STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2020-0004-DWQ

GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISASTER-RELATED WASTES

February 18, 2020
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FINDINGS:
The State Water Resources Control Board (State Water Board) finds that:

1. Catastrophic events such as fires, storms, floods, landslides, earthquakes, mass animal mortalities, spills, and other emergencies can create large amounts of disaster-related waste such as burn ash, concrete, wood, green waste, appliances, computer equipment, dead animals, food items, cars, household chemicals, paint, etc., collectively referred to as disaster-related wastes. Waste materials resulting from these catastrophic events may be mixed such that individual components are not practicably separable for purposes of waste management. The occurrence of disasters may also result in secondary disasters. For example, wildfires can exacerbate the risk of flooding, erosion, debris flows, and slope failures as a result of the loss of vegetated cover. Damage from earthquakes and other disasters can affect vital infrastructure, such as water supply and sewer systems, and threaten beneficial uses of waters of the state; power outages and fires following earthquakes can result in mass quantities of spoiled food and other goods requiring disposal. Emergency cleanup activities to address disaster events may create unusually large amounts of waste needing to be disposed in a short period of time, may involve wastes that would not normally be accepted for disposal at a waste management facility, and often necessitate temporary waste staging areas on land or at regulated waste management facilities.

2. The discharge of waste to land in the State of California is an action that is subject to restrictions adopted in individual or general Waste Discharge Requirements (WDRs) issued by the State Water Board or Regional Water Quality Control Boards (collectively Water Boards).

3. California Water Code (Water Code), section 13260, subdivision (a)(1), requires any person (including any city, county, district, or other entity) discharging, or proposing to discharge, wastes within the State of California that could affect the quality of waters of the state, other than into a community sewer system, to file a Report of Waste Discharge (ROWD) with the Water Board. Unless exempted, Water Code, section 13263, subdivision (a), requires that the Water Board adopt discharge requirements for any existing or proposed waste discharges within its area of jurisdiction, except discharges into a community sewer system, even if no ROWD has been filed.

4. For purposes of this General Waste Discharge Requirements for Disposal of Disaster-Related Wastes (hereafter “General Order”), a discharger is any person discharging or proposing to discharge disaster-related wastes. For permanent disposal in regulated facilities such as landfills, the discharger is the owner/operator of the landfill.

5. Issuing WDRs prior to cleanup of emergency wastes requires time that may significantly impede the cleanup of emergency wastes, which would likely increase the threat to public health and the environment. Under emergency or disaster conditions, there is limited time for those performing cleanup of disaster-related wastes to prepare a formal ROWD and for the Water Board to prescribe new WDRs or to revise existing WDRs.
Therefore, to expedite the cleanup of disaster-related wastes, enrollment under this General Order for these types of discharges is in the public interest.

6. For purposes of this General Order, wastes resulting from disaster-impacted areas are herein referred to as "disaster-related wastes."

7. All nine Regional Water Boards adopted waivers for disposal of disaster-related wastes, but many large disasters and clean-up efforts cross regional boundaries. This has resulted in delays in clean up responses due to differences among Regional Water Board requirements. Additionally, waivers expire every five years and require additional staff time to update and renew. Water Code section 13263, subdivision (a), provides the State Water Board with authority to issue WDRs for any proposed or existing discharge that could affect water quality. This General Order provides statewide conditions allowing for a more efficient response. If a discharge is covered by a Regional Water Board Order for disposal of disaster-related wastes, the operation may continue under that authority until those orders expire or come up for renewal. At that time, or earlier at the discretion of the Regional Water Boards, it is the intent of the State Water Board that Regional Water Boards will use this General Order for permitting the disposal of disaster-related wastes.

8. This General Order applies to emergency situations for disposal of disaster-related wastes from disaster areas where a state of emergency has been proclaimed by the Governor pursuant to the Government Code, section 8550 et seq., and is categorically exempt from California Environmental Quality Act (CEQA) (California Code of Regulations [CCR], title 14, section 15269(a) and Public Resources Code [PRC], section 21080, subdivision [b][3])). For emergencies that are not in a Governor-declared disaster area, this General Order is exempt from CEQA because the Order and the conditions of this Order will apply only to activities necessary to prevent or mitigate an emergency, as defined by CEQA (CCR, title 14, section 15269, subdivision [c], and PRC, section 21080, subdivision [b][4]).

9. CEQA defines emergency as “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” (PRC, section 21060, subdivision 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 (CCR, title 14, section 15259, subdivision [c]). For purposes of this General Order, “emergency” has the same meaning as defined in CEQA.

