

## **Conditional Waiver No. 10 – Discharges of Emergency/Disaster Related Wastes**

Conditional Waiver No. 10 is for discharges of wastes resulting from an emergency or disaster, which may be a source of pollutants that can adversely affect the quality of waters of the state.

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

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

These types of discharge are generated during emergency and disaster related situations, requiring expedited handling and disposal. Therefore, emergency/disaster related waste discharges were grouped into one discharge classification.

Emergency/disaster related waste discharges that comply with the waiver conditions should minimize the potential impact and should not pose a significant threat to the quality of waters of the state.

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. However, 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.

However, waiver conditions should be developed in order for members of the public, cities, counties, local agencies and organizations, and/or the San Diego Water Board to determine if dischargers of any emergency/disaster related wastes are in conformance with the conditional waiver. If dischargers are not in compliance with waiver conditions, they can be issued a Notice of Violation and required to correct deficiencies in order to be eligible for Conditional Waiver No. 10. If dischargers of emergency/disaster related wastes violate any waiver conditions, the San Diego Water Board has the option to terminate the conditional waiver for the discharge and begin regulating the discharge with individual WDRs and/or take other enforcement actions.

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

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

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

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

1. This conditional waiver does not become active and available until one of the following occurs:
  - a) The Governor of California issues a proclamation, pursuant to Government Code sections 8625 and 8558(b), identifying a portion of the San Diego Region as being in a state of emergency, and applies only to disaster related waste streams from disaster-impacted areas; or
  - b) An oil spill incident occurs in the marine waters of the San Diego Region requiring a response authorized by the Administrator of the Office of Spill Prevention and Response; or
  - c) A discharge occurs resulting from emergency activities that are waived of the requirements of Water Code sections 13260(a) and (c), 13263(a), and 13264(a), which are described in Water Code section 13269(c)(1) and (2).
2. This conditional waiver is only in effect temporarily and shall expire under the following conditions:
  - a) The state of emergency declared by the Governor expires, or
  - b) The San Diego Water Board takes action to terminate enrollment of individual or all dischargers/Units temporarily granted a waiver, or
  - c) Six (6) months has elapsed since the Governor issued a declaration of the State of emergency for any portion of the San Diego Region, or the oil spill incident occurred, or emergency activities began, unless otherwise directed by the San Diego Water Board.

3. Emergency/disaster related waste management and cleanup activities must minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of the waters of the state.
4. For all temporary waste piles and surface impoundments used to manage emergency/disaster related waste, the following conditions apply:
  - a) Prevent the direct or indirect discharge of emergency/disaster related wastes to any surface waters of the state (including ephemeral streams and vernal pools).
  - b) Emergency/disaster related waste management operations shall not be performed in a manner that creates, or contributes to a condition of pollution or nuisance.
  - c) Emergency/disaster related waste management operations shall not be performed in a manner that creates, or contributes to conditions which violate the waste discharge prohibitions promulgated in the Basin Plan.
  - d) Emergency/disaster related wastes shall not be managed in a manner that causes corrosion, decay, or otherwise reduces or impairs the integrity of containment structures at any waste management unit.<sup>1</sup>
  - e) Emergency/disaster related wastes shall not be managed in a manner that mixes or commingles other wastes that can produce a violent reaction (including heat, pressure, fire or explosion), that can produce toxic byproducts, or that can produce any reaction products requiring a higher level of containment, or results in the mixture being classified as a restricted waste.<sup>2</sup>
  - f) Liquid hazardous wastes or “restricted hazardous wastes”<sup>3</sup> cannot be discharged to municipal solid waste (MSW) landfills, temporary waste piles, or temporary surface impoundments.
  - g) Temporary waste piles must be covered to adequately prevent rainwater infiltration and runoff, and control fugitive dust, vectors, odors, blowing litter and scavenging. The cover shall not consist of or contain material classified as a designated waste.<sup>4</sup>
  - h) Inert wastes<sup>5</sup> that are suitable for reuse or recycling do not require permanent disposal at a classified waste management or disposal facility (i.e., permitted landfill).
  - i) Waste streams must only originate from disaster-impacted areas of the San Diego Region. These waste streams shall be discharged for treatment and permanent disposal **only** into:
    - i) Waste management or treatment units (e.g., liquid wastes into wastewater treatment plants) as allowed by waste discharge requirements (WDRs) issued by the San Diego Water Board, or
    - ii) Solid waste management units or disposal facilities (e.g., solid wastes into Class III MSW landfills underlain with engineered composite liners

