

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

ORDER R7-2018-0028

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR DISASTER-RELATED WASTES DURING A STATE OF EMERGENCY
WITHIN THE COLORADO RIVER BASIN REGION

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) finds:

1. Catastrophic events such as fires, storms, floods, landslides, earthquakes, mass animal mortality, spills, and other emergencies can create large amounts of disaster-related debris consisting of multiple categories of wastes (e.g., nonhazardous wastes, household hazardous wastes, universal wastes, or inert wastes). Cleanup activities often necessitate temporary waste staging areas on land or at regulated waste management facilities, may involve wastes that would not normally be accepted at a particular regulated waste management facility, and may create unusually large amounts of waste for landfills to handle in a short amount of time.
2. The discharge of waste to land in the Colorado River Basin Region is an action subject to restrictions adopted in individual or general Waste Discharge Requirements (WDRs) by the Colorado River Basin Water Board. Alternatively, the Colorado River Basin Water Board may adopt a conditional waiver of WDRs for properties where waste management practices meet specified conditions.
3. Water Code section 13260, subdivision (a)(1) requires that any person discharging, or proposing to discharge, wastes within the Colorado River Basin Region 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 Colorado River Basin Water Board. Unless waived, section 13263, subdivision (a) requires the Colorado River Basin Water Board to 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.
4. The issuance of WDRs prior to cleanup of disaster-related wastes requires time that may significantly impede the cleanup of disaster-related wastes, which would likely increase the threat to public health and the environment. Under emergency or disaster conditions, there is usually not sufficient time for those performing cleanup of disaster-related wastes to prepare a formal ROWD and for the Colorado River Basin Water Board to adopt new WDRs or to revise existing WDRs. Therefore, to further the important public interest of expediting the cleanup of disaster-related wastes, the Colorado River Basin Water Board hereby issues this

Conditional Waiver of Waste Discharge Requirements (Conditional Waiver) for certain discharges of disaster-related wastes.

Applicability and Conditions

5. This Order conditionally waives: (1) the legal requirement for persons discharging waste from the cleanup of certain types of emergency or disaster areas (Dischargers) to submit a ROWD and (2) the requirement for the Colorado River Basin Water Board to prescribe WDRs for discharges of those wastes.
6. This Conditional Waiver applies only to:
 - a. Discharges necessary to protect life or property during emergency cleanup actions following disasters such as fires, floods, storms, earthquakes, or mass mortality of animals in which a State of Emergency has been proclaimed under the California Emergency Services Act (Gov. Code, § 8550 et seq.) by the Governor (Emergency-Declared Disaster Areas), or
 - b. Emergency-related¹ discharges exempt from the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., including:
 - (1) Discharges from projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in an Emergency-Declared Disaster Area.
 - (2) Discharges from emergency repairs to publicly or privately-owned service facilities necessary to maintain service essential to the public health, safety or welfare.
 - (3) Discharges from specific actions necessary to prevent or mitigate an emergency. (This does 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.)²
 - (4) Discharges from projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway

¹ CEQA defines “Emergency” as follows: “‘Emergency’ means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. ‘Emergency’ includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.” (Public Resources Code section 21060.3.) For purposes of this Conditional Waiver, the term “Emergency” has the same meaning as under CEQA.

² See California Code of Regulations, title 14, section 15269 and Public Resources Code section 21080, subdivisions (b)(2), (3), and (4) and section 21080.33.

damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. (This exemption does not apply to highways designated as official state scenic highways, nor 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.)

7. This Conditional Waiver specifies general conditions applying to all discharges of disaster-related waste in **Section A**.
8. This Conditional Waiver also imposes additional conditions on the following categories of discharge:
 - Discharges at regulated, Class III municipal solid waste disposal facilities. (See the conditions specified in **Section B**.)
 - Discharges to temporary waste staging areas at regulated disposal facilities. (See the conditions specified in **Section C**.)
 - Discharges to temporary waste storage areas (waste piles) at non-regulated facilities. (See the conditions specified in **Section D**.)
 - Discharges to temporary surface impoundments at non-regulated facilities. (See the conditions specified in **Section E**.)
 - Discharges from emergencies not within an Emergency-Declared Disaster Area. (See the conditions specified in **Section F**.)

Background

9. Wildfires create a very large volume of solid waste that may include burn ash, concrete, wood, green waste, electrical appliances, computer equipment, dead animals, food items, cars, household chemicals, paint, refrigerators, etc., collectively referred to as fire debris. In addition, wildfires can exacerbate the risk of flooding, erosion, debris flows, and slope failures as a result of the loss of vegetated cover within a watershed. Likewise, damage from earthquakes and landslides can affect vital infrastructure and threaten beneficial uses of waters of the state.
10. Disaster-related waste may consist of or contain two or more categories of wastes (e.g., non-hazardous solid wastes,³ household hazardous wastes,⁴ universal

³ Non-hazardous solid waste is defined in California Code of Regulations, title 27, section 20220.

