

**December 26, 2024**

**EMERGENCY SUSPENSION AUTHORIZATION FOR VENTURA COUNTY TO EXPEDITE THE  
REMOVAL AND CLEANUP OF DEBRIS FROM WILDFIRES OR TO ADDRESS OTHER IMPACTS  
ASSOCIATED WITH THAT DEBRIS**

**BACKGROUND**

On November 7, 2024, Governor Newsom proclaimed a State of Emergency to exist in Ventura County due to the Mountain Fire and issued Executive Order N-6-24 (Executive Order) in order to expedite recovery. The County now intends to conduct activities for removal and cleanup of debris from the Wildfire or to address other impacts associated with that debris (collectively, Wildfire Recovery Activities).

The Executive Order suspends state statutes, rules, regulations, and requirements that fall within the jurisdictions of the boards, departments, and offices within the California Environmental Protection Agency (CalEPA) and the California Natural Resources Agency (CNRA) to the extent necessary for expediting the removal and cleanup of debris from the fires or to address other impacts associated with the debris.<sup>1</sup> It requires individuals or entities who desire to conduct such activities under the suspension to request that the appropriate agency secretary, or the secretary's designee, make a determination that the proposed activities are eligible to be conducted under this suspension. (That determination is referred to herein as the "secretarial suspension authorization" or "suspension authorization.") The Secretary for CalEPA and the Secretary for CNRA must use sound discretion to ensure that the secretarial suspension authorization serves the purposes of accelerating cleanup and recovery, while at the same time protecting public health and the environment.

The Executive Order further requires that any 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 fire recovery and environmental protection. The EPP (attached) was developed by CalEPA, CNRA, the California Department of Fish and Wildlife, the Governor's Office of Emergency Services (Cal OES), 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 the California Department of Resources Recycling and Recovery

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<sup>1</sup> In addition, the Executive Order suspends state laws, rules, regulations, and requirements, to the extent necessary to implement any restoration plan necessary for mitigation of the effects of the emergency or to conduct other fire recovery activities. Restoration work and other fire recovery activities are beyond the scope of the present authorization, 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 suspension for restoration work and other fire recovery activities, it must submit a separate request for such an application.

to apply to removal and cleanup of fire debris and to address other impacts associated with fire debris. The EPP is appropriate for application to the Wildfire Recovery Activities subject to this secretarial suspension authorization. The EPP 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 the Wildfire Recovery Activities to continue without delay while still preserving the intent of the suspended laws and protecting the environment.

Actions to undertake, carry out, or approve the Wildfire Recovery Activities are exempt from the requirements of the California Environmental Protection Act (CEQA) in accordance with CEQA Guidelines section 15269, subsection (a)'s exemption for projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. (Pub. Resources Code, §21080 (b) (3); Cal. Code of Regs., tit. 14, § 15269(a).)

## COUNTY'S REQUEST FOR SUSPENSION

Ventura County has consulted with Cal OES about the Wildfire Recovery Activities. It is now requesting that the CalEPA Secretary make a determination that the Wildfire Recovery Activities are eligible to be conducted under the suspension authorized by the executive Order. If granted, the secretarial authorization of the suspension would relieve the County and its contractors, when engaging in the Wildfire Recovery Activities, of compliance with the following laws within the jurisdiction of the State Water Board or appropriate Regional Water Board:

- California Water Code, section 13160, and all regulations pursuant to that section; 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 the State Water Board.
- California Water Code, sections 13260, and regulations pursuant to that section; 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, Ventura County will conduct the cleanup and removal of debris in compliance with 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: Charles Genkel, Environmental Health Division Director

## CALEPA'S AUTHORIZATION

I am in receipt of Ventura County's request for a determination in accordance with the Executive Order. I find that the Wildfire Recovery Activities are eligible to be conducted under the suspension in the Executive Order and that a secretarial suspension authorization serves the purpose of accelerating cleanup and recovery by easing otherwise applicable procedural requirements, including notice and fee provisions, that would delay the Wildfire Recovery Activities. I further find that compliance of the Wildfire Recovery Activities with the EPP will protect public health and the environment. Therefore, in the exercise of my discretion under the Executive Order I hereby authorize the Wildfire Recovery Activities to proceed pursuant to the suspension of the laws described in the request.

To facilitate Ventura 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.

This suspension authorization is only valid to the extent the County and its contractors comply with the EPP. It does not affect discharges to waters of the United States regulated under section 402 of the Clean Water Act and it does not relieve the County or its contractors of the requirement to seek a federal permit under section 404 of the Clean Water Act where applicable. Nor does it relieve the County or its contractors from adhering to environmental protections as those are addressed by the EPP.

Ventura 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. The EPP may be amended at any time during planning or implementation of the Wildfire Recovery Activities.

*Attachment: California Wildfire Environmental Protection Plan*

Suspension Approved by:



1/16/2025

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

**Date:**