- a. Submit a Notice of Intent to the Central Coast Water Board and obtain a Notice of Enrollment from the Executive Officer prior to commencing the discharge pursuant to **Section F.1.a** of this Conditional Waiver, or

- b. Notify the Central Coast Water Board by e-mail, telephone (or voicemail if after business hours) of the location, type of discharge, and contact information before commencing the discharge and submit a Notice of Intent to the Central Coast Water Board within 10 days after commencing the discharge. In this instance, the Notice of Intent must include documentation that the Discharger has met the conditions described in **Section F.1.b** regarding the emergency being declared by a state or local government agency and an Incident Commander working through the Statewide Incident Management System and the California Emergency Management Agency directs that waste be discharged to mitigate the emergency.

Refer to **Section F** for more information on obtaining coverage under this Conditional Waiver for emergency wastes not from a Declared Disaster Area. The Discharger shall also comply with **Section A** of this Conditional Waiver and the appropriate **Sections B through E** of this Conditional Waiver that are applicable to the particular discharge.

14. When applicable, Dischargers with coverage under this Conditional Waiver must also apply for coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (State Water Board Order No. 2009-0009-DWQ) and comply with its requirements. Compliance with the requirements in the General Storm Water Permit should prevent construction pollutants from contacting storm water and prevent products of erosion from moving off site into receiving waters, and are relevant and appropriate to apply to temporary waste staging areas.

REGULATORY AND LEGAL CONSIDERATIONS

15. California Water Code Section 13269 authorizes the Central Coast Water Board to waive the requirement to submit reports of waste discharge (ROWD) and the issuance of waste discharge requirements (WDRs), as set forth in Sections 13260(a), 13263(a), and 13264(a) of the California Water Code, summarized below, for specific discharges or specific types of discharges where such a waiver is consistent with any applicable state or regional water quality control plan and is in the public interest.
 - a. Section 13260(a) requires a report of waste discharge from any person or agency proposing to discharge waste or construct an injection well.
 - b. Section 13263(a) provides the Central Coast Water Board with authority to issue waste discharge requirements for any proposed or existing discharge that could affect water quality.
 - c. Section 13264(a) prohibits waste discharge without discharger submittal of a report of waste discharge and Central Coast Water Board adoption of waste discharge requirements or a waiver.

16. Except as provided under California Water Code section 13269, subdivision (d), and upon notification of the Central Coast Water Board, Water Code section 13269, subdivision (c) provides that neither submittal of a ROWD, nor the adoption of WDRs is required for discharges resulting from certain emergency activities. The emergency activities described in Water Code section 13269, subdivision (c) are:
 - a. Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the Government Code, section 8550 et seq.; and
 - b. Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in the Vehicle Code, section 360, except for a highway designated as an official state scenic highway pursuant to the Vehicle Code, section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide within one year of the damage. This paragraph does not exempt from this section any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
17. California Water Code Section 13269 requires that waivers be conditional and may be terminated at any time by the Central Coast Water Board. Waivers may be granted for waste discharges to land and may not be granted for waste discharges to surface waters or conveyances thereto that are subject to the federal Clean Water Act requirements for NPDES permits. A waiver may not exceed five years in duration, but may be renewed by the Central Coast Water Board. Each waiver must also include a monitoring program unless the Central Coast Water Board determines that the waste discharge does not pose a significant threat to water quality.
18. Pursuant to California 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 section 13350(d) or (e).
19. Pursuant to California Water Code Section 13263(g), waste discharges to waters of the State are a privilege, not a right, and adoption of this General Waiver does not create a vested right to continue any discharge.
20. California Water Code Section 13267(b) provides that: "In conducting an investigation specified in subdivision (a), the Regional Board may require that any person who has discharged, discharges, or is suspected of having discharge or discharging, or who proposed to discharge within its region, or any citizen or domiciliary, or political agency or entity of this state who had discharged, discharges, or is suspected of having discharged or

discharging, or who proposed to discharge waste outside of its region that could affect the quality of the waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the board requires. The burden, including costs of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The technical reports required by this Conditional Waiver are necessary to assure compliance with its conditions.

