



Edmund G. Brown Jr.  
Governor

Matthew Rodriguez  
Secretary for Environmental Protection

November 6, 2017

Matthias St. John  
Executive Officer  
North Coast Regional Water Quality Control Board  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403-1072

Re: Regulatory Suspension Request

Dear Mr. St. John:

I am writing in response to the North Coast Regional Water Quality Control Board's request for my determination of eligibility for a regulatory suspension pursuant to the Governor's recent fire-related Proclamations of a State of Emergency.

In October 2017, the Governor issued Proclamations of a State of Emergency in Napa, Sonoma, Mendocino, Solano, Lake, Butte, Yuba and Nevada counties exempting activities from State statutes, rules, regulations and requirements to the extent they apply to (a) removal, storage, transportation, and disposal of hazardous and non-hazardous solid waste and debris resulting from fires, and (b) necessary restoration and rehabilitation of timberland, streams, rivers and other waterways. Individuals and entities who desire to conduct activities under the suspension must first request that the appropriate Secretary from either the California Environmental Protection Agency or the Natural Resources Agency determine that the activities are eligible to be conducted under the suspension. In making such a determination, the Secretaries shall use discretion to ensure the suspension serves the purpose of accelerating cleanup and recovery while at the same time protecting human health and the environment.

The North Coast Regional Water Board (Regional Board) has requested a temporary suspension of certain procedural requirements in Water Code section 13269 pursuant to the Governor's Proclamations. Water Code section 13269 allows the state board or a regional board to adopt waivers and conditional waivers of waste discharge requirements in emergency situations. Water Code section 13269 requires that waivers and conditional waivers shall be adopted by the state board or a regional board after any necessary public meeting and that any necessary public meeting be noticed in accordance with Government Code section 11125.

The specific determination the Regional Board seeks is that the procedural requirement in Water Code section 13269 for a public meeting noticed in accordance with Government Code section 11125 before adoption of a waiver or conditional waiver of waste discharge requirements may be temporarily suspended pursuant to the Governor's Proclamations. The Regional Board is seeking this determination in order to immediately adopt a temporary Conditional Waiver of Waste Discharge Requirements in a form substantially similar to the

Conditional Waiver attached as Exhibit A, and with the intention of considering the adoption a permanent Conditional Waiver of Waste Discharge Requirements in full compliance with the procedural requirements of Water Code section 13269 as soon as practicable and in no event later than December 31, 2017.

Based on review of the Regional Board's draft Conditional Waiver, which includes conditions designed to protect the environment, and in recognition of the emergency need for landfills to handle unusual amounts of waste from the fires in a short amount of time, it is my determination that the procedural requirements of Water Code section 13269 may be temporarily suspended to accelerate fire clean up and recovery.

Any Conditional Waiver adopted by the Regional Board pursuant to this determination and the temporary suspension of the procedural requirements of Water Code section 13269 shall remain in effect only until the Regional Board has an opportunity to fully comply with all requirements of section 13269, and in no event later than December 31, 2017.

This determination is subject to revision as necessary to protect public health and the environment. If you have questions or concerns about this determination, please contact Christiana Tiedemann, Deputy Secretary for Law Enforcement and Counsel at (916) 322-7236 or [chris.tiedemann@calepa.ca.gov](mailto:chris.tiedemann@calepa.ca.gov).

Sincerely,



Matthew Rodriguez  
Secretary for Environmental Protection

Attachment