

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2018-0017

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR DISASTER-RELATED WASTES DURING A STATE OF EMERGENCY
WITHIN THE CENTRAL VALLEY REGION

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (hereinafter Central Valley Water Board), finds that:

1. Fires, floods, storms, earthquakes, mass mortality of animals, and other emergencies can create large amounts of waste that must be removed for disposal or recycling in order to restore property and public services facilities, repair and reopen highways, protect public health and the environment, or otherwise prevent or mitigate an emergency. These cleanup activities often necessitate temporary waste staging areas on land or at regulated waste management facilities, may involve wastes that wouldn't normally be accepted at a particular regulated waste management facility, and can create unusually large amounts of waste for landfills to handle in a short amount of time. Wastes from fires (particularly ash) may contain one or more metals at concentrations that exceed criteria in a landfill's waste discharge requirements (WDRs). Mass mortality of animals may necessitate discharge to emergency landfills when transportation offsite is determined to be a significant threat to public health and/or other animals by government agencies such as the United States Department of Food and Agriculture, the California Department of Food and Agriculture, or local county health departments. Discharges of ash, animal carcasses, or the temporary staging of large amounts of waste at regulated waste management facilities could cause a violation of the facility's WDRs unless coverage under the Conditional Waiver is obtained and its conditions are met.

APPLICABILITY, CONDITIONS, AND NOTICE OF INTENT

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

discharge would or could otherwise cause a violation of the WDRs for the facility. (See Finding No. 3; **Section B** of Conditional Waiver at pg. 9.)

- ii. **Discharges to Temporary Waste Piles at Regulated Facilities** - Disaster related and mass mortality wastes discharged to temporary waste piles located at regulated waste disposal facilities. (See Finding No. 3; **Section C** of Conditional Waiver at pg. 11.)
 - iii. **Discharges to Temporary Waste Piles Not at Regulated Facilities** - Disaster related wastes discharged to temporary waste piles not located at regulated waste disposal facilities. (See Finding No. 3; **Section D** of Conditional Waiver at pg. 13.)
 - iv. **Discharges to Temporary Surface Impoundments Not at Regulated Facilities** - Disaster related wastes discharged to temporary surface impoundments not located at regulated waste disposal facilities. (See Finding No. 3; **Section E** of Conditional Waiver at pg. 15.)
 - v. **Discharges of Diseased Mass Mortality Wastes to Emergency Landfills** - Mass mortality wastes discharged to emergency landfills not located at regulated waste disposal facilities (only applicable to disease-related emergencies). Note: Dischargers are required to submit a site-specific ROWD within 30 days of filling any permanent emergency landfill. (See Finding No. 3; **Section F** of Conditional Waiver at pg. 18.)
- b. Discharges of waste due to cleanup actions to prevent or mitigate an emergency that is **not in a Declared Disaster Area**. (See Finding No. 4; **Section G** of Conditional Waiver at pg. 21.)

General conditions applying to all discharges under this Conditional Waiver are included in **Section A** of this Conditional Waiver (pg. 7).

3. **Notice of Intent for Wastes from a Declared Disaster Area** - Dischargers desiring coverage under this Conditional Waiver when a state of emergency is declared by the Governor must submit a Notice of Intent (NOI) to the Central Valley Water Board, as described in the conditions of this Conditional Waiver, that has been completed with the required information, and signed by the owner or authorized representative of the entity proposing to discharge. To terminate coverage, Dischargers must send a completed and signed Notice of Termination (NOT) to the Central Valley Water Board, as described in the conditions of this Conditional Waiver. For permanent emergency landfills for mass mortality wastes, the Discharger must additionally submit a ROWD within **30 days** of submitting the NOI to create an emergency landfill, as described in the conditions of this Conditional Waiver. The NOI and NOT forms are included in **Attachments A and B** of this Conditional Waiver.

4. **Notice of Intent for Wastes Not from a Declared Disaster Area** - Dischargers desiring coverage under this Conditional Waiver for emergencies not in a Declared Disaster Area (i.e., declared by the Governor) must either:
- Submit a Notice of Intent to the Central Valley Water Board and obtain a Notice of Enrollment from the Executive Officer **prior to** commencing the discharge pursuant to **Section G.1.a** of this Conditional Waiver, or
 - Notify the Central Valley Water Board by e-mail, telephone (or voicemail if after business hours) of the location, type of discharge, and contact information before commencing the discharge and submit a Notice of Intent to the Central Valley 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 G.1.b** regarding the emergency being declared by a state or local government agency and an Incident Commander working through the Statewide Incident Management System and the California Emergency Management Agency directs that waste be discharged to mitigate the emergency.

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

5. When applicable, Dischargers with coverage under this Conditional Waiver must also apply for coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (State Water Board Order 2009-0009-DWQ) and comply with its requirements. Compliance with the requirements in the General Storm Water Permit should prevent construction pollutants from contacting storm water and prevent products of erosion from moving off site into receiving waters, and are relevant and appropriate to apply to temporary waste staging areas.