BASIN PLAN

21. This General Waiver contains conditions and is consistent with the Central Coast Water Board's Water Quality Control Plan (Basin Plan).
22. The designated beneficial uses of groundwater in the Central Coast Region, as specified in the Basin Plan, are municipal and domestic water supply, agricultural supply, industrial service supply, and industrial process supply.
23. The beneficial uses of surface water in the Central Coast Region are specified in the Basin Plan for specific water bodies including major rivers, creeks, and lakes, and also apply to tributaries to these water bodies. These beneficial uses potentially include municipal and domestic supply; agricultural supply; industrial service supply; industrial process supply; groundwater recharge; freshwater replenishment; navigation; hydropower generation; water contact recreation; non-contact water recreation; commercial and sport fishing; aquaculture; warm freshwater habitat; cold freshwater habitat; estuarine habitat; wildlife habitat; preservation of biological habitats of special significance; preservation of rare, threatened, or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development; and shellfish harvesting. Refer to the Basin Plan for beneficial uses of surface water for a given body of water in the Central Coast Region.
24. The Central Coast Water Board finds that this Conditional Waiver is in the public interest and consistent with the Basin Plan for the following reasons:
 - a. This Conditional Waiver for waste discharges during an emergency is intended to facilitate cleanup activities and emergency resolution, enable efficient proper handling and disposal of emergency related wastes to ensure that that wastes do not pose a significant threat to water quality, enable staff resources to be used effectively in a timely fashion and avoid unnecessary expenditures of limited resources.
 - b. The Conditional Waiver complies with Water Code Sections 13260, 13263, and 13269 and other applicable law.
 - c. The Conditional Waiver requires compliance with the Basin Plan.

- d. The Conditional Waiver includes conditions that are intended to reduce and prevent pollution and/or nuisance, protecting beneficial uses of waters of the State.
- e. Dischargers may not discharge any waste not specifically regulated by this Conditional Waiver, except in compliance with the Water Code.
- f. Dischargers who violate the conditions of this Conditional Waiver are subject to enforcement pursuant to Water Code Section 13350 and/or other applicable laws.

ANTIDEGRADATION

25. State Water Resource Control Board Resolution No. 68-16 Statement of Policy with Respect to Maintaining High Quality of Waters in California (Resolution No. 68-16) requires Regional Water Boards, in regulating the discharge of waste, to maintain high quality waters of the State until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in Regional Water Board's policies (e.g., quality that exceeds applicable water quality standards). This Conditional Waiver implements Resolution No. 68-16 because the discharges authorized pursuant to this waiver are in response to emergencies or disasters, intended to facilitate cleanup activities utilizing short term temporary staging areas, allow for permanent disposal of emergency waste at appropriate facilities, and are subject to conditions intended to minimize threat to waters of the State.

CEQA

26. The California Environmental Quality Act (CEQA) defines emergency as follows:
"Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. "Emergency" includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage." [Public Resources Code section 21060.3.] Specific actions necessary to prevent or mitigate an emergency are exempt from CEQA. Emergency activities do not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term. [Title 14 California Code of Regulations, section 15259(c).] For purposes of this Order, "emergency" has the same meaning as under CEQA.
27. Waivers of reports of waste discharge and waste discharge requirements for emergencies in a Declared Disaster Area are not subject to CEQA because section 13269(c) already waives such reports and requirements upon notification to the Central Coast Water Board. In addition, this Order is exempt from CEQA because the waiver and the conditions of this Order will apply only to emergency activities in a disaster area in which a state of

emergency has been proclaimed by the Governor [Title 14, California Code of Regulations, section 15269(a) and Public Resources Code section 21080(b)(4)]. For emergencies that are not in a Declared Disaster Area, this Order is exempt from CEQA because the waiver and the conditions of this Order will apply only to activities necessary to prevent or mitigate an emergency, as defined by CEQA [Title 14, California Code of Regulations, section 15269(c) and Public Resources Code section 21080(b)(4)].