⁴ Hazardous waste is defined in California Code of Regulations, title 22, section 66261.3.

wastes,⁵ or inert wastes⁶) that have been mixed and intermingled such that the individual waste components may not be practicably separated for the purposes of waste management. Temporary staging areas provide an opportunity for some separation and sorting of waste, and facilitate appropriate permanent disposal of both mixed disaster-related waste and segregated disaster-related waste.

11. The owners/operators of the landfills identified in **Section B** of this Conditional Waiver may find it necessary to establish temporary staging areas and temporary waste piles for short-term storage and treatment of disaster-related waste from cleanup efforts.
12. Other agencies and jurisdictions or persons engaged in cleanup of emergency areas may find it necessary to establish temporary staging areas or temporary waste piles for short term storage and treatment of disaster-related waste from cleanup efforts. These staging areas may not be necessarily located at regulated waste management facilities.
13. This Conditional Waiver will simplify and streamline the regulatory process to allow for emergency cleanup activities without compromising the protection of water quality. The conditions for each listed discharge type are subject to enforcement under the Water Code.

Basin Plan, Beneficial Uses, Regulatory Considerations

14. The Water Quality Control Plan for the Colorado River Basin (Basin Plan), which was adopted on November 17, 1993 and amended on March 7, 2017, designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan.
15. The designated beneficial uses of groundwater in the Colorado River Basin Region, as specified in the Basin Plan, include, but are not limited to, municipal and domestic water supply, agricultural supply, and industrial service supply.
16. The beneficial uses of surface water in the Colorado River Basin Region are specified in the Basin Plan for specific water bodies including major rivers, creeks, and lakes, and also apply to tributaries to these waterbodies. The designated beneficial uses and potential uses include municipal and domestic supply, agricultural supply, aquaculture, industrial service supply, ground water recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, cold freshwater habitat, wildlife habitat, hydropower generation, freshwater

⁵ Universal waste is defined in California Code of Regulations, title 22, section 66261.9.

⁶ Inert waste is defined in California Code of Regulations, title 27, section 20230, and may include uncontaminated demolition debris (e.g., concrete, brick, wood, and metal) suitable for recycling or reuse. Such wastes do not require permanent disposal at a municipal solid waste landfill.

replenishment, and preservation of rare, threatened, or endangered species. Refer to the Basin Plan for beneficial uses of surface water for a particular waterbody in the Colorado River Basin Region.

17. Water Code section 13269 gives the Colorado River Basin Water Board 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 type of discharge, where such a waiver is consistent with the applicable water quality control plan and 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.
18. Water Code section 13269, subdivision (c) also specifically permits waiver of the requirements to file a ROWD and to obtain WDRs for the following “emergency activities” upon notification to the Colorado River Basin Water Board:
 - 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 an Emergency-Declared Disaster Area.
 - b. Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to 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.
19. A conditional waiver for a specific discharge or specific type of discharge may be terminated at any time by the Colorado River Basin Water Board or State Water Resources Control Board (State Water Board). A conditional waiver is not required to be used by the Colorado River Basin Water Board. Even if a Discharger complies with all the conditions of a conditional waiver, the Colorado River Basin Water Board may choose to regulate any specific discharge with waste discharge requirements.
20. Pursuant to Water Code section 13263, subdivision (g), the discharge of waste is a privilege, not a right, and adoption of this Order does not create a vested right to continue the discharge.

General Findings

21. The Colorado River Basin Water Board finds that this Conditional Waiver is in the public interest and is consistent with the Basin Plan for the following reasons:
 - a. This Conditional Waiver is intended to facilitate emergency cleanup activities and emergency resolution, enable efficient proper handling and disposal of disaster-related wastes to minimize threat to water quality, enable staff resources to be used effectively in a timely fashion and avoid unnecessary expenditures of limited resources.
 - b. This Conditional Waiver complies with Water Code Sections 13260, 13263, and 13269 and with other applicable law.
 - c. This Conditional Waiver requires compliance with the Basin Plan and includes conditions that are intended to reduce and prevent pollution and/or nuisance, protecting beneficial uses of waters of the state.
 - d. Dischargers may not discharge any waste not specifically regulated by this Conditional Waiver, except in compliance with the Water Code.
 - e. Dischargers who violate the conditions of this Conditional Waiver are subject to enforcement pursuant to Water Code Section 13350 and/or other applicable laws.
22. Discharges of disaster-related wastes that comply with the specific conditions in this Conditional Waiver are not expected to pose a significant threat to the quality of waters of the state.
23. This Conditional Waiver does not impose specific monitoring and reporting requirements because landfills that can accept disaster-related wastes are already required to implement robust monitoring and reporting programs. Dischargers operating temporary waste staging areas are required to implement management measures (MMs) and/or best management practices (BMPs) to prevent the pollution of surface and ground waters.
24. Pursuant to Water Code section 13267, the Colorado River Basin Water Board's Executive Officer may impose monitoring and reporting requirements on any Discharger enrolled in this Conditional Waiver. These monitoring and reporting requirements may also be revised, as necessary, as deemed appropriate by the Executive Officer.

