

San Diego Regional Water Quality Control Board (Region 9)

Permit Considerations after a Wildfire to Protect Receiving Waters




December 10, 2025

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Wildfire History in Region 9

- Several of the largest fires in California occurred in Region 9 prior to the Los Angeles Fires:
- **2003 Cedar/Paradise/Otay Fires** (San Diego County).
- The Cedar Fire destroyed 280,278 acres, 2,820 structures and 15 deaths.



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Wildfire History in Region 9

- **2007 Witch Creek and Guejito Fires** (San Diego County)
- More than 197,990 acres burned with 1,141 residences destroyed, and two deaths.
- The fires triggered the largest evacuation in county history. More than 500,000 people lived in the areas evacuated.



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Wildfire History in Region 9

- **Most Recent: 2017 Lilac Fire** (San Diego County)
- More than 4,100 acres burned with 157 structures destroyed



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After the Fires: Three Primary Permits to Consider in Region 9

- **2022 CGP:** Construction General Permit – (State Water Board Order WQ 2022-0057-DWQ, NPDES NO. CAS000002)
- **Regional MS4 Permit:** (Order R9 2013-0001, as ammended)
- **Conditional Waivers WDRs:** Order No. R9-2024-0001 *Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges*

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Construction General Permit – 2022 CGP

- Adopted by State Water Board in 2023
- Land disturbance of one acre or more required to enroll – including demolition
- Public Emergency provision (III.A.3) Notify Region 9 within 5 calendar days and enrollment within 30 calendar Days
- SWBD additional considerations on 2/14/25 for construction sites enrolled under the 2022 CGP in an area identified in an emergency proclamation



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Construction General Permit – 2022 CGP

- Executive Order N-13-25 was issued for LA Fires
- **Annual application fee was suspended until April 20, 2025, for:**
 - (1) emergency-response activities by federal, state, or local agencies, or individuals or entities performing activity at those agencies' direction that are (2) necessary to prevent, contain, or otherwise reduce the impacts of flooding, landslides, mudslides, debris flows, or similar hazards.*
- **Permit coverage was not required for the following activities:**
 - Cleanup,
 - Debris removal activities, or
 - Construction activities disturbing less than one acre if the activities are not part of a larger common plan of development or sale disturbing an acre or more.

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Regional MS4 Permit: (Order R9 2013-0001, as amended)

- Regulates Stormwater and Non stormwater discharges into and out of an MS4 system.
- Local agencies (Copermittees) are enrolled and implement the Regional MS4 Permit
- Fire Fighting Activities are addressed for emergency and non-emergency fire fighting (Provision E.2.a (5)). BMPs are required but emergency response and public health and safety is the priority.



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Regional MS4 Permit: (Order R9 2013-0001, as amended)

- Rebuilding structures after the fire may require structural BMPs (Provision E.3.c) if impervious areas thresholds are triggered.
- No exemptions in current Regional MS4 Permit for losses due to emergencies
- Projects that trigger impervious area requirements (typically 5,000 SF):
 - Low Impact Development (LID) BMPs for all permitted projects
 - Designed Post Construction BMPs (bioretention basins, modular wetlands) to mitigate for water quality and flow control (flooding)

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Order No. R9-2024-0001: Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges

General:

- The Conditional Waivers WDRs include a list of discharges to land the SDWBD expects to pose a low threat to water quality.
- Dischargers who comply with the general and specific waiver conditions may become eligible for enrollment.
- For each type of Conditional Waiver, management measures (MMs) are required to mitigate low-threat discharges of waste to land.
- MMs are required mitigate potential impacts associated with stormwater run-on and runoff, groundwater, wastes, and wastewater discharges to land

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Order No. R9-2024-0001: Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges

- Waiver No. 10: Discharges of Emergency/Disaster Related Wastes
- Applies to discharges of wastes resulting from a regional emergency or disaster and the Governor of California issues a proclamation that identifies a portion of the San Diego Region as being in a state of emergency.
- In order to be eligible for the Emergency Waste Waiver, discharges must comply
- with both the general and specific waiver conditions in Waiver No. 10.



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Order No. R9-2024-0001: Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges

- **Temporary Time Frame:**
- The state of emergency declared by the Governor expires; or
- The San Diego Water Board takes action to terminate enrollment; or
- Six months has elapsed since the Governor issued a declaration of the state of emergency.
- **Notification and NOI Application Required:**
- Submit to Region 9 a signed and completed Notice of Intent (Attachment A)
- NOI submitted no later than 30 days following initiation of the discharge.
- **Notice of Termination (NOT)** must be submitted within 10 working days of completing the discharge activities and restoring the site to its original condition. Sites must be restored by the expiration date of this waiver (Attachment D)



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Permit Web Locations

2022 CGP

https://waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html

Regional MS4 Permit

https://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/sd_stormwater.html

Conditional Waivers

https://www.waterboards.ca.gov/sandiego/water_issues/programs/waivers/

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