CALIFORNIA WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. 97-11
GENERAL WASTE DISCHARGE REQUIREMENTS FOR POST-CLOSURE MAINTENANCE OF INACTIVE NONHAZARDOUS WASTE LANDFILLS WITHIN THE SAN DIEGO REGION

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

BACKGROUND

1. Nonhazardous solid waste landfills (which include former Class II-2 landfills, former Class III landfills and burn dumps) have been regulated by the State Water Resources Control Board and the Regional Boards since the 1960's. The applicable regulations governing landfills is California Code of Regulations, Title 23, Division 3, Chapter 15, **Discharges of Waste to Land** (23 CCR).

2. Pursuant to 23 CCR 2510 (g), landfills which are closed, abandoned, or inactive on the effective date of these regulations (November 1984) are not specifically required to be closed in accordance with Article 8 requirements. However, these landfills are subject to post-closure maintenance requirements in accordance with 23 CCR 2581(b) and (c).

3. Pursuant to 23 CCR Section 2510 (g), persons responsible for discharges at landfills which are closed, abandoned, or inactive may be required to develop and implement a monitoring program. If water quality impairment is found, such persons may be required to develop and implement a corrective action program based on the provisions of Chapter 15.

4. The Regional Board may require formal closure of a landfill in accordance with 23 CCR Articles 8 and 9 under the following conditions: a) when there is a proposed site development or land use change that jeopardizes the integrity of the existing cover; b) when water quality impairment is found, as part of a ground water monitoring program; or c) when nuisance conditions exist that warrant such activity.

5. Pursuant to California Water Code, Section 13263, this Regional Board issues waste discharge requirements for post-closure maintenance of inactive landfills. In accordance with Section 13263(d) the Regional Board may prescribe requirements although no Report of Waste Discharge has been filed.

6. California Water Code, Section 13273, required the State Water Resources Control Board to develop a ranked list of all known landfills throughout the state on the basis of the threat to water quality. Water Code Section 13273 required the operator of each solid waste disposal site on the ranked list to conduct and submit to the

appropriate Regional Board the results of a solid waste water quality assessment test (SWAT report) to determine if the site is leaking hazardous waste.

7. SWAT reports indicated that landfills (which were inactive prior to November 1984) which contain significant quantities of decomposable waste have leaked hazardous waste to ground water. Volatile organic constituents in ground water near the inactive landfills may have occurred through landfill gas migration. These impacts to ground water could cause a long-term loss of a designated beneficial use. Because of this potential impact to ground water quality, leaking inactive landfills are defined in Title 23, CCR, Section 2200 as a category "1" threat to water quality. A facility's "complexity" ranking is based on the type of facility. For inactive landfills, the complexity ranking is category "B".

8. Attachment No. 1 to this Order contains a list of persons who own or operated the inactive landfills that contain significant quantities of decomposable waste. Attachment No. 1 to this Order may be updated, as necessary, when additional information warrants.

9. Landfills that do not contain significant quantities of decomposable waste such as those which were operated by open burning of refuse may also impact water quality. However, the residual waste material may contain soluble constituents which are leachable to waters of the state under acidic conditions. Potential water quality impacts from these landfills could result from erosion during the rainy season, if waste is exposed and is not contained onsite. Surface water quality objectives may be exceeded in cases of extreme erosion of these landfill surfaces. Landfills that do not contain significant quantities of decomposable waste are a category "3" threat to water quality because potential discharges could degrade water quality without violating water quality objectives or cause a minor impairment of designated beneficial uses. The "complexity" rating is a category "C" for discharges that must comply with best management practices such as erosion control measures.

10. Attachment No. 2 to this Order contains a list of persons who own or operated these burn dumps that do not contain significant quantities of decomposable waste subject to these general waste discharge requirements. Attachment No. 2 to this Order may be updated, as necessary, when additional information warrants.

11. The issuance of this Order establishing general waste discharge requirements is consistent with the goal to provide water resources protection, enhancement and restoration while balancing economic and environmental impacts as stated in the Strategic Plan of the State Water Resources Control Board and the Regional Boards.