Antidegradation Analysis

25. State Water Board Resolution 68-16, entitled Statement of Policy with Respect to Maintaining High Quality Waters in California (Antidegradation Policy), generally

prohibits the Colorado River Basin Water Board from authorizing discharges that will result in the degradation of high-quality waters, unless it is demonstrated that any change in water quality will be consistent with maximum benefit to the people of the state, not unreasonably affect beneficial uses, and not result in water quality less than that prescribed in state and regional policies (e.g., the violation of one or more water quality objectives). The Discharger must also employ best practicable treatment or control (BPTC) to minimize the degradation of high quality waters.

26. This Conditional Waiver is consistent with the State Water Board's Antidegradation Policy. It includes conditions that require Dischargers to minimize or eliminate discharges of pollutants that can have adverse impacts on the water quality or beneficial uses of waters of the state. All Dischargers are required to maintain sufficient separation from groundwater and surface water to prevent discharge, as well as to place all disaster-related waste in areas with a relatively impermeable surface or landfill areas underlain by a composite liner system. Furthermore, Dischargers must prevent surface runoff/run-on from contacting wastes derived from the disaster-related impacts and prevent erosion and the transport of soils or disaster related wastes or waste constituents by surface runoff from all temporary waste piles. All discharges regulated under this Conditional Waiver are short-term and are not expected to cause any permanent degradation of water quality. The Colorado River Basin Water Board is ensuring that Dischargers utilize BPTC to maintain the highest water quality consistent with the maximum benefit to the people of the state.

CEQA and Public Participation

27. The Colorado River Basin Water Board has determined that the issuance of this Conditional Waiver is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061. Namely, specific actions necessary to prevent or mitigate an emergency are exempt from CEQA under California Code of Regulations, title 14, section 15269 (Emergency Projects) and Public Resources Code section 21080, subdivisions (b)(2), (3), and (4) and section 21080.33.
28. The Colorado River Basin Water Board has notified all known interested agencies and persons of its intent to draft a Conditional Waiver of WDRs for certain types of discharge of disaster-related wastes, and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
29. The Colorado River Basin Water Board, in a public meeting, heard and considered all comments pertaining to this Conditional Waiver.

IT IS HEREBY ORDERED pursuant to authority in Water Code sections 13263, 13267, and 13269, the Colorado River Basin Water Board waives the requirements to submit a ROWD and to obtain WDRs for discharges of wastes resulting from cleanup during or after catastrophic events such as fires, storms, floods, landslides, earthquakes, mass

mortality of animals, spills, and other emergencies in an Emergency-Declared Disaster Area, and for other discharges of wastes resulting from cleanup of emergencies, as defined above, that are not in Emergency-Declared Disaster Areas, when the following conditions are met:

A. General Conditions Applying to All Discharges of Disaster-Related Wastes

1. **Applicability.** This Conditional Waiver applies only to disaster-related waste streams from Emergency Declared Disaster Areas, or from other emergency-related discharges that are exempt from CEQA, as described in **Finding 5** above.
2. **Notice of Intent.** Dischargers seeking coverage under this Conditional Waiver must submit a fully-executed Notice of Intent (NOI) (**Attachment A**) as specified in **Section G**.
3. **Termination of Coverage.** All conditions of this Conditional Waiver remain applicable until either: (1) Discharger submits a complete Notice of Termination with the information required in **Attachment B**, or (2) the Colorado River Basin Water Board begins regulating the discharge under WDRs or a site-specific waiver of WDRs.
4. **Right to Terminate.** This Conditional Waiver may be terminated at any time by the Colorado River Basin Water Board and may be revised by the Colorado River Basin Water Board after a public hearing. The Executive Officer may terminate the applicability of the Conditional Waiver with respect to a specific Discharger upon notice to the Discharger. Although a Discharger may qualify for Conditional Waiver enrollment, the Colorado River Basin Water Board has the authority to regulate the discharge through other programs or actions (i.e., individual WDRs, cleanup and abatement order, general WDRs, enforcement orders, etc.).
5. **Expiration of Authorization to Discharge.** Authorization to discharge under this Conditional Waiver is temporary and shall expire under the following conditions, whichever is earliest, unless otherwise provided in writing by the Colorado River Basin Water Board:
 - a. If applicable, the Governor or the Legislature terminates the State of Emergency pursuant to Government Code section 8629; or
 - b. The Colorado River Basin Water Board terminates enrollment of individual Dischargers, or all Dischargers temporarily enrolled under the Conditional Waiver for a particular emergency, or terminates this Conditional Waiver in its entirety.

