

**STATE OF CALIFORNIA**  
**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**  
**SANTA ANA REGION**

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

**RESOLUTION NO. R8-2013-0049**  
**AN EMERGENCY RESOLUTION**  
**FOR**  
**CONDITIONAL WAIVER OF REQUIREMENTS TO FILE A REPORT OF WASTE**  
**DISCHARGE AND TO ADOPT WASTE DISCHARGE REQUIREMENTS FOR**  
**MANAGEMENT AND DISPOSAL OF SOLID WASTES FROM THE WILDFIRES**

1. Two consecutive dry winters in California have led to increasingly severe drought conditions leading to an unusually large number of wildfires. A number of these fires have occurred within the Santa Ana Regional Water Quality Control Board's (hereinafter Regional Water Board) jurisdiction.
2. On August 9, 2013, Governor Jerry Brown declared a state of emergency for Riverside County in the wake of the Silver Fire. The Silver Fire has burned approximately 20,000 acres and 48 buildings, including 26 homes.
3. The wildfires create a very large volume of solid waste consisting of burn ash, concrete, wood, green waste, electrical appliances, computer equipment, dead animals, food items, cars, household chemicals, paint, refrigerators, etc. (hereinafter collectively referred to as fire debris). The fire debris generally include inert wastes, designated wastes and hazardous wastes and may contain pollutants, including hazardous waste constituents. If not properly managed and disposed of, these waste materials could adversely impact water quality.
4. Fire debris consists of or contains two or more categories of wastes (e.g., nonhazardous wastes, household hazardous wastes, universal wastes, or inert wastes) that have been mixed such that the individual waste components are not practicably separable for purposes of waste management. Wastes from cleanup of property damaged by fire are often referred to as "mixed wastes."
5. Universal waste is defined in California Code of Regulations (CCR) Title 22, §66261.9.
6. Inert wastes (as defined in Title 27, §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 an MSW landfill.

7. Fire debris is usually taken to temporary staging areas for treatment, recycling, sorting and eventual disposal at regulated Class III landfills within the region. These temporary staging areas may be located within regulated landfills or in unregulated areas. Appropriate pollutant control measures are needed at temporary staging areas to protect water quality.
8. Composite liner systems that are required for discharges of municipal solid waste (MSW), pursuant to State Water Resources Control Board (State Water Board) Resolution No. 93-62, or engineered alternatives to those prescriptive standards, satisfy minimum containment standards for Class III MSW landfills promulgated in State Water Board regulations governing discharges of designated waste (Title 27, California Code of Regulations, Division 2, §§20260 and 20310).
9. The following active landfills have been designated to receive fire debris and have engineered composite liner systems and leachate collection and removal systems. These landfills have waste discharge requirements implementing California Code of Regulations, Title 27 (Title 27), State Water Board Resolution No. 93-62, and federal Municipal Solid Waste Landfill Criteria in 40 CFR 258.
  - a. **Orange County**
    1. Frank R. Bowerman Landfill (Order No. R8-2010-0017), Orange County Integrated Waste Management Department.
    2. Olinda Landfill (Order No. R8-2010-0006), Orange County Waste and Recycling [exempt from liner requirements per waste discharge requirements; however, it has a modified liner system].
  - b. **Riverside County**
    1. Badlands Landfill (Order No. 91-105, as amended by Orders No. 98-99, R8-2002-0085, R8-2006-0053, and R8-2010-0051), Riverside County Waste Management Department.
    2. Lamb Canyon Landfill (Order No. 81-127, as amended by Orders No. 98-99, 01-18, R8-2006-0054, and R8-2007-0044), Riverside County Waste Management Department.
    3. El Sobrante Landfill (Order No. R8-2011-0014), Waste Management, Inc.
  - c. **San Bernardino County**
    1. Mid-Valley Landfill (Order No. 98-95, as amended by Order No. R8-2006-0040), San Bernardino County Department of Public Works, Solid Waste Management Division.
    2. San Timoteo Landfill (Orders No. 78-151, 98-99), San Bernardino County Department of Public Works, Solid Waste Management Division.
    3. California Street Landfill (Orders No. R8-2004-0008, R8-2008-0094), City of Redlands.