10. Water Code, section 13260, subdivision (a) requires a report of waste discharge (ROWD) from any person or agency proposing to discharge waste. The legal requirement for dischargers discharging as a result of cleanup of an emergency or disaster area is to submit a ROWD and for the Regional Water Board to prescribe
WDRs for discharges of wastes necessary to protect life or property during emergency cleanup actions following disasters such as fires, floods, storms, earthquakes, or mass mortality of animals in a Declared Disaster Area. A discharger submitting a Notice of Intent to enroll and comply with the conditions in this General Order satisfies this requirement.

11. Water Code, section 13264, subdivision (a) prohibits waste discharge without the discharger submitting a ROWD and the Water Board adoption of WDRs. A General Order for cleanup of wastes following fires, floods, storms, earthquakes, or mass mortality of animals when a state of emergency has been proclaimed by the Governor is critical. The formal process of dischargers preparing a ROWD and the Regional Water Board adopting WDRs is a several-month long process that would unduly delay cleanup after these types of emergencies.

12. The State Water Board notified the landfill operators and owners identified in Attachment B, as well as governmental agencies and interested persons of its intent to adopt a General Order and provided them the opportunity to attend a public meeting and submit their written comments and recommendations.

13. This General Order does not supersede any federal, state, or local law or regulation. Other requirements may apply to this material; this General Order does not require any entity to accept disaster-related debris. In order to streamline the disaster-related wastes cleanup process, coordination with other agencies should occur as early as feasible. The State Water Board, in a public meeting, heard and considered all comments pertaining to this matter.

**ANTIDEGRADATION ANALYSIS**

14. State Water Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality Waters in California, the state’s “Antidegradation Policy”) provides that high quality waters of the state must be maintained unless it is demonstrated that any degradation will be consistent with the maximum benefit to the people of the state, will not unreasonably affect beneficial uses, and will not result in water quality worse than that described in the Regional Water Board’s policies. This General Order is consistent with the Antidegradation Policy because it includes conditions that require dischargers to minimize or eliminate discharges of wastes that can have adverse impacts on the water quality that supports beneficial uses of waters of the state. This General Order imposes conditions on discharges of disaster-related wastes that would not otherwise apply following the appropriate notification to the Regional Water Board. All temporary discharges regulated under this General Order are short-term and are not expected to cause degradation of water quality. Permanent disposal is only authorized to lined waste management units operating pursuant to CCR, title 27. Therefore, no degradation of water quality is authorized under this General Order. Coverage under this General Order can be terminated if conditions are not met.
OTHER REGULATORY CONSIDERATIONS

15. This General Order is in the public interest because these discharges would comply with the conditions of this General Order and would not result in violation of a Regional Water Board’s Basin Plan.

16. Except as provided under Water Code section 13269, subdivision (d), and upon notification of the State 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.

The activities covered by this General Order are outside the scope of Water Code, section 13269, subdivision (c) as this General Order provides requirements for disposal of disaster-related debris, which occurs following the immediate response actions described in Water Code, section 13269, subdivision (c). Additionally, section 13269, subdivision (d) provides that section 13269, subdivision (c) is not a limitation on Water Board authority to determine that a waiver of the requirement to submit a ROWD and obtain WDRs shall not be granted.

17. Pursuant to Water Code section 13260 subdivision (c), Dischargers must submit a ROWD when there is a material change in discharge or new discharge. Landfill owners and/or operators proposing to accept the material included in this General Order for permanent disposal would constitute a material change in discharge. Temporary staging areas are considered new discharges. Therefore, submitting a Notice of Intent to enroll in this General Order is needed to satisfy the requirements of Water Code, section 13260. Landfills and other areas used for permanent disposal are required to
submit a ROWD following submittal of the Notice of Intent to the Regional Water Board in accordance with the requirements of this General Order.

18. Pursuant to Water Code section 13263, subdivision (g), waste discharges to waters of the state are a privilege, not a right, and adoption of this General Order does not create a vested right to continue any discharge.

19. Water Code section 13267, subdivision (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 discharged 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 regional 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 General Order are necessary to assure compliance with its conditions.

20. All WDRs must implement the applicable Regional Water Board’s Basin Plan for the region in which the discharge occurs; therefore, this General Order requires dischargers to comply with all applicable Basin Plan requirements and water quality objectives governing the discharge. In the event of a conflict between the requirements of this General Order and the Basin Plan, the more stringent requirement prevails.

21. Regulated landfills have WDRs implementing CCR, title 27; State Water Board Resolution No. 93-62; and federal Municipal Solid Waste Landfill Criteria in 40 CFR 258.