REGULATORY AND LEGAL CONSIDERATIONS

6. The discharge of waste to land in the Central Valley Region is an action subject to restrictions adopted in individual or general WDRs by the Central Valley Water Board. Alternatively, the Central Valley Water Board may adopt a conditional waiver of WDRs for properties where waste management practices meet specified conditions.
7. Water Code section¹ 13260, subdivision (a)(1) requires that any person (including any city, county, district, or other entity) discharging, or proposing to discharge, wastes within the Central Valley Region that could affect the quality of waters of the

¹ All section references in this Order are to the California Water Code unless otherwise noted.

state, other than into a community sewer system, to file a ROWD with the Central Valley Water Board.

8. Unless waived, section 13263(a) requires that the Central Valley Water Board prescribe 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.
9. Under emergency conditions, there is usually not time for those performing cleanup of disaster-related wastes to prepare a formal ROWD and for the Central Valley Water Board to process applications and adopt new WDRs or conditional waivers, or to revise existing WDRs or waivers. Upon notification to the Central Valley Water Board, section 13269(c) waives the formal process for immediate emergency work necessary to protect life or property, immediate emergency repairs to public service facilities necessary to maintain service, or repair of existing highways, as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor. However, section 13269(c) requires that the Central Valley Water Board be notified in advance of any emergency waste discharge not covered by WDRs. Furthermore, section 13269, subdivisions (c) and (d) allow the Central Valley Water Board to determine not to waive WDRs or to add conditions to the statutory waiver section 13269, subdivision (c).
10. Section 13269 gives the Central Valley Water Board the authority to conditionally waive the requirement to file a ROWD under section 13260, subdivision (a)(1) and/or the requirement to prescribe WDRs under section 13263, subdivision (a) for a specific discharge or specific type of discharge where such a waiver is consistent with the applicable Basin Plan, in the public interest, and the following conditions are met: 1) the waiver is conditional; 2) monitoring is conducted, except for discharges that are determined not to pose a significant threat to water quality; 3) the discharge complies with the waiver conditions; and 4) a public hearing is held.
11. According to section 13350, subdivision (a)(2), any person who discharges waste in violation of any waiver condition shall be liable civilly, and remedies may be proposed, in accordance with section 13350, subdivisions (d) or (e).
12. A conditional waiver for a specific discharge or specific type of discharge may be terminated at any time by the State Water Board or the Central Valley Water Board. A conditional waiver is not required to be used by the Central Valley Water Board. Even if a discharger complies with all the conditions of a conditional waiver, the Central Valley Water Board may choose to regulate any specific discharge with waste discharge requirements.
13. The Central Valley Water Board has found that it is desirable to provide a conditional waiver of WDRs 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, and to conditionally waive WDRs in other cases where the cleanup is necessary due to an emergency. The formal process of dischargers preparing a

ROWD and the Central Valley Water Board adopting WDRs is a several month long process that would unduly delay cleanup after these types of emergencies.

Therefore, issuance of this Conditional Waiver is in the best interest of the Central Valley Water Board, the dischargers, and the public.

14. For purposes of this Conditional Waiver for the Central Valley Region, the “Basin Plan” refers to one of the following:
 - a. *The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition*, or
 - b. *The Water Quality Control Plan for the Tulare Lake Basin, Second Edition*.
15. The designated beneficial uses of groundwater in the Central Valley Region, as specified in the Basin Plan, are municipal and domestic water supply, agricultural supply, industrial service supply, and industrial process supply.
16. The beneficial uses of surface water in the Central Valley Region are specified in each Basin Plan for specific water bodies including major rivers, creeks, and lakes, and also apply to tributaries to these water bodies. These beneficial uses potentially include municipal and domestic supply; agricultural supply; industrial service supply; industrial process supply; groundwater recharge; freshwater replenishment; navigation; hydropower generation; water contact recreation; non-contact water recreation; commercial and sport fishing; aquaculture; warm freshwater habitat; cold freshwater habitat; estuarine habitat; wildlife habitat; preservation of biological habitats of special significance; preservation of rare, threatened, or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development; and shellfish harvesting. Refer to the appropriate Basin Plan for beneficial uses of surface water for a given body of water in the Central Valley Region.
17. The Conditional Waiver is consistent with State Water Board Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality Waters in California*), the state’s “Antidegradation Policy.” The Central Valley Water Board must maintain high quality waters of the state 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 Central Valley Water Board’s policies. The Conditional Waiver includes conditions that require dischargers to minimize or eliminate discharges of pollutants that can have adverse impacts on the water quality that supports beneficial uses of waters of the state. This Order imposes conditions on discharges described in Finding 2.a (Declared Disaster Areas) that would not otherwise apply following the appropriate notification to the Central Valley Water Board. All discharges regulated under this Conditional Waiver are short-term and are not expected to cause degradation of water quality. Coverage under the Conditional Waiver can be terminated if waiver conditions are not met.
18. The California Environmental Quality Act (CEQA) defines “emergency” as follows:

‘Emergency’ means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. ‘Emergency’ includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage. (Pub. Resources Code, § 21060.3.)