12. The issuance of this Order may supersede existing Orders which were issued to landfills which are in post-closure maintenance.

13. The adoption of general waste discharge requirements for inactive landfills for post-closure maintenance would assist in:

    a. Protecting the ground waters and surface waters of the state from pollution or contamination.

    b. Simplifying and expediting the application process for the discharger.

    c. Reducing Regional Board time expended on preparing and considering individual waste discharge requirements for each project.

Water Quality Control Plan

14. The **Water Quality Control Plan Report, San Diego Basin (9)** (hereinafter Basin Plan), was adopted by this Regional Board on September 8, 1994, and subsequently approved by the State Water Resources Control Board (State Board) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the State Board. The Basin Plan designates beneficial uses and narrative and numerical water quality objectives, and prohibitions which are applicable to the discharges regulated under this Order.

CEQA and Other Legal References

15. Inactive landfills are existing facilities and as such are exempt from the provisions of the California Environmental Quality Act in accordance with Title 14, California Code of Regulations, Chapter 3, Article 19, Section 15301.

16. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to the following:

    a. Past, present, and probable future beneficial uses of water.

    b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.

    c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.

    d. Economic considerations.

    e. The need for developing housing within the region.

f. The need to develop and use recycled water.

g. Beneficial uses to be protected and water quality objectives reasonably required for that purpose.

h. Other waste discharges.

i. The need to prevent nuisance.

17. The Regional Board has considered all water resource related environmental factors associated with the discharge of waste associated with these inactive landfills.

18. The Regional Board has notified interested agencies and all know interested parties of its intent to issue post-closure maintenance requirements for these inactive landfills.

19. The Regional Board in a public meeting heard and considered all comments pertaining to post-closure maintenance of these inactive landfills.

IT IS HEREBY ORDERED, That each person identified in Attachment No. 1 or 2 to this Order (hereinafter discharger), in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. ELIGIBILITY

1. In order to add an inactive landfill to either Attachment 1 or 2 to this Order, the discharger shall submit a complete report of waste discharge (RWD) and an appropriate filing fee for each inactive landfill. The RWD shall include the following:

   a. Form 200, *Application for Facility Permit/Waste Discharge*, filled out in accordance with the instructions.

   b. A discussion of the landfill and waste characteristics including:

      - Identification of the period during which waste was disposed of at the site;

      - Description of landfill disposal methods, operation and maintenance activities;

      - Description of types and quantities of waste disposed of;

- Identification of the total volume of waste disposed of at the site;

- Any closure or post-closure activities conducted at the landfill subsequent to ceasing operation; and

- Present and future land use of the inactive landfill.

c. Documentation of how the discharger will comply with all applicable requirements of this Order for the inactive landfills in Attachment No. 1 & 2 to this Order.

d. A topographical scale map showing the location, users and uses of all wells located within one mile of the inactive landfill.

e. Any other information pertinent to protection of water quality or public health and prevention of nuisance.

2. The discharger shall receive authorization from the Regional Board which states that it is appropriate to regulate the inactive landfill under general waste discharge requirements, and an individual permit is not required. The authorization letter shall specify the following:

a. Any modification to Monitoring and Reporting Program No. 97-11.

b. Any other conditions necessary to protect the beneficial uses of the receiving water.

3. It may be necessary for a discharger authorized under this Order to apply for and obtain an individual waste discharge requirement with more specific requirements. When an individual waste discharge requirements with specific requirements are issued to a discharger, the applicability of this general permit to the individual permittee shall be terminated on the effective date of the individual permit.

4. Notwithstanding the conditions specified above, individual cases may be brought to the Regional Board for consideration of waste discharge requirements when deemed appropriate by the Executive Officer.

B. PROHIBITIONS

1. Discharges of wastes to lands which have not been specifically described to the Regional Board and for which valid Waste Discharge Requirements are not in force

are prohibited.