22. This General Order is not a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to the Federal Clean Water Act. For operations where storm water discharges off-site, the Discharger may be required to enroll under the State Water Board’s Order 2014-0057-DWQ, NPDES General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (Industrial General Permit), and/or future promulgations. If wastewater is discharged to surface water, the Discharger may be required to obtain an individual NPDES permit. Coverage under this General Order does not exempt a facility from the federal Clean Water Act. Any facility required to obtain such permits must notify the Regional Water Board.

23. The issuance of this General Order is consistent with the goal to protect waters of the state, while considering economic and environmental impacts as stated in the Strategic Plan of the Water Boards and Water Code section 13263, subdivision (a).

24. Pursuant to Water Code, section 106.3, the state statutorily recognizes that “every human being has the right to safe, clean, affordable, and accessible water adequate for
human consumption, cooking, and sanitary purposes.” The human right to water extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas. This General Order protects the human right to water by providing a mechanism to quickly remove disaster-related wastes from public areas and to lined containment systems, therefore protecting water quality.

25. Failure to prevent conditions that create or threaten to create pollution or nuisance or that may unreasonably degrade waters of the state will be sufficient reason to modify, revoke, or enforce this General Order.

26. Pursuant to Water Code, section 13241, the State Water Board, in establishing the requirements contained herein, considered factors including, but not limited to, the following:

a. Past, present, and probable future beneficial uses of water:

The proposed discharge will not adversely affect present or probable future beneficial uses of water because the permanent discharge is only authorized to lined waste containment systems with detection monitoring to ensure discharges do not reach groundwater and temporary waste management units that are required to be clean-closed immediately following the use as a staging area.

b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto:

The WDRs for the permanent discharge locations consider the environmental characteristics and quality of water available at those locations for permanent disposal. Given the emergency-response nature of this General Order, it is not feasible to consider the environmental characteristics and hydrographic units for every potential scenario for temporary disposal conditions; however, this General Order includes requirements for considering environmental characteristics when establishing temporary discharge locations.

c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area:

The requirements of this General Order will not affect groundwater quality. The Water Board will use its existing authority and these WDRs to ensure protection of water quality from these discharges.

d. Economic considerations:

The requirements in this General Order do not subject the Dischargers to economic disadvantage compared to other similar discharges.

e. The need for developing housing within the region(s):

The Dischargers are not responsible for developing housing as a result of this General Order.

f. The need to develop and use recycled water:
The Dischargers may propose the use of recycled water for dust control when performing activities related to this General Order when available.

27. Class II and III landfills are not authorized to accept radioactive waste. If an emergency occurs as a result of a radioactive event, thereby creating mass quantities of radioactive waste, those wastes are not considered to be disaster-related wastes for the purposes of this General Order. Such radioactive wastes must be disposed in a waste management unit designed and operated to contain radioactive wastes.

IT IS HEREBY ORDERED, pursuant to Water Code, sections 13263 and 13267, the Discharger, its agents, successors, and assigns, in order to meet the provisions contained in division 7 of the Water Code and regulations adopted hereunder, shall comply with the following:

A. PROHIBITIONS

1. Discharge of wastes, directly or indirectly, to any surface waters of the state, including ephemeral streams and vernal pools, is prohibited.

2. Discharge of wastes to surface waters including overflow, wastewater, or bypass from transport, treatment, storage, or disposal systems to adjacent drainages or adjacent properties is prohibited, except as authorized by an NPDES permit.

3. Disaster-related waste management operations that create, or contribute to, a condition of pollution or nuisance are prohibited.

4. Disaster-related waste management operations that create, or contribute to, conditions that violate applicable Basin Plan waste discharge prohibitions are prohibited.

5. Any material classified as a designated waste cannot be used for daily cover pursuant to CCR, title 27, section 20705, subdivision (e)(1).

6. Disaster-related wastes managed in a manner that causes corrosion, decay, or otherwise reduces or impairs the integrity of containment structures at any waste management unit, pursuant to CCR title 27, section 20200, subdivision (b)(1) are prohibited.

7. Disaster-related wastes managed in a manner that mixes or commingles with 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, pursuant to CCR, title 27, section 20200, subdivision (b)(2), are prohibited.

8. 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) are prohibited from being discharged at a Class II or III landfill and must be removed from the disaster-related waste stream and managed in accordance with the applicable regulatory requirements.
9. Temporary staging areas shall not be located in areas underlain by fractured bedrock aquifer or highly permeable soils (e.g., coarse grained sands, and gravels) or in facilities that are characterized by such deposits (e.g., gravel quarry).