Specific actions necessary to prevent or mitigate an emergency are exempt from CEQA. Emergency activities do not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term. (Cal. Code Regs., tit. 14, § 15259, subd. (c).) For purposes of this Order, “emergency” has the same meaning as under CEQA.

19. Waivers of reports of waste discharge and waste discharge requirements for emergencies in a Declared Disaster Area are not subject to CEQA because Water Code section 13269(c) already waives such reports and requirements upon notification to the Central Valley Water Board. In addition, this Order is exempt from CEQA because the waiver and the conditions of this Order will apply only to emergency activities in a disaster area in which a state of emergency has been proclaimed by the Governor. (See Pub. Resources Code, § 21080, subd. (b)(4); Cal. Code Regs., tit. 14, § 15269, subd. (a).) For emergencies that are not in a Declared Disaster Area, this Order is exempt from CEQA because the waiver and the conditions of this Order will apply only to activities necessary to prevent or mitigate an emergency, as defined by CEQA (Pub. Resources Code, § 21080, subd. (b)(4); Cal. Code Regs., tit. 14, § 15269, subd. (c)).

20. Water Code section 13267, subdivision (b) provides that:

In conducting an investigation..., the Regional Board may require that any person who has discharged, discharges, or is suspected of having discharge or discharging, or who proposed to discharge within its region, or any citizen or domiciliary, or political agency or entity of this state who had discharged, discharges, or is suspected of having discharged or discharging, or who proposed to discharge waste outside of its region that could affect the quality of the waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the board requires. The burden, including costs of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

Here, the technical reports required by this Conditional Waiver are necessary to assure compliance with its conditions.

21. The Central Valley Water Board notified interested agencies and persons of its intent to conditionally waive discharge requirements when a state of emergency has been

proclaimed by the Governor, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

22. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the Conditional Waiver of discharge requirements.
23. Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of the Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED, that pursuant to California Water Code sections 13263(a), 13267, and 13269, that Order No. R5-2013-0026 is rescinded (except as otherwise provided below) and that the Central Valley Water Board waives the requirement to submit a report of waste discharge and the requirement to establish waste discharge requirements for discharges of wastes resulting from cleanup during or after fires, floods, storms, earthquakes, and mass mortality of animals in a Declared Disaster Area, or for other discharges of wastes resulting from cleanup of emergencies, as defined above, that are not in a Declared Disaster Area, when the following conditions are met:

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

1. For dischargers seeking coverage for discharges of disaster related wastes from a Declared Disaster Area (listed under Finding 2.a), this Conditional Waiver does not become active and available until the Governor of California issues a proclamation pursuant to Government Code sections 8625 and 8558(b), identifying area where the disaster related waste originate as being in a state of emergency. This Conditional Waiver then becomes available only for disaster related wastes from that area of the Central Valley Region which is under a state of emergency, or for any regulated landfill located in the Central Valley Region that is accepting disaster related wastes from an area within California which is under a state of emergency.
2. This Conditional Waiver applies only to disaster related waste streams from Declared Disaster Areas, or from other emergency discharges that are exempt from CEQA.

3. All conditions of this Conditional Waiver remain applicable until they have been met and Discharger submits a complete Notice of Termination, or the discharge becomes covered under WDRs or a site-specific waiver of WDRs. However, authorization to discharge under this Conditional Waiver is only in effect temporarily and shall expire under the following conditions, whichever is earliest, unless otherwise provided in writing by the Central Valley Water Board:
 - a) If applicable, the Governor or the Legislature terminates the state of emergency pursuant to California Government Code section 8629; or
 - b) The Central Valley Water Board terminates enrollment of individual Dischargers/Units², or all Dischargers/Units temporarily enrolled under the Conditional Waiver for a particular emergency, or terminates this Conditional Waiver in its entirety; or
 - c) If applicable, six (6) months have elapsed since the Governor issued a proclamation of the state of emergency in question; or
 - d) Six (6) months have elapsed since emergency activities began.
4. Any previously-proclaimed states of emergency either ongoing or in effect at the time of this Order's adoption, and for which Notices of Enrollment have already been issued by the Executive Officer under Order No. R5-2013-0026, shall be automatically enrolled under this Conditional Waiver, and remain enrolled until the occurrence of any one of the conditions in set forth in Section A.3 herein. (This Conditional Waiver shall not be construed as otherwise extending any enrollments beyond their respective points of expiration under Section A.3 of Order No. R5-2013-0026.)
5. 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.
6. The Discharger shall prevent the direct or indirect discharge of emergency/disaster related wastes to any surface waters of the state (including ephemeral streams and vernal pools).
7. Emergency/disaster related waste management operations shall not be performed in a manner that creates, or contributes, to a condition of pollution or nuisance.

