

Date: \_\_\_\_\_, 2022

**EMERGENCY SUSPENSION FOR \_\_\_\_\_ COUNTY (COUNTY) TO EXPEDITE THE  
REMOVAL AND CLEANUP OF DEBRIS FROM WILDFIRES OR TO ADDRESS OTHER IMPACTS  
ASSOCIATED WITH THAT DEBRIS**

**BACKGROUND**

On \_\_\_\_\_ 2022, Governor Newsom proclaimed a state of emergency in the County due to the \_\_\_\_\_ fire(s) (Wildfire). On \_\_\_\_\_ 2022, Governor Newsom issued an Executive Order (Executive Order) suspending state statutes, rules, regulations, and requirements that fall within the jurisdiction of boards, departments, and offices within the California Environmental Protection Agency (CalEPA) and the California Natural Resources Agency (CNRA) to the extent necessary to expedite the removal and cleanup of debris from the Wildfire or to address other impacts associated with that debris in the County (collectively, Wildfire Recovery Activities).<sup>1</sup>

The Executive Order authorizes individuals who desire to conduct Wildfire Recovery Activities under this suspension to request that the appropriate agency secretary, or the secretary's designee, make a determination that the proposed Wildfire Recovery Activities are eligible to be conducted under this suspension. The Secretary for CalEPA and the Secretary for CNRA must then use their sound discretion to apply the suspension to ensure that it serves the purposes of accelerating cleanup and recovery, while at the same time protecting public health and the environment.

The Executive Order requires that any Wildfire Recovery Activities performed under the suspension be in accordance with the State Environmental Protection Plan (EPP) or a comparable plan describing how such actions will balance expeditious wildfire recovery and environmental protection. The EPP (attached) was developed by, and is subject to amendment by, CalEPA, CNRA, the California Department of Fish and Wildlife, the Governor's Office of Emergency Services (CalOES), the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (each a Regional Water Board), the Department of Forestry and Fire Protection, and California Department of Resources Recycling and Recovery (CalRecycle). It is based upon the view that each agency providing disaster recovery services has a responsibility to ensure its activities comply with applicable federal and state environmental laws. It specifies methods intended to allow

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<sup>1</sup> In addition, the Executive Order suspended these laws to the extent necessary to implement any restoration plan or to conduct other wildfire recovery activities. Restoration work and other wildfire recovery activities are beyond the scope of the present suspension, which concerns only debris removal and cleanup, including the removal of fire-damaged hazard trees. If the County wishes for CalEPA to apply the Executive Order's suspension for restoration work and other wildfire recovery activities, it must submit a separate request for such an application.

the Wildfire Recovery Activities to continue without delay while still preserving the intent of the suspended laws and protecting the environment.

## COUNTY'S REQUEST FOR SUSPENSION

The County has consulted with CalOES and CalRecycle about the Wildfire Recovery Activities. It is now requesting that the CalEPA Secretary apply the suspension authorized by the Executive Order to expedite those Wildfire Recovery Activities. If granted, the suspension would relieve the County and its contractors, when engaging in Wildfire Recovery Activities, of compliance with the following laws within the jurisdiction of the State Water Board or appropriate Regional Water Board:

- Clean Water Act Section 401; California Water Code (CWC) § 13160; California Code of Regulations, title 23, § 3855 et seq.; requires an applicant for a federal license or permit to conduct any activity which may result in any discharge to navigable waters to file an application for a water quality certification from the appropriate Regional Water Board or State Water Board.
- California Water Code (CWC) § 13260: requires that any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of waters of the state shall file with the appropriate Regional Water Board a report of the discharge.

To ensure protection of public health and the environment, the County will conduct all Wildfire Recovery Activities under this suspension in a manner that follows the requirements set forth in the EPP. State Water Board and Regional Water Board staff will have the opportunity to inspect operations and verify proper implementation of requirements related to laws they administer.

Suspension Requested by:

\_\_\_\_\_

Name \_\_\_\_\_, Title \_\_\_\_\_

## CALEPA'S AUTHORIZATION

I am in receipt of the County's request for a suspension in accordance with the Executive Order. I find that the requested suspension is necessary to ease otherwise applicable procedural requirements, including notice and fee provisions that would delay the Wildfire Recovery Activities. Therefore, in the exercise of my discretion under the Executive Order, I hereby authorize the suspension of the laws described in the request.

To facilitate the County's Wildfire Recovery Activities, I also hereby direct the boards, departments and offices within CalEPA to exercise their administrative discretion and expedite the granting of other authorizations, waivers or permits necessary for the removal, storage, transportation and disposal of hazardous and non-hazardous structural debris resulting from the fires, and for other actions necessary for the protection of public health and the environment in the County.

The suspension is only valid to the extent the County complies with the EPP. It does not affect discharges to waters of the United States regulated under section 402 of the Clean Water Act. Nor

does it relieve the County from adhering to environmental protections as those are addressed by the EPP.

The County must ensure that State Water Board and Regional Water Board staff will have the opportunity to inspect operations and verify proper implementation of these actions. Failure to comply with the EPP, and with any applicable federal and non-suspended state and local environmental laws and regulations, may result in an enforcement action by CalEPA departments and/or CNRA departments.

*Attachment: 2022 Statewide Fires –Environmental Protection Plan*

Suspension Approved by:

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Yana Garcia, Secretary  
**California Environmental Protection Agency**