10. Wastes derived from a radioactive event is classified as radioactive waste, not disaster-related waste, and are prohibited from being disposed in landfills pursuant to this General Order. This prohibition does not apply to disaster-related wastes that may contain an incidental amount of radioactivity that would occur within the waste stream from other disasters (such as medical devices burned in a fire).

B. CONDITIONS

1. This General Order applies only to disaster-related waste streams (1) from Declared Disaster Areas, or (2) from other emergency response actions that are exempt from CEQA, and (3) that are discharged to facilities that submit a Notice of Intent.

2. All conditions of this General Order remain applicable until they are satisfied, and the Discharger submits a complete Notice of Termination, or the discharge becomes covered under WDRs issued by the Regional Water Board. Authorization to discharge under this General Order is temporary and shall expire under the following conditions, whichever is earliest, unless otherwise provided in writing by the Water Board:
   a. If applicable, the Governor or the Legislature terminates the state of emergency pursuant to Government Code section 8629; or
   b. The Water Board terminates enrollment of individual Dischargers/Units, or all Dischargers/Units temporarily enrolled under the General Order for a particular emergency, or terminates this General Order in its entirety ("Units" in this context refers to any regulated landfill, temporary waste pile, temporary surface impoundment, or mass mortality emergency landfill being covered under this General Order).

3. Wastes discharged to temporary waste management units under this General Order (whether located at a regulated disposal facility or not), together with any materials used to contain the temporary waste management units, must be removed from the temporary location and restored to its original state within six months of a declaration of emergency by the Governor or prior to filing a Notice of Termination, whichever occurs first, or as a required by the Regional Water Board. Any person permanently discharging or storing disaster-related waste longer than noted above must file a Report of Waste Discharge and obtain waste discharge requirements.

C. SPECIFICATIONS FOR ALL DISCHARGES OF DISASTER-RELATED WASTES

1. Cleanup activities and management of disaster-related wastes must minimize or eliminate the discharge of any wastes that could adversely affect the quality or beneficial uses of the waters of the state.
2. Landfill(s) designated to receive disaster-related wastes must dispose of the disaster-related waste within waste management units underlain by composite liner systems.

3. Disaster-related wastes derived from cleanup of disaster-impacted areas and discharged into regulated waste disposal facilities must be isolated, to the extent practicable, from areas of the facility that are not lined.

4. Inert wastes derived from cleanup of disaster-impacted areas shall be separated and recycled when appropriate and practicable. Inert wastes that are suitable for reuse or recycling do not require permanent disposal at a classified waste management or disposal facility (i.e., permitted landfill). If not disposed in a classified waste management or disposal facility, these materials do not need coverage under this General Order.

5. Composite liner systems identified for permanent disposal of disaster-related solid waste must meet the liner requirements 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, must satisfy minimum containment standards for Class III MSW landfills promulgated in State Water Resources Control Board regulations governing discharges of waste, pursuant to CCR, title 27, sections 20260 and 20310.

6. Disposal of disaster-related wastes, to the extent practical, must not impede movement of leachate into a leachate collection and removal system (LCRS).

7. Food wastes, animal carcasses, and other putrescible wastes derived from cleanup of disaster-impacted areas must be discharged for disposal in compliance with conditions of this General Order and covered expeditiously.

8. All disaster-related wastes must be protected from flooding and inundation, in compliance with the current WDRs for the affected unit or units, at the regulated waste disposal facility.

9. The waste streams to be discharged for treatment or permanent disposal shall only be disposed into:

   a. Liquid waste management or treatment units as allowed by waste discharge requirements issued by the Regional Water Board, or
   b. Solid waste management units or disposal facilities (e.g., Class II or III MSW 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 for the active disposal operations; or
   c. Temporary staging areas established in accordance with the conditions of this General Order; or
   d. Other categories of waste management units regulated under WDRs issued by the Regional Water Board that allow that type of waste.
10. All disaster-related wastes temporary staging areas must be setback at least 100 feet from water supply wells or any surface water, and at least 25 feet from groundwater monitoring wells. A lesser setback distance may be allowed by the Regional Water Board if the Discharger can demonstrate that the groundwater, geologic, topographic, and well construction conditions at the site are adequate to protect water quality.

11. Precipitation that falls on, or water that is applied to managed disaster debris (disaster debris that has been moved or consolidated as any part of the disaster response effort), must be treated as leachate if runoff occurs.

12. When applicable, Dischargers with coverage under this General Order must also apply for coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction Storm Water Permit) and comply with its requirements. The Construction Storm Water Permit (State Board Order No. 2009-0009-DWQ) may be found on the Water Board’s website.