² "Units" in this context refers to any regulated landfill, temporary waste pile, temporary surface impoundment, or mass mortality emergency landfill being covered under this Conditional Waiver.

8. Emergency/disaster related waste management operations shall not be performed in a manner that creates, or contributes, to conditions which violate the waste discharge prohibitions promulgated in the applicable Basin Plan.
9. 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.³
10. 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.⁴
11. Inert wastes⁵ that are suitable for reuse or recycling do not require permanent disposal at a classified waste management or disposal facility (i.e., permitted landfill).
12. Waste streams covered under this Conditional Waiver shall only originate from disaster-impacted areas. These waste streams shall be discharged for treatment or permanent disposal **only** into:
 - a) Liquid waste management or treatment units as allowed by waste discharge requirements issued by the Central Valley Water Board, or
 - b) Solid waste management units or disposal facilities (e.g., Class III municipal solid waste landfills underlain with engineered composite liners and leachate collection systems that satisfy the requirements of State Water Board Resolution No. 93-62, and that have WDRs); or
 - c) Emergency landfills established in accordance with the conditions of this Conditional Waiver; and
 - d) Other categories of waste management units regulated under WDRs issued by the Central Valley Water Board that allow that type of waste.

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

1. Dischargers that are owners/operators of regulated waste management or disposal facilities proposing to discharge waste from disaster-impacted areas to the regulated waste disposal facility and for which such discharge would or

³ See Cal. Code Regs., tit. 27, § 20200, subd. (b)(1).

⁴ See Cal. Code Regs., tit. 27, § 20200, subd. (b)(2).

⁵ "Inert waste" as defined in California Code of Regulations Title 27, section 20230.

could otherwise cause a violation of the WDRs for the facility, shall submit a Notice of Intent to the Central Valley Water Board **within 30 days after** the initial discharge of any disaster related wastes for Declared Disaster Areas (or by schedule required in Condition G for emergencies not in a Declared Disaster Area). The Notice of Intent shall contain the information listed in **Attachment A** of this Conditional Waiver.

2. Owners/operators of a waste management facility regulated under a Solid Waste Facilities Permit (SWFP) from the Department of Resources, Recycling and Recovery (CalRecycle) or a Local Enforcement Agency (LEA) shall contact the issuing agency pursuant to California Code of Regulations, title 14, division 7, chapter 3, article 3 ("Emergency Waiver of Standards") (§ 17210 et seq.), regarding the need for a waiver of specific SWFP terms and conditions to accept disaster-related wastes during a state of emergency.
3. The Discharger shall comply with all applicable conditions in **Section A** of this Conditional Waiver.
4. Wastes (not otherwise suitable for recycling or reuse) derived from cleanup of emergency/disaster-impacted areas and managed under provisions of this Conditional Waiver shall only be discharged for permanent disposal into units that are underlain with an engineered **composite liner system and a leachate collection system** meeting the requirements of California Code of Regulations, title 27 (Title 27), and State Water Board Resolution No. 93-62.
5. Wastes derived from cleanup of disaster-impacted areas and discharged into regulated waste disposal facilities shall be isolated, to the extent practicable, from areas of the facility that are not lined.
6. Food wastes, animal carcasses, and other putrescible wastes derived from cleanup of disaster-impacted areas shall be discharged for disposal in compliance with conditions of this waiver and covered expeditiously.
7. Inert wastes derived from cleanup of disaster-impacted areas shall be separated and recycled when appropriate and practicable.
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) shall be removed from the disaster related waste stream to the extent practicable and managed in accordance with the applicable regulatory requirements.⁶

⁶ Requirements for hazardous waste are provided in title 23, chapter 15 and/or title 22, division 4.5 of the California Code of Regulations.

9. 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 municipal solid waste landfills. To limit the impacts from high 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) Cover each layer of high-moisture wastes (e.g., animal carcasses, animal related wastes, etc.) with at least three feet of absorbent wastes or soil.
 - c) For disaster related mass mortality wastes streams that are in a liquid form (e.g. raw eggs, etc.), reduce the moisture content prior to discharge by mixing with an absorbent material (e.g., saw dust, mulch, soil, etc.).
10. The Discharger shall manage **temporary waste piles** located at a regulated disposal facility in accordance with the specific conditions in **Section C** of this Conditional Waiver, below.
11. **Within 30 days after** the completion of discharges for each emergency, the owner/operator of a regulated waste disposal facility that accepted waste from disaster-impacted areas shall submit an amendment to their Report of Waste Discharge (ROWD) (amendment to the facility's Joint Technical Document) describing the material change to their discharge, pertaining to the temporary acceptance, management, and disposal of the waste. The ROWD shall include a completed Notice of Termination form (**Attachment B**) and information about the waste types accepted, location of the discharge including a map, and approximate volumes discharged.