10. The owners/operators of the municipal solid waste landfills identified in Finding 9 of this Resolution may find it necessary to establish temporary waste piles to facilitate the emergency cleanup and disposal of fire debris. Temporary waste staging areas may be located within MSW landfills, inert landfills, or other designated areas where fire debris is temporarily discharged, stored, treated, or sorted for recycling, and where containment features and ancillary features for precipitation and drainage controls are present. Temporary waste staging areas are temporary de facto waste management units.
11. Other agencies and jurisdictions or persons engaged in cleanup of burned areas may find it necessary to establish temporary staging areas and temporary waste piles for short-term storage and treatment of fire debris. These staging areas may not necessarily be located at MSW landfills or inert landfills.
12. Temporary fire debris staging areas should implement erosion and sediment controls to prevent pollutants from construction activities and the waste materials from entering receiving waters.
13. Material used to cover waste piles at temporary waste staging areas must minimize rainwater infiltration; control fugitive dust, vectors, odors, and blowing litter; and prevent scavenging. Any material classified as a designated waste cannot be used for daily cover [Title 27, §20705(e)(1)].
14. Under the provisions of California Water Code (CWC) §13269(c)(1), it is not against the public interest to waive issuance of waste discharge requirements for the expeditious management and disposal of solid wastes resulting from the cleanup of burned areas provided that certain conditions are met.
15. A conditional waiver of the requirements of CWC §§13260(a) and (b), 13263(a), and 13264(a), under the authority of CWC §13269(c)(1), would enable Regional Water Board staff resources to be used more effectively during the state of emergency.
16. A conditional waiver of the requirements set forth in CWC §§13260(a) and (b), 13263(a), and 13264(a) for the discharge of fire debris derived from cleanup of burned areas as a result of the wildfires, and for short term discharges to temporary waste piles, would not be against the public interest because these discharges are required to comply with the conditions of this Resolution and should not result in any violation of the of the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan).
17. This waiver only applies to emergency situations in a disaster area where a state of emergency has been proclaimed by the Governor and is categorically exempt from California Environmental Quality Act (CEQA) (Title 14, California Code of Regulations, §15269).

**BE IT RESOLVED THAT**, pursuant to California Water Code §13269, the Santa Ana Regional Water Quality Control Board waives the requirements to submit a report of waste discharge [CWC §§13260(a) and (b) and 13264(a)] and establish waste discharge requirements [CWC §13263(a)] for the discharges of solid wastes derived from cleanup of burned areas as a result of the wildfires provided that the conditions set forth below are met. The conditions set forth in this Resolution are applicable to the MSW landfills identified in Finding No. 9, above, and to any discharger who establishes a temporary waste management unit to temporarily store and segregate wastes from cleanup of burned areas.

In order for this Resolution to be invoked for any of the Region's landfills, the Governor must first proclaim a state of emergency for the specific county in which landfills will be accepting fire debris.

**A. Conditions for Discharge of Fire Debris at Regulated Class III Municipal Solid Waste Landfills within the Region.**

1. Fire debris derived from cleanup of burned areas must be discharged only to MSW landfills underlain by engineered liners and leachate collection systems that satisfy the requirements of Title 27, State Water Board Resolution No. 93-62, and Regional Water Board waste discharge requirements. Fire debris derived from cleanup of burned areas must also be isolated to the extent practicable, from areas of the landfill that are not lined.
2. Liquid hazardous wastes or "restricted hazardous wastes," as defined by California Health and Safety Code §25122.7, derived from cleanup of burned areas must not be discharged to any MSW landfill.
3. The discharge of fire debris derived from cleanup of burned areas must not create or contribute to a condition of pollution or nuisance as defined in CWC §13050.
4. The discharge of fire debris derived from cleanup of burned areas must not create or contribute to conditions that violate the discharge prohibitions of the Basin Plan.
5. Food wastes, animal carcasses, and other putrescible wastes derived from cleanup of burned areas must be covered expeditiously.
6. "Mixed wastes" (as defined in this Resolution) derived from cleanup of burned areas must be separated and recycled when appropriate.
7. The following categories of fire debris derived from burned areas may be discharged as alternative daily cover (ADC) to a Class III MSW landfill:
  - a. Solid wastes that are classified as inert wastes (per Title 27, §20230).