Visit the Water Boards website for the Construction Storm Water Permit

D. CONDITIONS FOR DISCHARGE OF DISASTER-RELATED WASTES AT REGULATED CLASS II OR III MSW WASTE DISPOSAL FACILITIES

1. 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 appropriate Regional Water Board within 30 days after the initial discharge of any disaster-related emergency wastes. The Notice of Intent must contain the information listed in Attachment C of this General Order.

2. Emergency wastes (not otherwise suitable for recycling or reuse) derived from cleanup of emergency/disaster-impacted areas and managed under provisions of this General Order must only be discharged for permanent disposal into units that are underlain with an engineered composite liner system and a leachate collection system meeting the requirements of CCR, title 27, and State Water Board Resolution No. 93-62.

3. 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 must submit an amendment to their 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 amended ROWD must include a completed Notice of Termination form and information about the waste types accepted, location of the discharge including a map, and approximate volumes discharged.

4. The following categories of disaster-related wastes derived from burned areas may be discharged as alternative daily cover (ADC) to a Class II or Class III MSW landfill:
a. Solid wastes that are classified as inert wastes (per CCR, title 27, section 20230);

b. Solid wastes that meet the criteria for ADC (per CCR, title 27, section 20690 et seq.); and

c. Solid wastes identified by the Local Enforcement Agency (LEA) and approved by local Regional Board staff as being suitable use for ADC.

E. CONDITIONS FOR DISCHARGE OF DISASTER-RELATED WASTES AT TEMPORARY WASTE STAGING AREAS (WASTE PILES) LOCATED AT REGULATED 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 located at a regulated waste disposal facility must submit a Notice of Intent to their local Regional Water Board within 30 days after the initial discharge of any disaster-related wastes. The Notice of Intent must contain the information listed in Attachment C of this General Order.

2. Temporary waste staging areas may only be located within MSW landfills, inert landfills, or other designated areas where disaster-related wastes are 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 also considered temporary waste management units.

3. Heavy gauge plastic sheeting (not less than 20 mils thick) or other impermeable materials (e.g., asphalt, concrete, compacted Class II road base, etc.) must be installed prior to establishing a temporary waste pile to protect natural geological materials from contact with the waste or its leachate.

4. Owners/operators of regulated waste management or disposal facilities must prevent surface runoff/run-on from contacting wastes derived from cleanup of disaster-impacted areas and must prevent erosion and transport of soils containing disaster-related wastes or waste constituents by surface runoff from all temporary emergency waste piles. The facility owner/operator must implement best management practices (BMPs) for storm water conveyance and control.

5. Hazardous wastes must not be discharged to temporary waste piles.

F. CONDITIONS FOR DISCHARGE OF DISASTER-RELATED WASTES AT TEMPORARY WASTE STORAGE AREAS (WASTE PILES) NOT LOCATED AT REGULATED WASTE DISPOSAL FACILITIES

1. Owners/Operators proposing to establish a temporary waste pile not located at a regulated waste disposal facility must submit a Notice of Intent to the Regional Water Board within 30 days of initial discharge. The Notice of Intent must contain the information listed in Attachment C of this General Order.
2. Owners/operators of temporary waste piles not at regulated facilities must ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance with the following minimum 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, more than 100 feet from any surface water or water supply well, and at least 25 feet from groundwater monitoring wells.
   b. Temporary waste piles must be protected from inundation or washout.
   c. Temporary waste piles must not be located on a known Holocene fault; waste piles must not be located at areas of potential rapid geologic change (e.g., landslides, debris flows, flash flood areas, etc.).
   d. Temporary waste piles must, to the extent feasible, prevent rainwater infiltration and runoff and control fugitive dust, vectors, odors, blowing litter, and scavenging. Any cover material used must not consist of or contain material known or anticipated to be classified as a designated or hazardous waste.
   e. Temporary waste management operations that include wastes with a liquid content exceeding its moisture-holding capacity and/or containing free liquids must comply with requirements for temporary surface impoundments in accordance with the specific conditions in Section G of this General Order, below.
   f. 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 of the temporary waste pile must be diverted from the location of the temporary waste pile through implementation of BMPs for storm water control and conveyance.

3. Owners/operators of temporary waste piles not on regulated facilities must discharge any return water or ponded water contained within the temporary waste pile to an authorized sanitary sewer system, a regulated facility permitted to receive the wastewater, or a temporary surface impoundment.

4. Owners/operators of temporary waste piles not on regulated facilities must 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 must be in English and any other language common in the local community to more effectively communicate the minimum contact information. The sign(s) must be maintained in a legible condition so long as waste piles remain on site.