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<sup>1</sup> Pursuant to California Code of Regulations Title 27 section 20200(b)(1)

<sup>2</sup> Pursuant to California Code of Regulations Title 27 section 20200(b)(2)

<sup>3</sup> Defined in California Health and Safety Code section 25122.7

<sup>4</sup> Defined in California Code of Regulations Title 27 section 20210

<sup>5</sup> Defined in California Code of Regulations Title 27 section 20230

- and leachate collection systems and that satisfy the requirements of State Water Board Resolution No. 93-62); or
- iii) Emergency landfills established in accordance with the conditions of this waiver; and
  - iv) As allowed by valid WDRs issued by the San Diego Water Board for other categories of waste management units.

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

1. Incidental discharges<sup>6</sup> are confined to the response area which is defined by the daily work plan approved under the Incident Command System or Unified Command Structure by the Administrator, Federal On-Scene Coordinator, or State On-Scene Coordinator.
2. Oil spill response must be in marine waters.<sup>7</sup>

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

1. Waste (not otherwise suitable for recycling or reuse) derived from cleanup of emergency/disaster-impacted areas in the San Diego Region and managed under provisions of this waiver shall only be discharged *for permanent disposal into units that are underlain with an engineered composite liner system and a leachate collection meeting the requirements of State Water Board Resolution No. 93-62.*
2. Wastes derived from cleanup of disaster-impacted areas in the San Diego Region and discharged into regulated waste disposal facilities must be isolated, to the extent practicable, from areas of the facility that are not lined.
3. Food wastes, animal carcasses, and other putrescible wastes derived from cleanup of disaster-impacted areas in the San Diego Region shall be discharged for disposal in compliance with conditions of this waiver and covered expeditiously.
4. Inert wastes contained in mixed emergency wastes derived from cleanup of disaster-impacted areas in the San Diego Region, shall be separated and recycled when appropriate and practicable.
5. The discharger is responsible for accurately classifying disaster related waste streams in accordance with the applicable regulatory requirements.<sup>8</sup>
6. The regulated waste disposal facility owner/operator is responsible for properly identifying disaster related waste streams<sup>9</sup> and identifying wastes

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<sup>6</sup> "Incidental discharge" is defined as "the release of oil and/or oily water within the response area in or proximate to the area in which the oil recovery activities are taking place during and attendant to oil spill response activities. Incidental discharges include, but are not limited to, the decanting of oily water; in order to conserve oil storage capacity, and the wash down of vessels, facilities, and equipment used in the response."

<sup>7</sup> "Marine waters" defined in Government Code section 8670.3(i) as "those waters subject to tidal influence"

<sup>8</sup> Requirements are provided in California Code of Regulations Title 27, Title 23,, Chapter 15, and/or Title 22 Division 4.5.

<sup>9</sup> Pursuant to California Code of Regulations Title 27 section 20200(c)

- that may be suitable for use as alternative daily cover (ADC). Solid wastes that may be used as ADC at a regulated disposal facility are as follows:
- a) Solid wastes that are classified as inert wastes.
  - b) Solid wastes that meet the criteria for ADC as prescribed in California Code of Regulations Title 27 sections 20690 to 20705, and.
  - c) Other solid wastes identified by the Local Enforcement Agency (LEA) as being suitable for use as ADC; so long as the waste could be accepted at a Class III MSW landfill without special permission from the San Diego Water Board.
7. Disposal of large numbers of animal carcasses, and other high moisture waste streams from mass mortality (e.g., natural disaster, agricultural disease, etc.), may cause wastes to exceed moisture holding capacity at regulated MSW landfills. To limit the impacts from such a large an additional moisture content associated with a mass mortality waste load, the owner/operator responsible for the regulated waste disposal facility should implement the following procedures::
- a) Discharge high-moisture wastes (animal carcasses, animal related wastes, etc.) only in areas of the composite lined unit with a considerable thickness of other waste.
  - b) Owner/operator must limit the thickness of the high-moisture waste stream (e.g., animal carcasses, animal related wastes, etc.) to no more than 2 feet.
  - c) Owner/operator must cover each layer of high-moisture wastes (e.g., animal carcasses, animal related wastes, etc.) with an even thicker layer of absorbent wastes or soil.
  - d) For disaster related mass mortality wastes streams that are in a liquid form (e.g. raw eggs, etc.) reduce the moisture content prior to discharge by mixing with an absorbent material (e.g., saw dust, mulch, soil, etc.).
8. Within 60 days after the expiration of this waiver (see 10.I.A) the owner/operator of the a regulated waste disposal facility that accepted waste from disaster-impacted areas in the San Diego Region must submit an amendment to their Report of Waste Discharge (RoWD) (Joint Technical Document) describing the material change to their discharge, pertaining to the temporary acceptance, management, and disposal of waste derived from cleanup of disaster-impacted areas of the San Diego Region.