- b. Solid wastes that meet the criteria for ADC as prescribed in Title 27, §20690et seq.
- c. Solid wastes identified by the Local Enforcement Agency (LEA) and approved by Regional Water Board staff as being suitable for use as ADC.

**B. Conditions for Discharge of Wildfire Wastes to Temporary Waste Staging Areas at Regulated Class III MSW Landfills in the Region.**

**In addition to Conditions 1 through 4 in Section A of this Resolution, any person discharging fire debris from burned areas to temporary staging areas at a regulated municipal solid waste landfill must also comply with the following conditions.**

1. **Required Notification to the Regional Board:** The discharger must submit a fully executed Notice of Intent to Establish Temporary Fire Debris Staging Operations (Attachment No. 1) to the Executive Officer of the Regional Board within 30 days of the initial discharge to any waste staging areas established under this Resolution. The discharger must submit a fully executed Notice of Termination of Temporary Wildfire Waste Staging Operations (Attachment No. 2) to the Executive Officer within 30 working days of completing removal of all waste and restoring the site to its original condition. All wastes must be removed and the site returned to its original condition prior to filing a Notice of Termination.
2. **Liner:** Heavy gauge plastic sheeting (not less than 20 mils thick) or other impermeable material (e.g., asphalt, concrete, compacted Class II roadbase, etc.) must be installed prior to establishing a temporary waste pile to protect all natural geological materials from contact with the waste or its leachate.
3. **Run-on/Runoff Protection:** The discharger must prevent surface run-on from contacting fire debris and must prevent erosion and transport of soils containing fire debris by surface runoff from all waste piles established under this waiver. All runoff from the fire debris waste piles should be fully contained and properly disposed of. The discharger must employ applicable best management practices (BMPs) to the maximum extent practicable for storm water conveyance and control.
4. **Ground Water Protection:** All waste derived from cleanup of burned areas must be placed at least five feet above the highest anticipated ground water elevation.
5. **Surface Water Protection:** All waste piles derived from cleanup of burned areas must be located at least 100 feet from any surface water identified in the Basin Plan for the Region.

6. **Flood Protection:** All waste derived from cleanup of burned areas must be protected from flooding and inundation.
7. **Clean Closure of Temporary Waste Piles:** Wastes discharged to temporary waste piles at regulated landfills under this waiver, together with any materials used to contain the temporary waste piles, must be removed from the temporary storage/staging location. The temporary waste staging site must be restored to its original state.

**C. Conditions for Temporary Waste Staging Areas NOT Located at a Regulated Class III MSW Landfill Identified in Finding No. 9 of This Resolution.**