6. **Protection of Beneficial Uses.** Cleanup activities and management of disaster-related wastes shall minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of the waters of the state.
7. **Prohibition on Discharge to Surface Waters.** The Discharger shall prevent the direct or indirect discharge of disaster-related wastes to any surface waters of the state, including ephemeral streams and vernal pools.
8. **Prevention of Pollution or Nuisance.** Disaster-related waste management operations shall not be performed in a manner that creates or contributes to a condition of pollution or nuisance.
9. **Compliance with Waste Discharge Prohibitions.** 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 Colorado River Basin Region's Basin Plan.
10. **Preservation of Containment Structures.** 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, pursuant to California Code of Regulations, title 27, section 20200, subdivision (b)(1).
11. **Prohibition on Creation of Restricted Wastes.** 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, pursuant to California Code of Regulations, title 27, section 20200, subdivision (b)(2).
12. **Temporary Waste Staging Areas.** Temporary waste staging areas may be located within Class III municipal solid waste (MSW) landfills, inert landfills, or other designated areas where disaster-related waste is temporarily discharged, stored, treated, or sorted for recycling, and where containment features and ancillary features for precipitation and drainage controls are present. Temporary waste staging areas are temporary, de facto waste management units.
13. **Disposal of Inert Wastes.** 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).

14. **Requirements for Waste Disposal.** 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 Colorado River Basin Water Board, or
 - b. Solid waste management units or disposal facilities (e.g., Class 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); 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 Colorado River Basin Water Board that allow that type of waste.
15. **Inspection and Entry.** The Colorado River Basin Water Board shall be allowed, at any time, and without prior notification:
 - a. Entry upon sites or locations of disaster-related waste temporary staging areas, temporary waste piles, temporary surface impoundments, and final disposal locations for the purposes of determining compliance with this Conditional Waiver.
 - b. Access to copy any records that must be kept under the conditions of this Conditional Waiver.
 - c. To photograph, sample, and monitor for the purposes of determining compliance with this Conditional Waiver.
16. **Monitoring and Reporting Requirements.** Pursuant to Water Code section 13267, the Regional Water Board's Executive Officer may impose monitoring and reporting requirements on any Discharger enrolled in this Conditional Waiver. These monitoring and reporting requirements may also be revised, as necessary, as deemed appropriate by the Executive Officer.
17. **Storm Water.** When applicable, Dischargers must also apply for coverage under the General Permit for Storm Water Discharges Associated with Construction Activities, State Water Board Order 2009-0009-DWQ (Construction General Permit) and comply with its requirements.

Compliance with the requirements in the Construction Storm Water Permit must 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. A copy of the Construction General Permit may be found at the following link: https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

18. **Enforcement.** The Discharger must comply with all applicable conditions of this Conditional Waiver. Noncompliance is a violation of the Porter-Cologne Water Quality Control Act (Water Code, § 13000 et seq.), and Dischargers who violate the conditions of this Conditional Waiver are subject to enforcement pursuant to Water Code Section 13350 and/or other applicable laws.
19. **Violation of Law.** Issuance of this Conditional Waiver does not supersede other more stringent local, state, or federal regulations prescribed by other agencies or departments. This Conditional Waiver does not authorize violation of any federal, state, or local laws or regulations.

B. Conditions for Discharges at Regulated, Class III MSW Disposal Facilities

1. **Regulated Facilities.** This section applies to regulated landfills that have WDRs implementing title 27 of the California Code of Regulations, State Water Board Resolution No. 93-62, and federal MSW landfill criteria in 40 Code of Federal Regulations part 258.
2. **Eligible Regional Landfills.** The landfill(s) listed below may be designated to receive disaster-related wastes within waste management units underlain by engineered composite liners and leachate collection and removal systems (LCRS):
 - a. Allied Imperial Landfill, Imperial County
 - b. Landers Landfill, San Bernardino County
3. **Landfills Outside the Region.** Disaster-related wastes transported to areas outside the Colorado River Basin Region may be subject to the provisions of the receiving region's requirements.
4. **Notice of Intent.** Dischargers that are owners/operators of regulated waste management or disposal facilities proposing to discharge waste from disaster-impacted areas to the regulated waste disposal facility and for which such discharge would or could otherwise cause a violation of the WDRs for the facility, shall submit a Notice of Intent to the Colorado River

Basin Water Board by the timeframe required in **Section G**. The Notice of Intent must contain the information listed in **Attachment A** of this Conditional Waiver.