C. Specific Waiver Conditions for 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 to a temporary waste staging area located at a regulated waste disposal facility shall submit a Notice of Intent to the Central Valley Water Board **within 30 days after** the initial discharge of any disaster related wastes for Declared Disaster Areas (or by schedule required in **Section G** for emergencies not in a Declared Disaster Area). The Notice of Intent shall contain the information listed in **Attachment A** to this Conditional Waiver.

2. Owners/operators of a waste management facility regulated under a SWFP shall contact the issuing agency, pursuant to California Code of Regulations, title 14, section 17210 et seq. ("Emergency Waiver of Standards"), regarding the need for a waiver of specific SWFP terms and conditions for discharging disaster-related wastes to temporary waste staging areas at a regulated waste disposal facility during a state of emergency.
3. The Discharger shall comply with all applicable conditions in **Section A** of this Conditional Waiver.
4. Owners/operators of regulated waste management or disposal facilities shall prevent surface runoff/runon from contacting wastes derived from cleanup of disaster-impacted areas 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 shall implement management measures (MMs) and/or best management practices (BMPs) for storm water conveyance and control.
5. All wastes derived from disaster-impacted areas shall be placed at least 100 feet from any surface water of the state.
6. All waste derived from disaster-impacted areas shall be protected from flooding and inundation, in compliance with the current WDRs for the affected unit, or units, at the regulated waste disposal facility.
7. Owners/operators of regulated waste management or disposal facilities shall manage temporary waste piles for disaster related mass mortality wastes as follows:
 - a) Temporary waste piles for mass mortality wastes can only be located in landfill areas underlain by a composite liner system and a significant thickness of other types of solid wastes.
 - b) The owner/operator shall implement a plan to prevent wild animals (e.g., birds, mammals, reptiles, etc.) from coming into contact with mass mortality wastes (e.g., provide and maintain adequate cover for temporary waste piles).
 - c) The owner/operator shall ensure that all temporary waste piles containing mass mortality wastes are discharged into landfill prior to the end of the working day, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality and human health for a given temporary waste pile.

- d) The owner/operator shall ensure that all mass mortality wastes are covered with soil or other waste immediately after it is discharged into the landfill.
 - e) The owner/operator shall ensure that any storm water runoff that comes into contact with the disaster related wastes or containing waste constituents is managed as leachate.
8. Disaster related and mass mortality wastes discharged to temporary waste piles at regulated waste management or disposal facilities temporarily enrolled under this Conditional Waiver, together with any materials used to contain the temporary waste piles, shall be removed from the temporary discharge site **no later than 60 days after** authorization to discharge under this Order has expired (see Section A.3), or as required by the Central Valley Water Board. Alternatively, the facility owner/operator shall file an amended ROWD (Joint Technical Document) and obtain amended WDRs from the Central Valley Water Board for any waste piles that will continue to exist after authorization to discharge under this Order has expired.
9. Owners/operators of regulated waste management or disposal facilities shall submit a Notice of Termination to the Central Valley Water Board **within 10 working days** of completing removal of all disaster related wastes and restoring the site to its original condition. The Notice of Termination shall contain the information listed in **Attachment B** of this Conditional Waiver.

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

- 1. Dischargers proposing to establish a temporary waste pile not located at a regulated waste disposal facility shall submit a Notice of Intent to the Central Valley Water Board **within 30 days after** the initial discharge of any disaster related wastes from a Declared Disaster Area (or by schedule required in Section G for emergencies not in a Declared Disaster Area). The Notice of Intent shall contain the information listed in **Attachment A** of this Conditional Waiver.
- 2. Dischargers proposing to establish a temporary waste pile not located at a regulated waste disposal facility shall comply with Local Enforcement Agency notification requirements in California Code of Regulations, title 14, article 6, section 17403.5 for "Emergency Transfer/Processing Operations".
- 3. The Discharger shall comply with all applicable conditions in **Section A** of this Conditional Waiver.
- 4. Owners/operators of temporary waste piles not at regulated facilities shall 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 shall be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from any surface water of the state.
 - b) Temporary waste piles shall be protected from inundation or washout.
 - c) Temporary waste piles shall not be located on a known Holocene fault.
 - d) Temporary waste piles shall not be located in areas of potential rapid geologic change (e.g., landslides, debris flows, flash flood areas, etc.).
 - e) Temporary waste piles shall be adequately covered when rainfall, wind, or other conditions exist or are predicted to exist in order to prevent rainwater infiltration and runoff, and to control fugitive dust, vectors, odors, blowing litter, and scavenging. The cover shall not consist of or contain material classified as a designated waste.⁷
 - f) Temporary waste management operations that include wastes with a liquid content exceeding its moisture-holding capacity and/or containing free liquids shall comply with requirements for temporary surface impoundments in accordance with the specific conditions in Section E of this Conditional Waiver, below.
 - g) Temporary waste piles shall be designed, constructed and operated to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, and washout. Surface drainage from outside of the temporary waste pile shall be diverted from the location of the temporary waste pile through implementation of MMs/BMPs for storm water control and conveyance.
5. When applicable, owners/operators of temporary waste piles not located at a regulated waste disposal facility shall obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities, and prepare a Storm Water Pollution Prevention Plan to obtain coverage under this Conditional Waiver.
 6. Owners/operators of temporary waste piles not on regulated facilities shall discharge any return water or ponded water contained within the temporary waste pile to a sanitary sewer system, a regulated facility permitted to receive

⁷ "Designated waste" as defined in California Code of Regulations Title 27, section 20210

the wastewater, or a temporary surface impoundment managed in accordance with the specific conditions in **Section E** of this Conditional Waiver, below.