5. Liquid hazardous wastes must not be discharged to temporary waste piles.
G. CONDITIONS FOR DISCHARGE OF DISASTER-RELATED WASTES AT TEMPORARY SURFACE IMPOUNDMENTS NOT LOCATED ON REGULATED FACILITIES

1. Owners/Operators proposing to establish a temporary surface impoundment not located at a regulated waste disposal facility must submit a Notice of Intent to the Regional Water Board within 30 days after the initial discharge of any disaster related wastes from a Declared Disaster Area. The Notice of Intent must contain the information listed in Attachment C of this General Order.

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 with the following minimum 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, more than 100 feet from any surface water or water supply well, and at least 25 feet from groundwater monitoring wells.
   b. Temporary surface impoundments must be protected from inundation or washout.
   c. Temporary surface impoundments must not be located on a known Holocene fault.
   d. Temporary surface impoundments must not be located at 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 with water-tight seams) or a relatively impermeable surface (e.g., competent asphalt, concrete, etc.). The liner must be installed prior to establishing a temporary surface impoundment and must protect 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 must be constructed of materials that minimizes leakage and 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 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 must be designed and constructed to prevent overtopping as a result of wind conditions.

h. Direct pipeline discharges of liquid can only occur 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 the points of liquid discharge into the impoundments.

j. Temporary surface impoundments must be designed, constructed and operated to limit inundation, erosion, slope failure, and washout to the greatest extent possible. Surface drainage from outside of the temporary surface impoundments must be diverted from the location of the temporary surface impoundment through implementation of BMPs for storm water control and conveyance.

3. When applicable, owners/operators of temporary surface impoundments not located at a regulated waste disposal facility must obtain coverage under the Construction Storm Water Permit and prepare a Storm Water Pollution Prevention Plan to obtain coverage under this General Order.

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. 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 must 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 listing the following minimum information: a) project name, b) brief project description, and c) operator name and phone number. The sign or signs must be in English and any other language common in the local community to more effectively communicate the minimum contact information. The sign(s) must be maintained in a legible condition while temporary surface impoundments remain on site.

H. SPECIFICATIONS SPECIFIC TO DISCHARGES OF MASS ANIMAL MORTALITY WASTES

1. Disposal of large numbers of animal carcasses, and other high moisture waste streams from mass mortality, may cause wastes to exceed moisture-holding capacity at regulated MSW landfills. To limit the impacts from a large moisture content waste load, the owner/operator responsible for the regulated waste disposal facility shall implement the following procedures:
2. Discharge high-moisture wastes for mass animal mortality wastes only at landfill areas underlain by a composite liner system and a significant thickness of other types of solid wastes.

3. Cover each layer of high-moisture mass animal mortality wastes (e.g., animal carcasses, animal related wastes, etc.) with absorbent wastes or soil.

4. The thickness of each layer of mass mortality wastes shall be limited to less than two feet, or the thickness of one animal carcass if greater than two feet.

5. For disaster-related mass animal mortality wastes streams that are in a liquid form (e.g., raw eggs, etc.), the moisture content shall be reduced prior to discharge by mixing with an absorbent material (e.g., saw dust, mulch, soil, etc.).

6. The owner/operator must implement a plan to prevent wild animals (e.g., birds, mammals, reptiles, etc.) from coming into contact with mass animal mortality wastes (e.g., provide and maintain adequate cover for temporary waste piles).

7. The owner/operator must ensure that all temporary waste piles containing mass animal mortality wastes are discharged into the 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.

I. SPECIFIC CONDITIONS FOR DISCHARGES FROM OTHER EMERGENCY DISASTER AREAS

1. In the event of an emergency not within a disaster area declared by the Governor, this General Order 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 Regional Water Board before commencing discharges pursuant to this General Order. Discharge of wastes in a manner requiring coverage under this General Order must not occur until the Executive Officer provides the Discharger a written Notice of Applicability stating that the proposed discharge is eligible and approved for coverage under this General Order.

   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 Governor’s Office of Emergency Services directs that waste be discharged to mitigate the emergency.

2. A Discharger who seeks coverage under Section I.I.1.a must submit a ROWD before commencing the proposed discharges if the Executive Officer determines that a proposed discharge is not eligible for coverage under this General Order.

3. A Discharger who seeks coverage under Section I.I.1.b must notify the Regional 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 must also submit a Notice of Intent to the appropriate Regional Water Board within 10 days after commencing the discharge, along with documentation that the Discharger has met the conditions described in Section D.1.b.

4. The Discharger must comply with Sections A, B, and C of this General Order and the appropriate Sections D through H of this General Order that are applicable to the particular discharge.