GENERAL FINDINGS

28. In the event of an emergency or disaster, significant amounts of wastes may be generated. Cleanup, management and disposal of emergency/disaster related waste can result in the discharge of multiple waste streams which can adversely affect the quality of surface water and/or groundwater. The issuance of WDRs would significantly impede the cleanup of emergency/disaster related wastes, which would likely increase the threat to public health and the environment. Therefore, in the interest of expediting the cleanup of emergency/disaster related wastes, issuing a waiver for these types of discharge would be in the public interest.
29. Under emergency conditions, there is usually not time for those performing cleanup of disaster related wastes to prepare a formal ROWD and for the Central Coast Water Board to process applications and adopt new WDRs or conditional waivers, or to revise existing WDRs or waivers.
30. This Conditional Waiver will simplify and streamline the regulatory process without compromising the protection of water quality. The conditions for each listed discharger type are subject to enforcement under the Water Code.
31. Discharges of emergency/disaster related wastes that comply with the specific waiver conditions in the Conditional Waiver are not expected to pose a significant threat to the quality of waters of the State.
32. This Conditional Waiver does not impose specific monitoring and reporting requirements. Dischargers must characterize emergency waste for permanent disposal at an appropriate facility. However, based on the type of emergency, Notice of Enrollment, and emergency waste characterization, additional monitoring may be required to verify compliance with conditions or to complete a Notice of Termination and adequately document restoration to natural conditions for any locations of temporary staging areas. Pursuant to Water Code Section 13267, the Central Coast Water Board's Executive Officer may impose monitoring and reporting requirements on any discharger enrolled in this Conditional Waiver. These monitoring and reporting requirements may also be revised, as necessary, as deemed appropriate by the Executive Officer.
33. Issuance of this Conditional Waiver does not supersede other more stringent local, state, or federal regulations prescribed by other agencies or departments.

34. This Conditional Waiver does not supersede the Central Coast Water Board's Basin Plan and policies, including prohibitions, implementation plans, or the State Water Board's plans and policies.
35. Although a discharge may qualify for Conditional Waiver enrollment, the Central Coast Water Board reserves the right to regulate the discharge through other programs or Central Coast Water Board actions (i.e., enforcement orders, individual waste discharge requirements, general waste discharge requirements, etc.).
36. This Conditional Waiver may be terminated at any time by the Central Coast Water Board and may be revised by the Central Coast Water Board after a public hearing. The Executive Officer may terminate the applicability of the Conditional Waiver with respect to a specific discharger upon notice to the discharger.
37. This Conditional Waiver (1) is conditional, (2) does not permit any illegal activity, (3) does not preclude the need for permits that may be required by other state or local government agencies, and (4) does not preclude the Central Coast Water Board from administering enforcement remedies (including civil liability) pursuant to the Water Code.
38. On February 22, 2016, the Water Board notified interested agencies and persons of its intent to conditionally waive discharge requirements when a state of emergency has been proclaimed by the Governor, and has provided the opportunity to review a copy of the proposed Conditional Waiver and submit written views and comments.
39. On May 12, 2016 (Proposed), the Central Coast Water Board held a public hearing and considered all the comments and evidence concerning this matter. Notice of this hearing was given to all known interested persons in accordance with Title 23, Division 3, Chapter 15, Article 1, and Section 647.2 of the California Code of Regulations.
40. Any person aggrieved by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with section 13320 of the California Water Code and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of the Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:
http://www.waterboards.ca.gov/public_notices/petitions/water_quality
or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED, pursuant to authority in California Water Code Sections 13263, 13267, and 13269, the Central Coast Water Board waives the requirement to submit a report of waste discharge and the requirement to establish waste discharge requirements for discharges of wastes resulting from cleanup during or after fires, storms, floods, landslides, earthquakes, mass mortality of animals, spills, and other emergencies in a Declared Disaster Area, or for other discharges of wastes resulting from cleanup of emergencies, as defined above, that are not in a Declared Disaster Area, when the following conditions are met:

A. General Waiver Conditions that Apply to All Discharges of Emergency Related Wastes Covered Under this Conditional Waiver

1. For dischargers seeking coverage for discharges of disaster related wastes from a Declared Disaster Area (listed under **Finding 11.a**), this Conditional Waiver does not become active and available until the Governor of California issues a proclamation, pursuant to Government Code sections 8625 and 8558(b), identifying areas where the disaster related wastes originate as being in a state of emergency. This Conditional Waiver then becomes available only for disaster related wastes from that area of the Central Coast Region which is under a state of emergency, or for any regulated landfill located in the Central Coast Region that is accepting disaster related wastes from an area within California which is under a state of emergency.
2. This Conditional Waiver applies only to disaster related waste streams from Declared Disaster Areas, or from other emergency discharges that are exempt from CEQA.
3. All conditions of this Conditional Waiver remain applicable until they have been met and Discharger submits a complete Notice of Termination, or the discharge becomes covered under WDRs or a site-specific waiver of WDRs. However, authorization to discharge under this Conditional Waiver is only in effect temporarily and shall expire under the following conditions, whichever is earliest, unless otherwise provided in writing by the Central Coast Water Board in response to a written request for an extension by the Discharger:
 - a. If applicable, the Governor or the Legislature terminates the state of emergency pursuant to California Government Code section 8629; or
 - b. The Central Coast Water 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
 - c. If applicable, six (6) months have elapsed since the Governor issued a proclamation of the state of emergency in question; or
 - d. Six (6) months have elapsed since emergency activities began.

4. The Central Coast Water Board shall be allowed, at any time, and without prior notification:
 - a. Entry upon sites or locations of emergency waste temporary staging areas, temporary waste piles, temporary surface impoundments, and final disposal locations for the purpose of determining compliance with this Conditional Waiver.
 - b. Access to copy any records that must be kept under the condition of this Conditional Waiver.
 - c. To photograph, sample and monitor for the purposes of determining compliance with this Condition Waiver.
5. The Discharger shall accurately classify emergency waste streams in accordance to applicable regulatory requirements provided in CCR Title 27, Title 23, Chapter 15, and/or Title 22 Division 4.5. Waste characterization documentation shall be submitted to the Central Coast Water Board for review prior to final disposal of emergency/disaster related waste.
6. Emergency/disaster related waste management and cleanup activities shall minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of the waters of the State.
7. The Discharger shall prevent the direct or indirect discharge of emergency/disaster related wastes to any surface waters of the State (including ephemeral streams and vernal pools).
8. Emergency/disaster related waste management operations shall not be performed in a manner that creates, or contributes, to a condition of pollution or nuisance.
9. 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 applicable Basin Plan.
10. 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.
11. 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 hazardous or restricted waste.

12. 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).
13. Waste streams covered under this Conditional Waiver shall only originate from disaster-impacted areas. These waste streams shall be discharged for treatment or permanent disposal only into:
 - a. Liquid waste management or treatment units as allowed by waste discharge requirements issued by the Central Coast Water Board, or as approved by the Executive Officer, or
 - b. Solid waste management units or disposal facilities (e.g., regulated landfills underlain with engineered composite liners and leachate collection systems that satisfy the requirements of State Water Board Resolution No. 93-62, and that have WDRs); or
 - c. Other categories of waste management units regulated under WDRs issued by the Central Coast Water Board that allow that type of waste.