7. Owners/operators of temporary waste piles not on regulated facilities shall post at least one clearly visible sign listing the following minimum information:
 - a) project name, b) brief project description, and c) operator name and phone number. The sign or signs shall be in English and any other language common in the local community to more effectively communicate the minimum contact information. The sign(s) shall be maintained as required to keep them legible and shall remain in place while temporary waste piles remain on site.
8. Solid wastes discharged to temporary waste piles not at regulated waste management or disposal facilities temporarily enrolled under this Conditional Waiver, together with any materials used to contain the temporary waste piles, shall be removed from the site as expeditiously as possible and the site shall be restored to its original state.
9. Owners/operators of temporary waste piles not on regulated facilities shall submit a Notice of Termination to the Central Valley Water Board **within 10 working days** of completing removal of all disaster related wastes and restoring the site to its original condition. The Notice of Termination shall contain the information listed in **Attachment B** to this Conditional Waiver.

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

1. Dischargers proposing to establish a temporary surface impoundment not located at a regulated waste disposal facility shall submit a Notice of Intent to the Central Valley Water Board **within 30 days after** the initial discharge of any disaster related wastes from a Declared Disaster Area (or by schedule required in Condition G for emergencies not in a Declared Disaster Area). The Notice of Intent shall contain the information listed in **Attachment A** to this Conditional Waiver.
2. The Discharger shall comply with all applicable conditions in **Section A** of this Conditional Waiver.
3. Owners/operators of temporary surface impoundments not on regulated facilities shall ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance with the following minimum prescriptive and performance standards:

- a) The bottom of a temporary surface impoundment shall be placed at least five (5) feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from any surface water of the state.
- b) Temporary surface impoundments shall be protected from inundation or washout.
- c) Temporary surface impoundments shall not be located on a known Holocene fault.
- d) Temporary surface impoundments shall not be located in areas of potential rapid geologic change (e.g., landslides, debris flows, flashflood areas, etc.).
- e) Temporary surface impoundments shall be underlain by a temporary impermeable barrier (e.g., heavy gauge plastic with water-tight seams) or a relatively impermeable surface (e.g., competent asphalt, concrete, etc.). The liner shall be installed prior to establishing a temporary surface impoundment and shall protect all natural geological materials from contact with the waste.
- f) Berms and containment structures of temporary surface impoundments shall be constructed of materials that minimize leakage of the wastewater and shall be composed of inert materials that will not cause adverse reactions (e.g., corrosion, decay, or otherwise reduce or impair the integrity of the containment structure) when placed in contact with the liquid wastes stored within the temporary surface impoundment.
- g) Temporary surface impoundments shall be designed, operated and maintained to ensure that liquid wastes are at least two feet below the top of the impoundment (measured vertically from the surface of the liquid up to the point on the surrounding lined berm or dike having the lowest elevation), and shall be designed and constructed to prevent overtopping as a result of wind conditions likely to accompany precipitation conditions.
- h) Direct pipeline discharges of liquid can occur only into temporary surface impoundments with automatic or manually operated fail-safe systems to prevent overfilling.
- i) Temporary surface impoundments shall be designed and constructed to prevent scouring of containment structures at the points of liquid discharge into the impoundments.
- j) Temporary surface impoundments shall be designed, constructed and operated to limit, to the greatest extent possible, inundation, erosion, slope failure, and washout. Surface drainage from outside of the temporary

surface impoundments shall be diverted from the location of the temporary surface impoundment through implementation of MMs/BMPs for storm water control and conveyance.