J. ENROLLMENT PROCESS

NOTICE OF INTENT

1. Emergency Wastes From A Declared Disaster Area – Dischargers seeking coverage under this General Order must submit a fully executed Notice of Intent (NOI) (Attachment C) to the Regional Board, indicating the discharge meets the conditions of this General Order. The NOI must be completed with all required information and signed by the owner or authorized representative of the entity proposing to discharge emergency wastes.

2. Emergency Wastes Not From A Declared Disaster Area – Dischargers desiring coverage under this General Order for emergencies not in a Declared Disaster Area (i.e., declared by the Governor) must either:
   a. Submit a Notice of Intent to the appropriate Regional Water Board and obtain a Notice of Applicability from the Executive Officer prior to commencing the discharge pursuant to Section I.1.a of this General Order, or
   b. Notify the Regional 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 appropriate Regional 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 I.1.b regarding the emergency being declared by a state or local government agency and an Incident Commander working through the Standardized Emergency Management System and the California Governor’s Office of Emergency Services directs that waste be discharged to mitigate the emergency.
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2020-0004-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS for DISASTER-RELATED WASTES

NOTICE OF TERMINATION

To terminate coverage, Dischargers must submit a fully executed Notice of Termination (NOT) (Attachment D) to the Regional Board certifying they have satisfied the conditions of this General Order. For temporary staging areas, the NOT must be submitted within 10 working days of completing removal of all disaster-related wastes and restoring the site to its original condition. For permanent disposal in regulated waste management units that accepted waste from disaster-impacted areas, the owner/operator must submit an amendment to their 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 within 30 days after the completion of discharges for each emergency. The amended ROWD must include a completed NOT form and information about the waste types accepted, location of the discharge including a map, and approximate volumes discharged.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 18, 2020.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D’Adamo
Board Member Tam M. Doduc
Board Member Sean Maguire
Board Member Laurel Firestone

NAY: None

ABSENT: None

ABSTAIN: None

Jeanine Townsend
Clerk to the Board
ATTACHMENT A - DEFINITIONS

**Beneficial Uses** – Pursuant to division 7, section 13050, subdivision (f) of the Water Code. “Beneficial uses” of water of the state that may be protected against degradation include, but are not limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation, and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

**Best Management Practice** - A practice, or combination of practices, that is the most effective and feasible means of controlling degradation or pollution generated by nonpoint sources for the attainment of water quality objectives.

**California Environmental Quality Act (CEQA)** - Refers to the statute promulgated in Public Resources Code, beginning with section 21000, and regulations promulgated in California Code of Regulations, title 14, chapter 3, beginning with section 15000, requiring state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

**Class I, II, III** – Refers to categories of waste management units regulated pursuant to California Code of Regulations, title 27, for discharges of waste to land.

**Day** - A calendar day unless otherwise specified.

**Designated Waste** – For the purposes of this General Order, designated waste will have the same definition as Water Code section 13173.

**Detention Pond** - An excavated or diked area designed to capture and hold any wastewater.

**Discharge** - The accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of wastes into or on any land or water.

**Discharger** - Any person who discharges waste which could affect the quality of waters of the state.

**Geocomposite Liner** - A manufactured material using geotextiles, geogrids, geonets, and/or geomembranes in laminated or composite form.

**Geomembrane** - Flexible materials in planar form manufactured to meet specific engineering purposes. Commonly, they are used as a barrier to waste solids and fluids. The term “geomembrane” is synonymous with “synthetic liner” and “flexible membrane liner.”

**Groundwater** - Water below the ground surface that is at or above atmospheric pressure (i.e., perched, unconfined, or confined water).

**Leachate** - Any liquid formed by the drainage of liquids from, or percolation/flow of liquids through any waste.

**Liquid Wastes** - Waste materials which are not spadeable or in a physical state where the waste materials behave sufficiently like a solid to be moved by a spade at normal outdoor temperatures.
Liner - A material or combination of materials designed, constructed, and maintained to contain any waste.

National Pollutant Discharge Elimination System (NPDES) - Refers to the national program under Clean Water Act section 402 (33 U.S.C. § 1342), for regulation of discharges of pollutants from point sources to waters of the United States. Discharges to surface waters are illegal unless authorized by a National Pollutant Discharge Elimination System permit.

Nonhazardous Solid Waste - Means all putrescible and non-putrescible solid, semi-solid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes and other discarded waste (whether of solid or semi-solid consistency); provided that such wastes do not contain wastes which must be managed as hazardous wastes, or wastes which contain soluble pollutants in concentrations which exceed applicable water quality objectives, or could cause degradation of waters of the state (i.e., designated waste).

Pollution - Defined in section 13050, subdivision (l) of the Water Code.