B. Specific Waiver Conditions for Emergency/Disaster Related Wastes Discharged to Existing Waste Management Units at Regulated Waste Disposal Facilities

1. Dischargers that are owners/operators of regulated waste management or disposal facilities proposing to discharge waste from disaster-impacted areas to the regulated waste disposal facility and for which such discharge would or could otherwise cause a violation of the WDRs for the facility, shall submit a Notice of Intent to the Central Coast Water Board within 30 days after the initial discharge of any disaster related wastes for Declared Disaster Areas (or by schedule required in **Section F** for emergencies not in a Declared Disaster Area). The Notice of Intent shall contain the information listed in Attachment A of this Conditional Waiver.
2. The Discharger shall comply with all applicable conditions in **Section A** of this Conditional Waiver.
3. The Discharger (regulated waste disposal facility owner/operator) shall properly identify emergency/disaster related waste streams pursuant to CCR Title 27 section 20200(c).
4. The Discharger should identify emergency/disaster related wastes that may be used as alternative daily cover (ADC). Solid wastes that may be used as ADC at a regulated disposal facility include:
 - a. Solid wastes that are classified as inert wastes.

- b. Solid wastes that meet the criteria for ADC as prescribed in CCR 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; as long as the waste could be accepted without special permission from the Central Coast Water Board.
5. Wastes (not otherwise suitable for recycling or reuse) derived from cleanup of emergency/disaster-impacted areas and managed under provisions of this Conditional Waiver shall only be discharged for permanent disposal into waste management units that are underlain with an **engineered composite liner system and a leachate collection system** meeting the requirements of CCR Title 27, State Water Board Resolution No. 93-62, and 40 CFR 258.
6. Wastes derived from cleanup of disaster-impacted areas and discharged into regulated waste disposal facilities shall be isolated, to the extent practicable, from areas of the facility that are not lined.
7. Food wastes, animal carcasses, and other putrescible wastes derived from cleanup of disaster-impacted areas shall be discharged for disposal in compliance with conditions of this waiver and covered expeditiously.
8. Inert wastes derived from cleanup of disaster-impacted areas shall be separated and recycled when appropriate and practicable.
9. Wastes such as paint cans, gas cans, solvents, poisons, household cleaners, drums with unknown contents, electronic wastes, refrigerators, or any potentially hazardous wastes (other than ash from fire disaster areas) shall be removed from the disaster related waste stream to the extent practicable and managed in accordance with applicable regulatory requirements.
10. Disposal of large numbers of animal carcasses, and other high moisture emergency waste streams (e.g., mass mortality, spill, etc.), may cause wastes to exceed moisture-holding capacity at regulated MSW landfills. To limit the impacts from high moisture content emergency waste, 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, saturated fire waste, flood debris/waste, etc.) only in areas of the composite lined unit with a considerable thickness of other waste.
 - b. Cover each layer of high-moisture wastes (e.g., animal carcasses, animal related wastes, etc.) with at least three feet of absorbent wastes or soil.

- c. 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.).

11. The Discharger shall manage **temporary waste staging areas or temporary waste piles** located at a regulated disposal facility in accordance with the specific conditions in **Section C** of this Conditional Waiver, below.
12. Within 30 days after the completion of discharges for each emergency, the owner/operator of a regulated waste disposal facility that accepted waste from disaster-impacted areas shall submit an amendment to their Report of Waste Discharge (ROWD) (amendment to the facility's Joint Technical Document) describing the material change to their discharge, pertaining to the temporary acceptance, management, and disposal of the waste. The ROWD shall include a completed Notice of Termination form (Attachment B) and information about the waste types accepted, location of the discharge including a map, and approximate volumes discharged.