5. **Disposal to Lined Areas.** Disaster-related wastes (not otherwise suitable for recycling or reuse) derived from cleanup of emergency/disaster-impacted areas and managed under provisions of this Conditional Waiver 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 title 27 of the California Code of Regulations and State Water Board Resolution No. 93-62.
6. **Isolation from Non-Lined Areas.** 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.
7. **Prevention of Obstruction of Leachate.** Disposal of disaster-related wastes, to the extent practical, must not impede movement of leachate into an LCRS.
8. **Disposal of Putrescible Wastes.** 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 Conditional Waiver and covered expeditiously.
9. **Disposal of Inert Wastes.** Inert wastes derived from cleanup of disaster-impacted areas must be separated and recycled when appropriate and practicable.
10. **Disposal of Hazardous Wastes.** To the extent practicable, 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) must be removed from the disaster-related waste stream and managed in accordance with the applicable regulatory requirements.
11. **Disposal of Mass Animal Mortality Wastes.** 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 such a large an additional moisture content associated with a mass mortality waste load, the owner/operator responsible for the regulated waste disposal facility should implement the following procedures:

- a. Discharge high-moisture wastes (animal carcasses, animal related wastes, etc.) only in areas of the composite-lined unit with a considerable thickness of other waste.
 - b. Cover each layer of high-moisture mass mortality 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.).
12. **Revised ROWD.** 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 (i.e., to the facility's Joint Technical Document) describing the material change to their discharge, i.e., 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.
13. **Compliance with General Conditions.** The Discharger must comply with all applicable conditions in **Section A** of this Conditional Waiver.

C. Conditions for Discharges to Temporary Waste Staging Areas at Regulated Disposal Facilities

1. **Notice of Intent.** 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 the Colorado River Basin Water Board by the timeframe required in **Section G**. The Notice of Intent must contain the information listed in **Attachment A** of this Conditional Waiver.
2. **Prevention of Surface Runoff/Run-on.** 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 disaster-related waste piles. The facility owner/operator must implement management measures (MMs) and/or best management practices (BMPs) for storm water conveyance and control.

3. **Distance from Surface Water.** All disaster-related wastes derived from disaster-impacted areas must be placed at least 100 feet from any surface water of the state.
4. **Flood Protection.** All disaster-related waste derived from disaster-impacted areas 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.
5. **Mass Mortality Wastes.** Owners/operators of regulated waste management or disposal facilities must manage temporary waste piles for disaster-related mass mortality wastes as follows:
 - a. Temporary waste piles for mass mortality wastes may 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 must implement a plan to prevent wild animals (e.g., birds, mammals, reptiles, etc.) from coming into contact with mass mortality wastes (e.g., provide and maintain adequate cover for temporary waste piles).
 - c. The owner/operator must ensure that all temporary waste piles containing mass mortality wastes are discharged into landfill prior to the end of the working day, unless sufficient information is provided to demonstrate that a proposed alternative is protective of water quality and human health for a given temporary waste pile
 - d. The owner/operator must ensure that all mass mortality wastes are covered with soil or other waste immediately after it is discharged into the landfill.
 - e. The owner/operator must ensure that any storm water runoff that comes into contact with the disaster related wastes or containing waste constituents is managed as leachate.
6. **Closure of Waste Piles.** Disaster-related 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, must be removed from the temporary discharge site no later than 60 days after authorization to discharge under this Conditional Waiver has expired or as required by the Colorado River Basin Water Board. Alternatively, the facility owner/operator must file an amended ROWD (Joint Technical Document) and obtain amended WDRs from the Colorado River Basin Water Board for any waste piles that will

continue to exist after authorization to discharge under this Order has expired.

7. **Notice of Termination.** Owners/operators of regulated waste management or disposal facilities must submit a Notice of Termination to the Colorado River Basin Water Board within 10 working days of completing removal of all disaster-related wastes and restoring the site to its original condition. The Notice of Termination must contain the information listed in **Attachment B** of this Conditional Waiver.
8. **Compliance with General Conditions.** The Discharger must comply with all applicable conditions in **Section A** of this Conditional Waiver.