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

1. Owners/operators of regulated waste management or disposal facilities proposing to accept discharges of waste from disaster-impacted areas in the San Diego Region to a temporary waste staging area located at a regulated facility must submit a Notice of Intent to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The Notice of Intent must contain the name and contact information of the owner/operator of the regulated waste management or disposal facility property, facility address

- and contact information, description of temporary waste management unit, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, *“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”*
2. Owners/operators of regulated waste management or disposal facilities must prevent surface runoff/runon from contacting wastes derived from cleanup of disaster-impacted areas in the San Diego Region and shall prevent erosion and transport of soils containing disaster related wastes or waste constituents by surface runoff from all temporary waste piles. The facility owner/operator must implement management measures (MMs) and/or best management practices (BMPs) for storm water conveyance and control.
  3. All wastes derived from disaster-impacted areas in the San Diego Region must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from, and at an elevation that is higher than, any surface water of the state.
  4. All waste derived from disaster-impacted areas in the San Diego Region must be protected from flooding and inundation, in compliance with the current WDRs for the affected unit, or units, at the regulated facility.
  5. Owners/operators of regulated waste management or disposal facilities must manage temporary waste piles for disaster related mass mortality wastes as follows:
    - a) Temporary waste piles of mass mortality wastes can only be located in areas underlain by a composite liner system (or approved engineering alternative) and a significant thickness of other types of solid wastes.
    - b) Owner/operator must implement a plan to prevent wild animals (e.g., birds, mammals, reptiles, etc.) from coming into contact with mass mortality wastes (e.g., provide and maintain adequate cover for temporary waste piles).
    - c) Owner/operator must ensure that all temporary waste piles containing mass mortality wastes are discharged into landfill prior to the end of the working day, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality and human health for a given temporary waste pile.
    - d) Owner/operator must ensure that all mass mortality wastes are covered with soil or other waste immediately after it is discharged into the landfill.
    - e) Owner/operator must ensure that any storm water runoff that comes into contact with the disaster related wastes or containing waste constituents is managed as leachate.
  6. Disaster related and mass mortality wastes discharged to temporary waste piles at regulated waste management or disposal facilities temporarily granted a waiver, together with any materials used to contain the temporary waste

piles, shall be removed from the site. The site shall be restored to its original state no later than the 60 days after expiration of this waiver (see 10.I.A), or as required by the San Diego Water Board. Alternatively, the facility owner/operator must file an amended RoWD (Joint Technical Document) and obtain amended WDRs from the San Diego Water Board for any waste piles that will continue to exist past the expiration date of this waiver.

7. Owners/operators of regulated waste management or disposal facilities must submit a Notice of Termination to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The Notice of Termination must contain the name and contact information of the owner/operator of the regulated facility property, facility address and contact information, description of waste that was temporarily stored/staged in the temporary waste management unit, the final waste disposal location, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, *"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

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

1. Any agency, jurisdiction or person proposing to establish a temporary waste pile not located at a regulated facility must submit a Notice of Intent to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The Notice of Intent must contain the name and contact information of the owner/operator the property where the temporary waste pile facility is located, facility address and contact information, description of temporary waste management unit, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, *"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*
2. Owners/operators of temporary waste piles not on regulated facilities must ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance the following minimum prescriptive and performance standards:

- a) The bottom of a temporary waste pile must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from, and at an elevation that is higher than, any surface water of the state.
  - b) Temporary waste piles must be protected from inundation or washout due of floods with a 100-year return period.
  - c) Temporary waste piles cannot be located on a known Holocene fault.
  - d) Temporary waste piles cannot be located in areas of potential rapid geologic change (e.g., landslides, debris flows, flashflood areas, etc.).
  - e) Temporary waste piles must be underlain by a temporary impermeable barrier (e.g., heavy gauge plastic) or located in an area covered by a relatively impermeable surface (e.g., asphalt, concrete, etc.). The liner must be installed prior to establishing a temporary waste pile to protect all natural geological materials from contact with the waste and from contact with leachate.
  - f) Temporary waste piles must be covered daily with either a heavy gage plastic or material that meets the classification criteria for inert wastes. A material that would be classified as a designated waste cannot be utilized for daily cover at a temporary waste staging area. Cover on the temporary waste piles must be designed, installed and maintained to prevent rainwater infiltration and runoff, and control of fugitive dust, vectors, odors, blowing litter and scavenging.
  - g) Temporary waste management operations that include wastes with a liquid content exceeding its moisture-holding capacity and/or containing free liquids, shall comply with requirements for temporary surface impoundments (see 10.II.E).
  - h) Temporary waste piles must be designed, constructed and operated to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, and washout. Surface drainage from outside of the temporary waste pile shall be diverted from the location of the temporary waste pile through implementation of MMs/BMPs for storm water control and conveyance.
3. Owners/operators of temporary waste piles not on regulated facilities must submit written notification to the San Diego Board at least 30 days prior to initiating the discharge of return water or ponded water contained within the temporary waste pile if the discharge is to a location other than a sanitary sewer system. Based on the San Diego Water Board determination, the discharger may receive: 1) WDRs; 2) a waiver of WDRs, or 3) written determination that the disposal of the return water or ponded water is not subject to regulation by the San Diego Water Board.
  4. Owners/operators of temporary waste piles not on regulated facilities must post at least one clearly visible sign (in English) listing the following minimum information: a) project name, b) brief project description, and c) operator name and phone number. The discharger must post additional signs as necessary (in languages other than English) to more effectively communicate the minimum contact information (listed above) to the local community. The



- sign(s) shall be maintained as required to keep them legible and shall remain in place while temporary waste piles remain on site.
5. Solid wastes discharged to temporary waste piles not at regulated waste management or disposal facilities temporarily granted a waiver, together with any materials used to contain the temporary waste piles, shall be removed from the site. The site shall be restored to its original state no later than the 60 days after expiration of this waiver (see 10.I.A), or as required by the San Diego Water Board.
  6. Owners/operators of temporary waste piles not on regulated facilities must submit a Notice of Termination to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The Notice of Termination must contain the name and contact information of the owner/operator the property where the temporary waste pile facility was located, facility address and contact information, description of waste that was temporarily stored/staged in the temporary waste management unit, the final waste disposal location, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, *“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”*

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

1. Any agency, jurisdiction or person proposing to establish a temporary surface impoundment not located at a regulated facility must submit a Notice of Intent to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The Notice of Intent must contain the name and contact information of the owner/operator the property where the temporary surface impoundment facility is located, facility address and contact information, description of temporary waste management unit, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, *“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”*
2. Owners/operators of temporary surface impoundments not on regulated facilities must ensure that they are sited, designed, constructed, operated,

and maintained to ensure compliance the following minimum prescriptive and performance standards:

- a) The bottom of a temporary surface impoundment must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from, and at an elevation that is higher than, any surface water of the state.
  - b) Temporary surface impoundments must be protected from inundation or washout due of floods with a 100-year return period.
  - c) Temporary surface impoundments cannot be located on a known Holocene fault.
  - d) Temporary surface impoundments cannot be located in areas of potential rapid geologic change (*e.g.*, landslides, debris flows, flashflood areas, *etc.*).
  - e) Temporary surface impoundments must be underlain by a temporary impermeable barrier (*e.g.*, heavy gauge plastic) or a relatively impermeable surface (*e.g.*, asphalt, concrete, *etc.*). The liner must be installed prior to establishing a temporary surface impoundment to protect all natural geological materials from contact with the waste.
  - f) Berms and containment structures of temporary surface impoundments must be composed of inert materials that will not cause adverse reactions (*e.g.*, corrosion, decay, or otherwise reduce or impair the integrity of the containment structure) when placed in contact with the liquid wastes stored within the temporary surface impoundment.
  - g) Temporary surface impoundments must be designed, operated and maintained to ensure that liquid wastes are at least 2 feet below the top of the impoundment (measured vertically from the surface of the liquid up to the point on the surrounding lined berm or dike having the lowest elevation), and must be designed and constructed to prevent overtopping as a results of wind conditions likely to accompany precipitation conditions.
  - h) Direct pipeline discharges of liquid can occur only into temporary surface impoundments with automatic or manually operated fail-safe systems to prevent overfilling.
  - i) Temporary surface impoundments must be designed and constructed to prevent scouring of containment structures at points of liquid discharge into the impoundments.
  - j) Temporary surface impoundments must be designed, constructed and operated to limit, to the greatest extent possible, inundation, erosion, slope failure, and washout. Surface drainage from outside of the temporary surface impoundments shall be diverted from the location of the temporary waste pile through implementation of MMs/BMPs for storm water control and conveyance.
3. Owners/operators of temporary surface impoundments not on regulated facilities must submit written notification to the San Diego Board at least 30 days prior to initiating the discharge of return water or ponded water contained within the temporary waste pile if the discharge is to a location

4. Owners/operators of temporary surface impoundments not on regulated facilities must ensure that only disaster related waste streams are discharged into temporary surface impoundments.
5. All visible portions of synthetic liner systems in temporary surface impoundments must be inspected weekly, or daily as necessary, until all free liquid is removed from the surface impoundment as part of closure.<sup>10</sup> If, during the active life of the temporary surface impoundment, the wastes are removed and the bottom of the impoundment is cleaned down to the liner, an inspection shall be made of the bottom of the liner prior to refilling the impoundment.
6. Owners/operators of temporary surface impoundments not on regulated facilities must post at least one clearly visible sign (in English) listing the following minimum information: a) project name, b) brief project description, and c) operator name and phone number. The facility owner/operator must post additional signs as necessary (in languages other than English) to more effectively communicate the minimum contact information (listed above) to the local community. The sign(s) shall be maintained as required to keep them legible and shall remain in place while temporary surface impoundments remain on site.
7. Solid wastes discharged to temporary surface impoundments not at regulated waste management or disposal facilities, together with any materials used to contain the temporary surface impoundments, shall be removed from the site. The site shall be restored to its original state no later than the 60 days after expiration of this waiver (see 10.I.A), or as required by the San Diego Water Board.
8. Owners/operators of temporary surface impoundments not on regulated facilities must submit a Notice of Termination to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The Notice of Termination must contain the name and contact information of the owner/operator the property where the temporary surface impoundment facility was located, facility address and contact information, description of waste that was temporarily stored/staged in the temporary waste management unit, the final waste disposal location, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, "*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*"

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<sup>10</sup> Pursuant to California Code of Regulations Title 27 section 21400(a)

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

1. Any agency, jurisdiction or person proposing to establish an emergency landfill not located at a regulated facility must submit a Notice of Intent to the San Diego Water Board within 30 days of the initial discharge of any disaster related wastes. The Notice of Intent must contain the name and contact information of the owner/operator the property where the emergency landfill facility is located, facility address and contact information, description of emergency waste management unit, certification, and signature of the owner, operator, and/or authorized representative. The certification must include the statement, *“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”*
2. Owners/operators of emergency landfills not on regulated facilities must ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance the following minimum prescriptive and performance standards:
  - a) The bottom of an emergency landfill must be placed at least 10 feet above the highest historically known or anticipated level of groundwater, and more than 500 feet from any surface water of the state.
  - b) Emergency landfills must be protected from inundation or washout due of floods with a 100-year return period.
  - c) Emergency landfills cannot be located on a known Holocene fault.
  - d) Emergency landfills cannot be located in areas of potential rapid geologic change (e.g., landslides, debris flows, flashflood areas, etc.).
  - e) Emergency landfills cannot be located in areas underlain by fractured bedrock aquifer or highly permeable soils (e.g., gravels, sands, and loamy sands) or in facilities that are characterized by such deposits (e.g., gravel quarry).
  - f) For disaster related mass mortality wastes streams that are in a liquid form (e.g. raw eggs, etc.) reduce the moisture content prior to discharge by mixing with an absorbent material (e.g., saw dust, mulch, soil, etc.).
  - g) The thickness of each layer of mass mortality wastes must be limited to less than 2 feet.
  - h) Lime (or another liquid abatement material) must be added to each layer to help reduce the generation of liquid by the mass mortality wastes.
  - i) Each layer of lime-covered mass mortality wastes must be covered by at least 3 feet of soil before adding another layer of mass mortality wastes.
  - j) Mass mortality wastes must be discharged for disposal in compliance with the conditions of this waiver and covered at the end of each working day