C. Specific Waiver Conditions for Emergency/Disaster Related Wastes Discharged to Temporary Staging Areas or 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 to a temporary waste staging area or temporary waste pile located at a regulated waste disposal facility shall submit a Notice of Intent to the Central Coast Water Board **within 30 days after** the initial discharge of any disaster related wastes for Declared Disaster Areas (or by schedule required in **Section F** for emergencies not in a Declared Disaster Area). The Notice of Intent shall contain the information listed in Attachment A of this Conditional Waiver.
2. The Discharger shall comply with all applicable conditions in **Section A** of this Conditional Waiver.
3. All wastes derived disaster-impacted areas shall be placed at least 5 feet above the highest historically known or anticipated groundwater depth.
4. All wastes derived from disaster-impacted areas shall be placed at least 100 feet from any surface water of the state.
5. All waste derived from disaster-impacted areas shall be protected from flooding and inundation, in compliance with the current WDRs for the affected unit, or units, at the regulated waste disposal facility.

6. All waste derived from disaster-impacted areas (excluding mass mortality wastes) shall be placed in areas covered by a relatively impermeable surface (e.g., asphalt, concrete, etc.) or in landfill areas underlain by a composite liner system.
7. The Discharger shall prevent surface runoff/runon from contacting wastes derived from cleanup of disaster-impacted areas and shall prevent erosion and transport of soils or disaster related wastes or waste constituents by surface runoff from all temporary waste piles. The Discharger shall implement management measures (MMs) and/or best management practices (BMPs) for storm water conveyance and control.
8. The Discharger shall manage any storm water runoff that comes into contact with the disaster related wastes or containing waste constituents as leachate.
9. The Discharger shall manage temporary waste piles for disaster related mass mortality wastes as follows:
 - a. Temporary waste piles for mass mortality wastes can only be located in landfill areas underlain by a composite liner system and a significant thickness of other types of solid wastes.
 - b. The Discharger shall 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. The Discharger shall 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. The Discharger shall ensure that all mass mortality wastes are covered with soil or other waste immediately after it is discharged into the landfill.
10. Emergency/disaster related and mass mortality wastes discharged to temporary waste piles at regulated waste management or disposal facilities temporarily enrolled under this Conditional Waiver, together with any materials used to contain the temporary waste piles, shall be removed from the temporary discharge site **no later than 60 days after** authorization to discharge under this Order has expired (refer to **Condition A.3**), or as required by the Central Coast Water Board. Alternatively, the Discharger shall file an amended ROWD (Joint Technical Document) and obtain amended WDRs from the

Central Coast Water Board for any waste piles that will continue to exist after authorization to discharge under this Order has expired.

11. Owners/operators of regulated waste management or disposal facilities shall submit a Notice of Termination to the Central Coast Water Board within 10 working days of completing removal of all disaster related wastes from temporary waste staging areas or temporary waste piles and restoring the site to its original condition. The Notice of Termination shall contain the information listed in **Attachment B** of this Conditional Waiver.

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

1. Dischargers proposing to establish a temporary waste pile not located at a regulated waste disposal facility shall submit a Notice of Intent to the Central Coast Water Board **within 30 days after** the initial discharge of any disaster related wastes from a Declared Disaster Area (or by schedule required in Section G for emergencies not in a Declared Disaster Area). The Notice of Intent shall contain the information listed in Attachment A of this Conditional Waiver.
2. The Discharger shall comply with all applicable conditions in **Section A** of this Conditional Waiver.
3. The Discharger shall site, design, construct, operate, and maintain temporary waste piles not located at a regulated waste disposal facility to ensure compliance the following minimum prescriptive and performance standards:
 - a. The bottom of a temporary waste pile shall be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from any surface water of the State.
 - b. Temporary waste piles shall be protected from inundation or washout due to floods with a 100-year return frequency.
 - c. Temporary waste piles shall not be located on a known Holocene fault.
 - d. Temporary waste piles shall not be located in areas of potential rapid geologic change (e.g., landslides, debris flows, flash flood areas, etc.).
 - e. Temporary waste piles shall 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 shall be installed prior to establishing a temporary waste pile to protect all natural geologic materials from contact with the waste and from contact with leachate, and

groundwater. If emergency conditions prevent the use of a low permeable barrier and/or based on the emergency waste characterization risk, adequate site restoration to original conditions may require more substantial groundwater or soil investigations and site cleanup as required by the Executive Officer.