1. **Temporary Waste Piles:** The discharge of solid wastes into temporary waste piles located at temporary staging areas must comply with all the discharge prohibitions identified in Sections A.1 through 4 of this Resolution.
2. **Required Notification to the Regional Board:** Any person proposing to discharge fire debris from burned areas to temporary waste staging areas that are not located at a regulated solid waste management facility must submit a signed/completed Notice of Intent to the Executive Officer to Establish Temporary Wildfire Waste Staging Operations (Attachment No. 1), within 30 days of the initial discharge of any wildfire wastes to waste staging areas established under this Resolution. The discharger must submit a signed/completed Notice of Termination of Temporary Wildfire Waste Staging Operations (Attachment No. 2) to the Executive Officer within 30 working days of completing removal of all wildfire waste and restoring the site to its original condition. All wastes must be removed and the site restored to its original condition.
3. **Cover:** All temporary waste staging units/piles must be covered with either a heavy gauge plastic or other material that meets the classification criteria for wastes described in Finding 13 of this Resolution. A material that would be classified as a designated waste cannot be utilized for daily or intermediate cover at a temporary waste staging area. Cover on the temporary waste staging units/piles must prevent rainwater infiltration and runoff, and must control fugitive dust, vectors, odors, blowing litter, and scavenging.
4. **Liner:** Heavy gauge plastic sheeting (not less than 20 mils thick) or other impermeable material (e.g., asphalt, concrete, compacted Class II roadbase, etc.) must be installed prior to establishing a temporary waste pile to protect all natural geological materials from contact with the waste or leachate.
5. **Surface Water Protection:** All waste piles derived from cleanup of burned areas must be located at least 100 feet from any surface water identified in the Basin Plan.
6. **Precipitation and Drainage Controls:** Temporary waste piles must be designed,

constructed, and operated to limit ponding, infiltration, inundation, erosion, slope failure, and washout to the greatest extent possible. Surface drainage from outside the temporary waste pile must be diverted away from the waste piles through implementation of BMPs for storm water control and conveyance to the maximum extent practicable.

7. **Return/Ponded Water:** A discharger must submit written notification to the Executive Officer 30 days prior to initiating the discharge of return water or ponded water contained within the temporary staging area if the discharge is to a location other than a sanitary sewer system. Based on the Executive Officer's determination, the discharger may receive: 1) waste discharge requirements; 2) a waiver of waste discharge requirements; or 3) a written determination that the disposal of the return water or ponded water is not subject to regulation by the Regional Board.
8. **Closure of Temporary Waste Piles:** Wastes discharged to temporary waste staging areas for the purpose of storage and treatment as established under this Resolution, and any materials used to contain the temporary wastes, must be removed for disposal in accordance with applicable federal, state, and local requirements. The owner/operator of the temporary waste staging area must submit a completed and signed Notice of Termination of Temporary Wildfire Waste Staging Operations (Attachment No. 2) to the Executive Officer within 10 working days of completing removal of all wildfire waste and restoring the site to its original condition.

**BE IT FURTHER RESOLVED THAT**, this conditional waiver of statutory requirements in CWC §§13260(a) and (b), 13263(a), and 13264(a) shall remain in effect until **September 13, 2018**, unless the Regional Water Board takes action to extend, revise, or rescind these requirements.

**BE IT FURTHER RESOLVED THAT**, the requirements of this Emergency Conditional Waiver apply only to waste derived from the cleanup of areas burned by wildfires. All discharges of waste not associated with cleanup of fire debris from burned areas must comply with discharge prohibitions and discharge specifications established in waste discharge requirements for the solid waste management units identified in Finding 9 of this Resolution.

**BE IT FURTHER RESOLVED THAT**, the Regional Board may issue specific waste discharge requirements for discharges of waste derived from burned areas.

**BE IT FURTHER RESOLVED THAT**, any waiver of waste discharge requirements is conditional; may be terminated at any time; does not authorize or excuse an illegal discharge; does not preclude the need for any permits, licenses, or authorizations which may be required by other state or local governmental agencies or landowners; and does not preclude the Regional Water Board from administering enforcement remedies pursuant to CWC §13300, et seq.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an emergency Resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 13, 2013.

Handwritten signature of Kurt V. Berchtold in black ink, written over a horizontal line.

Kurt V. Berchtold  
Executive Officer



**V. 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.*

**VI. 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.*

**VII. 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**

**SANTA ANA REGION**

3737 Main Street, Suite 500  
Riverside, California 92501-3348



**NOTICE OF TERMINATION  
OF TEMPORARY FIRE DEBRIS STAGING OPERATIONS  
IN COMPLIANCE WITH REQUIREMENTS IN EMERGENCY RESOLUTION R8-2013-0049**

**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