4. Liquid hazardous wastes or “restricted hazardous wastes”⁸ shall not be discharged to temporary waste piles or temporary surface impoundments.
5. When applicable, owners/operators of temporary surface impoundments not located at a regulated waste disposal facility shall obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities, and prepare a Storm Water Pollution Prevention Plan to obtain coverage under this Conditional Waiver.
6. Owners/operators of temporary surface impoundments not on regulated facilities shall ensure that only disaster related waste streams are discharged into temporary surface impoundments.
7. All visible portions of synthetic liner systems in temporary surface impoundments shall be inspected weekly, or daily as necessary, until all free liquid is removed from the surface impoundment as part of closure.⁹ If, during the active life of the temporary surface impoundment, the wastes are removed and the bottom of the impoundment is cleaned down to the liner, an inspection shall be made of the bottom of the liner prior to refilling the impoundment.
8. Owners/operators of temporary surface impoundments not on regulated facilities shall post at least one clearly visible sign listing the following minimum information: a) project name, b) brief project description, and c) operator name and phone number. The sign or signs shall be in English and any other language common in the local community to more effectively communicate the minimum contact information. The sign(s) shall be maintained as required to keep them legible and shall remain in place while temporary surface impoundments remain on site.
9. Wastes discharged to temporary surface impoundments not at regulated waste management or disposal facilities, together with any materials used to contain the temporary surface impoundments, shall be removed from the site as expeditiously as possible and the site shall be restored to its original state.
10. Owners/operators of temporary surface impoundments not on regulated facilities shall submit a Notice of Termination to the Central Valley Water Board **within 10 working days** of completing removal of all disaster related wastes and restoring the site to its original condition. The Notice of Termination shall contain the information listed in **Attachment B** of this Conditional Waiver.

⁸ See Health & Saf. Code, § 25122.7.

⁹ See Cal. Code Regs., tit. 27, § 21400, subd. (a).

F. Specific Waiver Conditions for Mass Mortality Wastes Discharged to Emergency Landfills NOT Located at Regulated Waste Disposal Facilities (only applicable to disease-related emergencies)

1. Dischargers proposing to establish an emergency landfill for mass mortality wastes not located at a regulated waste disposal facility shall submit a Notice of Intent to the Central Valley Water Board **within 30 days after** the initial discharge of wastes from a Declared Disaster Area (or by schedule required in Condition G for emergencies not in a Declared Disaster Area). The Notice of Intent shall include a copy of a letter from the California Department of Food and Agriculture or other Federal, State, or local government agency stating that the mass mortality wastes cannot be transported to a rendering plant or regulated landfill due to health concerns (e.g., disease). The Notice of Intent shall also include an explanation stating why other options than onsite disposal, such as onsite composting, are not feasible. In addition, the Notice of Intent shall contain the information listed in **Attachment A** of this Conditional Waiver.
2. The Discharger shall comply with all applicable conditions in **Section A** of this Conditional Waiver.
3. Owners/operators of mass mortality emergency landfills not on regulated facilities shall ensure that they are sited, designed, constructed, operated, and maintained to ensure compliance the following minimum prescriptive and performance standards:
 - a) The bottom of an emergency landfill shall 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 shall be protected from inundation or washout due of floods with a 100-year return period.
 - c) Emergency landfills shall not be located on a known Holocene fault.
 - d) Emergency landfills shall not be located in areas of potential rapid geologic change (e.g., landslides, debris flows, flashflood areas, etc.).
 - e) Emergency landfills shall not be located in areas underlain by fractured bedrock aquifer or highly permeable soils (e.g., gravels, sands, and loamy sands) or in facilities that are characterized by such deposits (e.g., gravel quarry).
 - f) For disaster related mass mortality wastes streams that are in a liquid form (e.g., raw eggs, etc.), the owner/operator shall 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 shall be limited to less than two feet, or the thickness of one animal carcass if greater than two feet.
 - h) Lime (or another liquid abatement material) shall 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 shall be covered by at least three feet of soil, or an alternative material approved by Central Valley Water Board staff, before adding another layer of mass mortality wastes. Alternative materials shall not increase threat to underlying groundwater relative to using three feet of clean soil.
 - j) Mass mortality wastes shall be discharged for disposal in compliance with the conditions of this Conditional 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 shall be overlain by a final layer of not less than three feet of soil, or an equivalent alternative approved by Central Valley Water Board staff. 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 three 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. Side slopes shall not be steeper than 4 (horizontal) to 1 (vertical).
 - l) The owner/operator should also evaluate, implement, and document other effective waste isolation methods (and waste moisture reducing methods) in conjunction with the procedures identified above.
4. The mass mortality emergency landfill shall be designed, constructed, and operated to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, and washout. The owner/operator shall protect the integrity of the final cover from adverse impacts due to 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 (or equivalent) around the perimeter of the emergency landfill to discourage digging into the waste by carnivores.
5. Owners/operators of mass mortality emergency landfills not on regulated facilities shall 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 shall 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.
6. Owners/operators of mass mortality emergency landfills not on regulated facilities shall submit a ROWD to the Central Valley Water Board and apply for WDRs (using Form 200 available at www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf), and submit a filing fee for threat and complexity rating 3-C for Title 27 WDRs for land disposal facilities not paying a tipping fee, currently \$4,082 (subject to periodic change). The ROWD and application for WDRs and filing fee shall be provided to the Central Valley Water Board **within 30 days** of submitting the NOI to create an 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 landowner.
 - 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 (thickness of layers, distance from bottom of landfill to first groundwater, and thickness and type of final cover).
 - f) Estimated depth from the ground surface to first groundwater and source of the information.
 - g) An estimate of the amount of wastes (in pounds or tons) discharged into the emergency landfill.
 - h) A description of measures taken to ensure that wastes and waste constituents do not migrate outside the emergency landfill or into groundwater.
 - i) Any other site-specific or discharger related information requested by the Central Valley Water Board.
7. Following evaluation of the ROWD, Central Valley Water Board staff may prepare WDRs if the landfill will become permanent. A monitoring and reporting program may also be issued, and may require groundwater monitoring. Clean closure of the landfill may be required if the ROWD indicates a significant potential to impact groundwater, and if the disease threat has abated to allow transportation of the mass mortality waste.