- f. Temporary waste piles shall be adequately covered when rainfall, wind, or other conditions exist or are predicted to exist in order to prevent rainwater infiltration and runoff, and to control fugitive dust, vectors, odors, blowing litter, and scavenging. The cover shall not consist of or contain material classified as a designated waste.
 - 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 in accordance with the specific conditions in **Section E** of this Conditional Waiver, below.
 - h. Temporary waste piles shall 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.
- 4. When applicable, the Dischargers of temporary waste piles not located at a regulated waste disposal facility shall obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities, and prepare a Storm Water Pollution Prevention Plan to obtain coverage under this Conditional Waiver.
 - 5. The Discharger of temporary waste piles not located at a regulated waste disposal facility shall discharge any return water or ponded water contained within the temporary waste pile to a sanitary sewer system with approval from the sewerage entity, a regulated facility permitted to receive the wastewater, or a temporary surface impoundment managed in accordance with the specific conditions in **Section E** of this Conditional Waiver, below.
 - 6. The Discharger of temporary waste piles not located at a regulated waste disposal facility shall post at least one clearly visible sign listing the following minimum information: a) project name, b) brief project description, and c) operator name and phone number. The sign or signs shall be in English, Spanish and any other language common in the local community to more effectively communicate the minimum contact information. The sign(s) shall be maintained as required to keep them legible and shall remain in place while temporary waste piles remain on site.

7. Solid wastes discharged to temporary waste piles not located at a regulated waste disposal facility temporarily enrolled under this Conditional Waiver, together with any materials used to contain the temporary waste piles, shall be removed from the site as expeditiously as possible and the site shall be restored to its original state. Based on waste characterization, threat to water quality, and site management measures or best management practices, the Executive Officer may require additional site investigation to verify adequate site restoration.
8. The Discharger of temporary waste piles not located at a regulated waste disposal facility shall submit a Notice of Termination to the Central Coast 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 shall contain the information listed in Attachment B of this Conditional Waiver.

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

1. Dischargers proposing to establish a temporary surface impoundment not located at a regulated waste disposal facility shall submit a Notice of Intent to the Central Coast Water Board within 30 days after the initial discharge of any disaster related wastes from a Declared Disaster Area (or by schedule required in Condition G for emergencies not in a Declared Disaster Area). The Notice of Intent shall contain the information listed in Attachment A of this Conditional Waiver.
2. The Discharger shall comply with all applicable conditions in Section A of this Conditional Waiver.
3. The Discharger shall site, design, construct, operate, and maintain temporary surface impoundments not located at on regulated waste disposal facility to ensure compliance with the following minimum prescriptive and performance standards:
 - a. The bottom of a temporary surface impoundment shall be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from any surface water of the state.
 - b. Temporary surface impoundments shall be protected from inundation or washout due to floods with a 100-year return frequency.
 - c. Temporary surface impoundments shall not be located on a known Holocene fault.
 - d. Temporary surface impoundments shall not be located in areas of potential rapid geologic change (e.g., landslides, debris flows, flashflood areas, etc.).