- k) The final layer of disaster related mass mortality wastes discharged into the emergency landfill must be overlain by a final layer of not less than 3 feet of soil; or alternatively the unit may be covered by a relatively impermeable engineered surface (e.g., asphalt, concrete, etc.). The final soil layer shall be placed in a mound configuration so that the final soil layer: 1) Overlaps the mass mortality wastes by several feet on each edge of the emergency landfill; 2) is at least 3 feet thick over all portions of the mass mortality wastes; and 3) is sloped to provide good drainage that does not impair the integrity of the emergency landfill.
  - l) Owner/operator should also evaluate, implement, and document other effective waste isolation (and waste moisture reducing methods) in conjunction with the procedures identified above
3. The emergency landfill must be designed, constructed and operated to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, and washout. The owner/operator must protect the integrity of the final cover from adverse impacts by erosion by installing and maintaining MMs/BMPs, including:
- a) Installation of runoff control features on the upgradient side of the emergency landfill to divert offsite storm water from the emergency landfill.
  - b) Installation of an effective runoff collection and conveyance ditch.
  - c) Grading and maintenance of the final cover to eliminate ponding of water over the emergency landfill.
  - d) Installation and maintenance of erosion control measures on the cover of the emergency landfill (e.g., install straw mulch and/or a vegetative cover).
  - e) Installation of a deer fence around the perimeter of the emergency landfill to discourage access by digging of carnivores.
4. Owners/operators of emergency landfills not on regulated facilities must post at least one clearly visible sign (in English) listing the following minimum information: a) clearly identify the area as an emergency landfill for animal and agricultural wastes, b) a warning against trespass, c) a description of the reason for the emergency landfill (e.g., Exotic Newcastle, Avian Flu, etc.), the type(s) of waste buried at the site (e.g., types of carcasses, egg wastes, manure, etc.), and d) the name and telephone number of the current property owner. The facility owner/operator must post additional signs as necessary (in languages other than English) to more effectively communicate the minimum contact information (listed above) to the local community. The sign(s) shall be maintained as required to keep them legible and shall remain in place while the emergency landfill remains on site.
5. Owners/operators of emergency landfills not on regulated facilities must submit Notice of Termination to the San Diego Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The Notice of Termination must contain the name and contact information of the owner/operator the property where the temporary waste pile facility was located, facility address and contact information, description of waste that was temporarily stored/staged in the temporary waste management unit, the final waste disposal location,

6. Owners/operators of emergency landfills not on regulated facilities must submit a RoWD to the San Diego Water Board and apply for WDRs (using Form 200). The RoWD and application for WDRs must be provided to the San Diego Water Board within 6 months of creating the emergency landfill for disposal of disaster related mass mortality wastes. At a minimum, the RoWD shall include the following information:
- a) A short description of the emergency conditions that made the emergency landfill necessary.
  - b) The identity, physical address, mailing address and telephone number of the current land owner.
  - c) Photographs taken to document the location of the emergency landfill, practices used for placement of wastes and soil layers, and the appearance of the emergency landfill after installation of the final cover.
  - d) A map showing the location and perimeter of the emergency landfill, its location relative to local topographical, geographical, biological, and cultural features (e.g. roads, streams, etc.), and provide Geographical Information System (GIS) data as available.
  - e) A simple cross section of the emergency landfill and a description of the construction (depth, thickness of layers and final cover).
  - f) An estimate of the amount of wastes (e.g., in pounds or tons) discharged into the emergency landfill.
  - g) A description of measures taken to ensure that wastes and waste constituents do not migrate outside the emergency landfill.
  - h) Any other site-specific or discharger related information requested by the San Diego Water Board.