California Environmental Protection Agency
Linda S. Adams
Agency Secretary

STATE OF CALIFORNIA
resources
AGENCY

California Resources Agency
Michael Chrisman
Agency Secretary

ANGORA FIRE

Construction, Debris and Timber Removal Waivers

Introduction:
On July 2, 2007, Governor Schwarzenegger issued an Executive Order (EO), directing state agencies to help Angora Wildfire victims with clean-up and restoration efforts.

This EO waives specific State statutes and regulations enforced by the California Environmental Protection Agency (Cal/EPA) and the Resources Agency, in order to expedite the removal and cleanup of debris from the fire.

The EO gives Agencies discretion to ensure that the waivers accelerate clean-up and mitigate environmental harm, and the restoration of infrastructure damaged in the Angora fire, while at the same time protecting public health and the environment.

What is a waiver?
It means that people performing necessary debris removal, and other recovery and restoration activities, will not have to strictly comply with all state environmental laws and regulations.

Cal/EPA and the Resources Agency will also expedite other necessary authorizations, waivers or permits required for fire recovery operations.

Who may need a waiver and why?
El Dorado County and the State of California have worked together to arrange for a State authorized debris and ash removal contractor, A.J. Diani Construction Company Inc., to remove structural debris on private property with owner approval. A.J. Diani Construction Company Inc. has all of the necessary legal waivers, so if you are using A.J. Diani Construction Company Inc., you do not need waivers for the work that they are doing.

If you are using your own contractor, or are doing the structural debris removal yourself, you may need a waiver to complete the debris removal. **Examples of when a waiver may be needed from Cal/EPA include**:

- If you have hazardous waste mixed in with the burn debris and it can not be readily removed, a waiver will be needed to transport and dispose of the debris.
- Transportation and disposal of burn debris to any solid waste landfill in California or Nevada may require a waiver of certain solid waste handling laws.

- If you move soils or otherwise disturb the soils in a way that can increase soil erosion or runoff, then a waiver of Waste Discharge Requirements may be needed.

- If you are removing timber or ash in a manner that could result in it being washed or blown off of your property, then a Waste Discharge Requirement waiver may be needed.

- If you are transporting, storing or disposing of Solid Waste on your property, then a waiver of solid waste disposal may be required.

Examples of when a waiver may be needed from the Resources Agency include:

- The EO waived CAL FIRE notification requirements for removing dead and dying trees, but to remove diseased and/or healthy green trees that pose a threat to debris removal, a waiver of tree harvest notification is needed if logs are bartered, traded or sold.

- If you are doing work that involves diverting the flow of a river, stream or lake, like constructing sediment catch basins;

- If you are changing the bed, bank or channel of a river, stream or lake by doing things like removing debris or constructing crossings for equipment; or

- If you are doing any activity near a river, stream or lake that requires you to put debris where it could pass into that water.

Why do I need a waiver?
Violation of state environmental laws may result in severe criminal or civil penalties, but in this case strict compliance with some requirements could hinder, prevent or delay recovery efforts. With a waiver, you protect yourself from associated penalties. If you have any questions regarding your need for a waiver, please call the appropriate agencies listed at the bottom of this form.

How do I get a waiver?
If you are an agency, contractor or homeowner performing fire recovery or restoration activities, and you need a waiver within the purview of **California Environmental Protection Agency**, fill out the attached waiver application form marked "California Environmental Protection Agency" and return it to:

Steve Koyasako, Acting Deputy Secretary
California Environmental Protection Agency

E-mail Address: skoyasako@calepa.ca.gov

Fax #: (916) 319-7891

Mailing Address: 1001 I Street, P.O. Box 2815
Sacramento, Ca. 95812-2815

To obtain a waiver within the purview of the **Resources Agency**, fill out the attached application form marked "Resources Agency" and return it to:

Bruce Yonehiro, Acting Deputy Secretary and General Counsel
California Resources Agency

E-mail Address: bruce.yonehiro@resources.ca.gov

Fax #: (916) 653-8102

Mailing Address: 1416 Ninth Street, Suite 1311
Sacramento, Ca. 95814

If approved, we'll contact you at the phone number or e-mail address you provided and you'll be added to the approval list at www.resources.ca.gov , www.calepa.ca.gov and www.edcgov.us/angora.

What Activities CANNOT be Waived?
Please note that the timber harvest operating rules, as adopted by the California Department of Forestry and Fire Protection, are intended to reduce impacts on soils, watercourses and habitat and have not been waived by this EO. A practical example would be limiting use of tractors on steeper slopes and unstable areas and in stream protection zones (The Z'Berg-Nejedly Forest Practice Act, Public Resources Code Section 4511 et seq. and the Forest Practice Rules, Title 14 California Code of Regulations, Chapter 4). Please contact Giny Chandler, Chief Counsel, at giny.chandler@fire.ca.gov or (916) 653-4153 for a copy of these rules.

In addition, Licensed Timber Operators (LTOs) by license are required to comply with the above timber harvest operating rules, even under the notification waiver provided by the EO.

For more information, please contact any of the following agencies:

Cal/EPA	(916) 327-5719
Resources Agency	(916) 653-5656
Angora Fire Joint Information Center	(530) 573-3473
El Dorado County Environmental Health Program	(530) 573-3450

07/30/07