- e. Temporary surface impoundments shall be underlain by a temporary impermeable barrier (e.g., heavy gauge plastic with water-tight seams) or a relatively impermeable surface (e.g., asphalt, concrete, etc.). The liner shall be installed prior to establishing a temporary surface impoundment and shall protect all natural geological materials from contact with the waste. If emergency conditions prevent the use of a low permeable barrier and/or based on the emergency waste characterization risk, adequate site restoration to original conditions may require more substantial groundwater or soil investigations and site cleanup as required by the Executive Officer.
 - f. Berms and containment structures of temporary surface impoundments shall be constructed of materials that minimize leakage of the wastewater and shall 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 shall be designed, operated and maintained to ensure that liquid wastes are at least two 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 shall be designed and constructed to prevent overtopping as a result 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 shall be designed and constructed to prevent scouring of containment structures at the points of liquid discharge into the impoundments.
 - j. Temporary surface impoundments shall 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 surface impoundment through implementation of MMs/BMPs for storm water control and conveyance.
4. Liquid hazardous wastes or "restricted hazardous wastes" shall not be discharged to temporary surface impoundments.
5. When applicable, the Discharger of temporary surface impoundments not located at a regulated waste disposal facility shall obtain coverage under the General Permit for

Storm Water Discharges Associated with Construction Activities, and prepare a Storm Water Pollution Prevention Plan to obtain coverage under this Conditional Waiver.

6. The Discharger of temporary surface impoundments not on regulated facilities shall ensure that only disaster related waste streams are discharged into temporary surface impoundments.
7. All visible portions of synthetic liner systems in temporary surface impoundments shall be inspected weekly, or daily as necessary, until all free liquid is removed from the surface impoundment as part of closure. 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.
8. The Discharger of temporary surface impoundments not located at a regulated waste disposal facility shall post at least one clearly visible sign listing the following minimum information: a) project name, b) brief project description, and c) operator name and phone number. The sign or signs shall be in English and any other language common in the local community to more effectively communicate the minimum contact information. The sign(s) shall be maintained as required to keep them legible and shall remain in place while temporary surface impoundments remain on site.
9. Wastes discharged to temporary surface impoundments not at a regulated waste disposal facility, together with any materials used to contain the temporary surface impoundments, shall be removed from the site as expeditiously as possible and the site shall be restored to its original state. Based on waste characterization, threat to water quality, and site management measures or best management practices, the Executive Officer may require additional site investigation to verify adequate site restoration.
10. The Discharger of temporary surface impoundments not located at regulated waste disposal facility shall submit a Notice of Termination to the Central Coast 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 shall contain the information listed in Attachment B of this Conditional Waiver.

F. Specific Waiver Conditions for Discharges from Emergencies Not Within a Declared Disaster Area

1. In the event of an emergency not within a disaster area declared by the Governor, this Conditional Waiver may be used for waste discharges necessary to mitigate an emergency under either of the following conditions:
 - a. The Discharger submits a Notice of Intent to the Central Coast Water Board before commencing discharges pursuant to this Conditional Waiver. Discharge of

wastes in a manner requiring coverage under this Conditional Waiver shall not occur until the Executive Officer provides the Discharger a written Notice of Enrollment stating that the proposed discharge is eligible and approved for coverage under this Conditional Waiver.

- b. An emergency is declared by a state or local government agency and an Incident Commander working through the Standardized Emergency Management System and the California Office of Emergency Services directs that waste be discharged to mitigate the emergency.
2. A Discharger who seeks coverage under **Section F.1.a** shall submit a ROWD before commencing the proposed discharges if the Executive Officer determines that a proposed discharge is not eligible for coverage under this Conditional Waiver.
3. A Discharger who seeks coverage under **Section F.1.b** shall notify the Central Coast Water Board by e-mail or telephone (or voicemail if after business hours) of the location, type of discharge, and contact information before commencing the discharge. The Discharger shall also submit a Notice of Intent to the Central Coast Water Board **within 10 days after** commencing the discharge, along with documentation that the Discharger has met the conditions described in **Section F.1.b**.
4. The Discharger shall comply with **Section A** of this Conditional Waiver and the appropriate **Sections B through F** of this Conditional Waiver that are applicable to the particular discharge.

I, Lisa Horowitz McCann, Interim Executive Officer of the California Regional Water Quality Control Board, Central Coast Region, do hereby certify the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Central Coast Region on **May 12, 2016**.

Lisa Horowitz McCann
Interim Executive Officer