Precipitation - Is any condensate of atmospheric water vapor and includes hail, mist, rain, sleet, or snow.

Regional Water Quality Control Board (Regional Water Board) - All references to a Regional Water Board, include the Executive Officer, who may act for the Regional Water Board in carrying out this General Order. (Wat. Code, § 13050, subd. (b) & § 13223.)

Residual - The waste destined for disposal or recycling, and removed from the site.

Runoff - Any precipitation, wastewater, or other liquids that drain from any part of a waste management unit.

Run-on - Any precipitation, wastewater, or other liquids that drain onto any part of a waste management unit.

Water Quality Control Plan (Basin Plan) - Defined in division 7, section 13050, subdivision (j) of the Water Code.

Wastewater - Wastewater is water containing wastes from residential, commercial, and industrial processes. Municipal wastewater contains sewage, gray water (e.g., water from sinks and showers), and sometimes industrial wastewater.

Water Boards - Refers collectively to the State Water Resources Control Board and the nine Regional Water Quality Control Boards.

Waste - Defined in Water Code section 13050, subdivision (d).
Waste Pile - Pursuant to CCR, title 27, section 20164, waste pile means a waste management unit (Unit) at which only noncontainerized, bulk, dry solid waste is discharged and piled for treatment or storage on an engineered liner system that prevents the waste from contacting the underlying land surface. The term does not include a Unit of similar construction which is used for waste disposal (such a Unit would be a landfill).

Water Quality Objectives - Defined in Water Code section 13050, subdivision (h).

Waters of the State - Defined in Water Code section 13050, subdivision (e).
REGION 1

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## General Waste Discharge Requirements for Disaster-Related Wastes

### Region 4

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## GENERAL WASTE DISCHARGE REQUIREMENTS for DISASTER-RELATED WASTES

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<table>
<thead>
<tr>
<th>Landfill</th>
<th>County</th>
<th>Discharger(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Chollas Burnsite</td>
<td>San Diego</td>
<td>City of San Diego, Environmental Protection, Environmental Services</td>
</tr>
<tr>
<td>Sycamore Landfill</td>
<td>San Diego</td>
<td>Republic Services</td>
</tr>
<tr>
<td>Prima Deshecha Materials Recovery Facility</td>
<td>Santa Ana</td>
<td>Orange County Waste &amp; Recycling</td>
</tr>
<tr>
<td>Las Pulgas Landfill</td>
<td>San Diego</td>
<td>US Marine Corps-Camp Pendleton</td>
</tr>
</tbody>
</table>
ATTACHMENT C – NOTICE OF INTENT

State Water Resources Control Board
Order No. 2020-0004-DWQ

TO COMPLY WITH GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISASTER-RELATED WASTES

I. PROPERTY / FACILITY INFORMATION

Property/Facility Name:
___________________________________

Property/Facility Contact:
___________________________________

Property/Facility Address:
___________________________________

City: ______________________________
County: ____________________________
State: _____________________________
Zip: _______________________________
Telephone: _________________________
Fax: _______________________________
Email: _____________________________

Assessor Parcel Number(s):
___________________________________

II. PROPERTY / FACILITY OWNER INFORMATION

Property/Facility Owner Name:
___________________________________

Owner Mailing Address:
___________________________________

City: ______________________________
County: ____________________________
State: _____________________________
Zip: _______________________________
Telephone: _________________________
Fax: _______________________________
Email: _____________________________

Assessor Parcel Number(s):
___________________________________

III. PROPERTY / FACILITY OPERATOR INFORMATION

Property/Facility Operator Name:
___________________________________

Operator Mailing Address:
___________________________________

City: ______________________________
County: ____________________________
State: _____________________________
Zip: _______________________________
Telephone: _________________________
Fax: _______________________________
Email: _____________________________

Assessor Parcel Number(s):
___________________________________
IV. DESCRIPTION OF DISCHARGE

*Describe the discharge (i.e., source(s) of discharge, pollutants of concern, period and frequency, etc.). Use additional pages as needed. Provide a map of the property / facility.*

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

V. CERTIFICATION

TO COMPLY WITH GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISASTER-RELATED WASTES

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
ATTACHMENT D – NOTICE OF TERMINATION
TO COMPLY WITH GENERAL WASTE DISCHARGE REQUIREMENTS
FOR DISASTER-RELATED WASTES

I. FINAL WASTE DISPOSAL INFORMATION

Final Disposition of Waste:

☐ Off-site/Landfill Disposal
☐ On-Site Reuse/Disposal
☐ Off-Site Reuse/Disposal
☐ Other: ________________________

Property Owner/Discharger Name: _____________________________________

Property Owner/Discharge 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