D. Conditions for Discharges to Temporary Waste Storage Areas (Waste Piles) at Non-Regulated Disposal Facilities

1. **Notice of Intent.** Dischargers 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 by the timeframe required in **Section G**. The Notice of Intent must contain the information listed in **Attachment A** of this Conditional Waiver.
2. **Waste Pile Specifications.** 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 prescriptive and performance standards:
 - a. The bottom of a temporary waste pile must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from any surface water of the state.
 - b. Temporary waste piles must be protected from inundation or washout.
 - c. Temporary waste piles must not be located on a known Holocene fault or in areas of potential rapid geologic change (e.g., landslides, debris flows, flash flood areas, etc.).
 - d. Temporary waste piles must be adequately covered to prevent rainwater infiltration and runoff and to control fugitive dust, vectors, odors, blowing litter, and scavenging. The cover must not consist of or contain material classified as a designated 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 E** of this Conditional Waiver, below.
 - f. Temporary waste piles must be designed, constructed and operated to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, and washout. Surface drainage from outside of the temporary waste pile must be diverted from the location of the temporary waste pile through implementation of MMs/BMPs for storm water control and conveyance.
3. **Discharge of Return Water.** 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 a sanitary sewer system, a regulated facility permitted to receive the wastewater, or a temporary surface impoundment.
4. **Signage.** Owners/operators of temporary waste piles not on regulated facilities must post at least one clearly visible sign listing the following minimum information: (a) the project name, (b) a brief project description, and (c) the 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. **Closure of Waste Piles.** Disaster-related waste materials discharged to temporary waste piles not at regulated facilities, together with any materials used to contain the temporary waste piles, must be removed from the site as expeditiously as possible, and the site must be restored to its original state.
6. **Notice of Termination.** Owners/operators of temporary waste piles not on regulated facilities must submit a Notice of Termination to the Regional Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The Notice of Termination must contain the information listed in **Attachment B** of this Conditional Waiver.
7. **Compliance with General Conditions.** The Discharger must comply with all applicable conditions in **Section A** of this Conditional Waiver.

E. Conditions for Discharges to Temporary Surface Impoundments at Non-Regulated Facilities

1. **Notice of Intent.** Dischargers 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 by the timeframe required in **Section G**. The Notice of Intent must contain the information listed in **Attachment A** of this Conditional Waiver.
2. **Impoundment Specifications.** 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 prescriptive and performance standards:
 - a. The bottom of a temporary surface impoundment must be placed at least 5 feet above the highest historically known or anticipated level of groundwater, and more than 100 feet from any surface water of the state.
 - b. Temporary surface impoundments must be protected from inundation or washout.
 - c. Temporary surface impoundments must not be located on a known Holocene fault or in areas of potential rapid geologic change (e.g., landslides, debris flows, flashflood areas, etc.).
 - d. 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 all natural, geological materials from contact with the waste.
 - e. Berms and containment structures of temporary surface impoundments must be constructed of materials that minimize leakage of the wastewater 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.
 - f. 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 likely to accompany precipitation conditions.

- g. Direct pipeline discharges of liquid can occur only into temporary surface impoundments with automatic or manually operated fail-safe systems to prevent overfilling.
 - h. Temporary surface impoundments must be designed and constructed to prevent scouring of containment structures at the points of liquid discharge into the impoundments.
 - i. Temporary surface impoundments must be designed, constructed, and operated to limit, to the greatest extent possible, inundation, erosion, slope failure, and washout. Surface drainage from outside of the temporary surface impoundments must be diverted from the location of the temporary surface impoundment through implementation of MMs/BMPs for storm water control and conveyance.
 - j. Liquid hazardous wastes or “restricted hazardous wastes” must not be discharged to temporary waste piles or temporary surface impoundments.
3. **Limitation to Disaster-Related Wastes.** Owners/operators of temporary surface impoundments not on regulated facilities must ensure that only disaster-related waste streams are discharged into temporary surface impoundments.
4. **Liner Inspections.** 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.
5. **Signage.** Owners/operators of temporary surface impoundments not on regulated facilities must post at least one clearly visible sign listing the following minimum information: (a) the project name, (b) a brief project description, and (c) the 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.

6. **Closure of Impoundments.** 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, must be removed from the site as expeditiously as possible, and the site must be restored to its original state.
7. **Notice of Termination.** Owners/operators of temporary surface impoundments not on regulated facilities must submit a Notice of Termination to the Colorado River Basin Water Board within 10 working days of completing removal of all disaster related wastes and restoring the site to its original condition. The Notice of Termination must contain the information listed in **Attachment B** of this Conditional Waiver.
8. **Compliance with General Conditions.** The Discharger must comply with all applicable conditions in Section A of this Conditional Waiver.