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

1. In the event of an emergency not within a disaster area declared by the Governor, this Conditional Waiver may be used for waste discharges necessary to mitigate an emergency under either of the following conditions:
- a. The Discharger submits a Notice of Intent to the Central Valley Water Board **before** commencing discharges pursuant to this Conditional Waiver. Discharge of wastes in a manner requiring coverage under this Conditional Waiver shall not occur until the Executive Officer provides the Discharger a written Notice of Enrollment stating that the proposed discharge is eligible and approved for coverage under this Conditional Waiver.
 - b. An emergency is declared by a state or local government agency and an Incident Commander, working through the Standardized Emergency Management System (STEMS) and the California Office of Emergency Services (OES), directs that waste be discharged to mitigate the emergency.

2. A Discharger who seeks coverage under **Section G.1.a** shall submit a ROWD **before** commencing the proposed discharges if the Executive Officer determines that a proposed discharge is not eligible for coverage under this Conditional Waiver.
3. A Discharger who seeks coverage under **Section G.1.b** shall notify the Central Valley Water Board by e-mail or telephone (or voicemail if after business hours) of the location, type of discharge, and contact information **before** commencing the discharge. The Discharger shall also submit a Notice of Intent to the Central Valley Water Board **within 10 days after** commencing the discharge, along with documentation that the Discharger has met the conditions described in **Section G.1.b**.
4. The Discharger shall comply with **Section A** of this Conditional Waiver and the appropriate **Sections B through F** of this Conditional Waiver that are applicable to the particular discharge.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 6 April 2018.

Original signed by
PAMELA C. CREEDON, Executive Officer

WLB

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

TO COMPLY WITH
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR DISASTER-RELATED WASTES DURING A STATE OF EMERGENCY
WITHIN THE CENTRAL VALLEY REGION

Property/Facility Name:			
Property/Facility Contact:			
Property/Facility Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):			

Property/Facility Owner Name:			
Property/Facility Owner Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

Property/Facility Operator Name:			
Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

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.

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V. DESCRIPTION OF MANAGEMENT MEASURES AND BEST MANAGEMENT PRACTICES

Describe what management measures (MMs) and best management practices (BMPS) will be implemented to minimize or eliminate the discharge of pollutants to waters of the state. Use additional pages as needed. Provide a map of the property/facility showing locations of MMs/BMPs if necessary.

VI. ADDITIONAL INFORMATION

Please provide additional information, as needed or required, about the discharge and/or how the discharger intends to comply with the conditions of the Conditional Waiver (see Section A and appropriate applicable Sections under B through G). Use additional pages as needed.

VII. MAILING INFORMATION

The Notice of Intent form must be mailed to the appropriate Central Valley Water Board office (Sacramento, Fresno, or Redding). See

www.waterboards.ca.gov/centralvalley/board_info/region_map/region5map.pdf for the correct office for your location, and www.waterboards.ca.gov/centralvalley/about_us/contact_us/ for our current addresses. Our addresses are also listed at the beginning of this form.

VIII. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature (Owner or Authorized Representative)

Date

Print Name

Title

Telephone Number

Email

ATTACHMENT B TO ORDER NO. R5-2018-0017

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

Sacramento Office: 11020 Sun Center Drive #200
Rancho Cordova, CA 95670

Fresno Office: 1685 E Street
Fresno, CA 93706

Redding Office: 364 Knollcrest Drive, Suite 205
Redding, CA 96002



NOTICE OF TERMINATION

**OF COVERAGE UNDER
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR DISASTER-RELATED WASTES DURING A STATE OF EMERGENCY
WITHIN THE CENTRAL VALLEY REGION**

I. FINAL WASTE DISPOSAL INFORMATION

Final Disposition of Waste: <input type="checkbox"/> Off-site/Landfill Disposal <input type="checkbox"/> On-site Reuse/Disposal			
<input type="checkbox"/> Off-site Reuse/Disposal		<input type="checkbox"/> Other: _____	
Property Owner/Discharger Name:			
Property Owner/Discharger Contact and Title:			
Property Owner/Discharger Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):			
Date(s) Waste Disposed:			
Quantity of Waste Disposed: (in cubic yards, tons, or gallons for each disposal date. Attach additional information as needed.)			
Disposal Location(s): (Attach information including a map of the disposal area(s) with locations, approximate volumes, waste types, and dates of disposal. For temporary waste piles or surface impoundments, attach information including photographs showing that all wastes have been removed and the site has been restored to its original condition.)			

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