F. Conditions for Discharges from Emergencies Not Within an Emergency-Declared Disaster Area

1. **Prerequisites to Coverage.** In the event of an emergency not within an Emergency-Declared 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 Colorado River Basin Water Board before commencing discharges pursuant to this Conditional Waiver. Discharge of wastes in a manner requiring coverage under this Conditional Waiver must 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; or
 - b. An emergency is 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. As set forth in Section G.2.b below, the Discharger must notify the Colorado River Basin Water Board by e-mail or telephone (or voicemail if after business hours) of the location and type of discharge, as well as its contact information before commencing the discharge. The Discharger must also submit a Notice of Intent to the Colorado River Regional Water Board within 10 days after commencing the discharge.

2. **ROWD.** A Discharger who seeks coverage under Section F.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 Conditional Waiver.
3. **Compliance with General Conditions.** The Discharger must comply with **Section A** of this Conditional Waiver and the appropriate **Sections B** through **E** of this Conditional Waiver that are applicable to the particular discharge.

G. Notice of Intent

1. Dischargers seeking coverage under this Conditional Waiver must submit a fully-executed Notice of Intent (NOI) (**Attachment A**) indicating the proposed discharge meets the conditions of this Conditional Waiver within the timeframes specified below. The NOI must be completed with all required information and signed by the owner or authorized representative of the entity proposing to discharge of disaster-related wastes.
2. **Disaster-Related Wastes from an Emergency-Declared Disaster Area.** For Dischargers seeking coverage for discharges of disaster-related wastes from an Emergency-Declared Disaster Area, the Discharger must:
 - a. Notify the Colorado River Basin Water Board by e-mail, telephone (or voicemail if after business hours) of the location and type of discharge, as well as its contact information, before commencing the discharge; and
 - b. Submit a Notice of Intent to the Colorado River Basin Water Board within 30 days after commencing the discharge.
3. **Disaster-Related Wastes Not from an Emergency-Declared Disaster Area.** Dischargers desiring coverage under this Conditional Waiver for emergencies not located in an Emergency-Declared Disaster Area (i.e., declared by the Governor) must either:
 - a. Submit a Notice of Intent to the Colorado River Basin Water Board and obtain a Notice of Enrollment from the Executive Officer prior to commencing the discharge pursuant to Section F.1.a of this Conditional Waiver; or
 - b. Notify the Colorado River Basin Water Board by e-mail, telephone (or voicemail if after business hours) of the location and type of discharge, as well as its contact information, before commencing the discharge and submit a Notice of Intent to the Colorado River

Basin Water Board within 10 days after commencing the discharge. In this instance, the Notice of Intent must include documentation that the Discharger has met the conditions described in Section F.1.b regarding the emergency being declared by a state or local government agency and an Incident Commander working through the Statewide Incident Management System and the California Emergency Management Agency directs that waste be discharged to mitigate the emergency.

4. **Termination of Coverage.** To terminate coverage, Dischargers must send a fully-executed Notice of Termination (NOT) (**Attachment B**) to the Colorado River Basin Water Board that meets the conditions of this Conditional Waiver.
5. **Fees.** Water Code section 13269, subdivision (a)(4)(A) authorizes the Colorado River Basin Water Board to include the payment of an annual fee as a condition of a waiver. Because the waiver applies to temporary activities, in temporary staging areas, or at permitted facilities that already pay an annual fee, this Conditional Waiver does not include as a condition, the payment of an annual fee.

CERTIFICATION

I, Paula Rasmussen, Acting 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, Colorado River Basin Region, on November 8, 2018.

Original signed by
Paula Rasmussen,
Acting Executive Officer

ATTACHMENT A: ORDER R7-2018-0028

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION
73-720 FRED WARING DRIVE, SUITE 100
PALM DESERT, CALIFORNIA 92260

NOTICE OF INTENT

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

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:	

III. PROPERTY/FACILITY OPERATOR INFORMATION

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

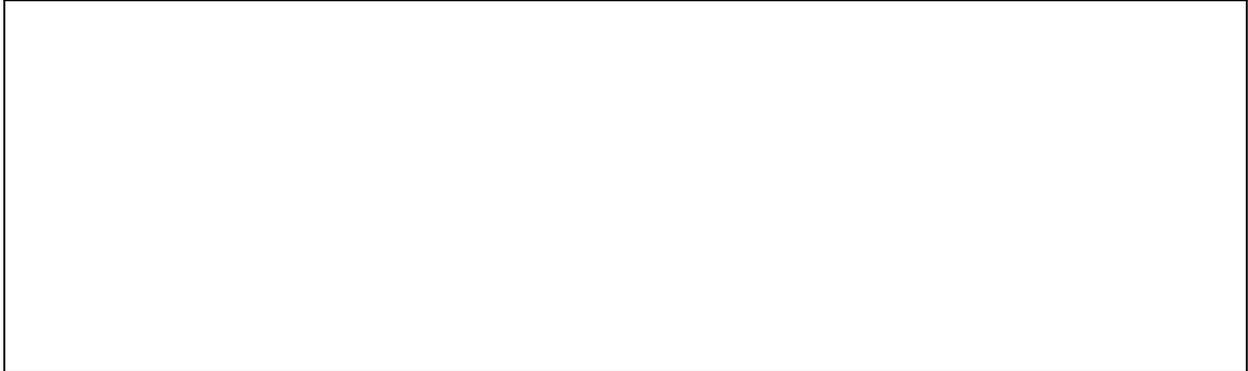
IV. DESCRIPTION OF DISCHARGE

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. DESCRIPTION OF MANAGEMENT MEASURES AND BEST MANAGEMENT PRACTICES

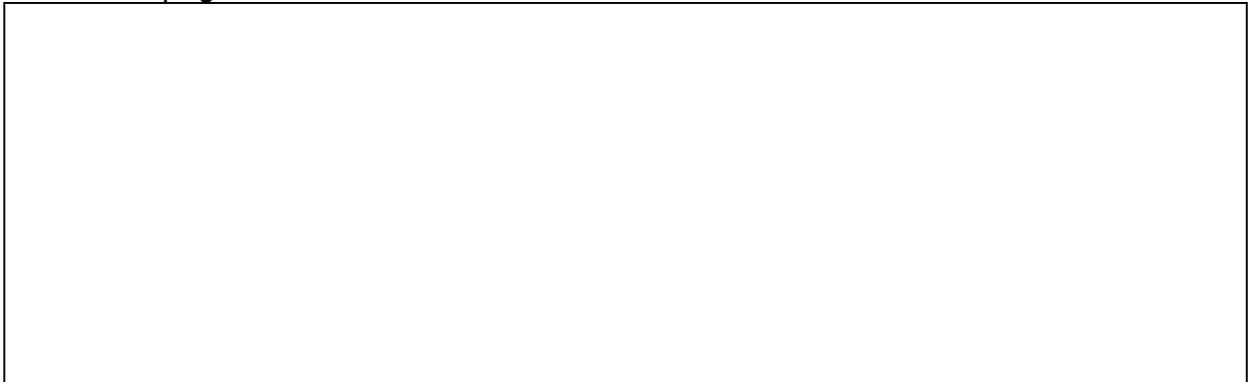
Describe what management measures (MMs) and best management practices (BMPS) will be implemented to minimize or eliminate the discharge of pollutants to waters of the

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 F). Use additional pages as needed.



VII. MAILING INFORMATION

The Colorado River Basin Water Board has implemented a Paperless Office system to reduce paper usage, increase efficiency, and provide a more effective way for our staff and the public to view water quality documents. To reduce paper usage and ensure that your application is processed efficiently, please submit your Notice of Intent electronically in a searchable PDF format and email to: RB7-coloradoriver@waterboards.ca.gov.

PDF documents that exceed 100 MB should be transferred to a CD and mailed to us, or alternatively an email with instructions to access an FTP site for file download. Colorado River Basin Water Board staff may request some documents be submitted on paper, particularly drawings or maps that require a large size to be readable, or in other electronic formats where evaluation of data is required.

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)

Print Name

Title

Date

ATTACHMENT B: ORDER R7-2018-0028

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION
73-720 FRED WARING DRIVE, SUITE 100
PALM DESERT, CALIFORNIA 92260



NOTICE OF TERMINATION

OF DISASTER-RELATED WASTE HANDLING OPERATIONS IN COMPLIANCE WITH REQUIREMENTS IN ORDER R7-2018-0028

I. FINAL WASTE DISPOSAL INFORMATION

Final Disposition of Waste:	Off-site/Landfill Disposal
	Off-site Reuse/Disposal
	On-site Reuse/Disposal
	Other:
Property Owner/Discharger Name:	
Property Owner/Discharger Contact and Title:	
Property Owner/Discharger Mailing Address:	
City	
County	
State	
Zip	
Telephone	
Fax	
Email:	

Assessor Parcel Number(s):	
Hydrologic Area/Subarea:	
Date(s) Waste Disposed:	
Quantity of Waste Disposed: (in cubic yards for each disposal date)	
Disposal Location(s): (for each disposal date)	

II. FINAL DISPOSAL CERTIFICATION

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