2. The discharge of waste shall not:

   a. Cause the occurrence of coliform or pathogenic organisms in waters pumped from the basin;
   b. Cause the occurrence of objectionable tastes and odors in waters pumped from the basin;
   c. Cause waters pumped from the basin to foam;
   d. Cause the presence of toxic materials in waters pumped from the basin;
   e. Cause the pH of waters pumped from the basin to fall below 6.0 or rise above 9.0;
   f. Cause this Regional Board's objectives for the ground or surface waters as established in the Basin Plan, to be exceeded; and
   g. Cause pollution, contamination or nuisance or adversely affect beneficial uses of the ground or surface waters as established in the Basin Plan.

3. Odors, vectors, and other nuisances of waste origin beyond the limits of the landfill site are prohibited.

4. The discharge of waste to surface drainage courses or to usable ground water is prohibited.

5. Basin Plan prohibitions shall not be violated.

C. POST-CLOSURE MAINTENANCE SPECIFICATIONS

1. Annually, prior to the anticipated rainy season but not later than **October 31**, any necessary erosion control measures shall be implemented, and any necessary construction, maintenance, or repairs of precipitation and drainage control facilities shall be completed to prevent erosion, ponding, flooding, or to prevent surface drainage from contacting or percolating through wastes at the facility.

2. The landfilled areas shall be adequately protected from any washout, erosion of wastes or cover material. The surface drainage system shall be designed to adequately handle the rainfall from a 100-year 24 hour storm event.

3. Surface drainage from the landfill is subject to State Board Order No. 91-13-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, "Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities".

4. The structural integrity and effectiveness of all containment structures and the existing cover shall be maintained as necessary to correct the effects of settlement or other adverse factors.

5. Vegetation used at the site shall be selected to require minimum irrigation and maintenance, and shall not impair the integrity of containment structures including the existing cover. Landscaping overlaying the landfill portion of the site shall be shallow rooted native grasses and shrubs suited for inland valleys of Southern California.

6. The migration of landfill gas from the site shall be controlled as necessary to ensure that landfill gases and gas condensate are not discharged to surface waters or ground waters. Condensate shall be collected and removed from the site except as defined in 23CCR Section 2511(e).

D. PROVISIONS

1. GENERAL PROVISION

Neither the treatment nor the discharge of waste shall create a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code.

2. DUTY TO COMPLY

The discharger shall comply with all conditions of this Order and any additional conditions prescribed by the Regional Board in addenda thereto. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for: (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a Report of Waste Discharge in application for new or revised Waste Discharge Requirements.

3. COMPLIANCE

In an enforcement action, it shall not be a defense for the discharger to say, it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order.

4. CORRECTIVE ACTION

The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

5. PROPER OPERATION AND MAINTENANCE

The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate laboratory and process controls including appropriate quality assurance procedures.

6. PERMIT REVISION

This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

a. Violation of any terms or conditions of this Order;

b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or

c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

7. CHANGE IN OWNERSHIP

This Order is not transferable to any person except after notice to the Executive Officer. The Regional Board may require modification or revocation and reissuance of this Order to, change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code. The discharger shall submit notice of any proposed transfer of this Order's responsibility and coverage as described under Reporting Requirement E.3.

8. PROPERTY RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state, or local laws, nor create a vested right for the owner and operator to continue the regulated activity.

9. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law to:

a. Enter upon the discharger premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

10. PERMIT REPOSITORY

A copy of this Order shall be maintained at the local offices of the discharger and shall be available to operating personnel at all times.

11. SEVERABILITY

The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.

12. EFFECTIVE DATE

This Order becomes effective on the date of adoption by the Regional Board. This Order supersedes Order Nos. 85-78 and 87-50.

E. REPORTING REQUIREMENTS

1. CHANGE IN DISCHARGE

The discharger shall file the following reports in accordance with the following schedule:

a. Report of Waste Discharge

The discharger shall file a new Report of Waste Discharge at least 120 days prior to the following:

1) Significant change in post-closure maintenance activities which would significantly alter existing drainage patterns and slope configurations, or pose a potential threat to the integrity of the site;
2) Change in land use other than as described in the findings of this Order;
3) Significant change in disposal area, e.g. excavation and relocation of waste on site; or
4) Any planned change in the regulated facility or activity which may result in noncompliance with this Order.

b. Workplan

The discharger shall submit a workplan at least 30 days prior to any maintenance activities that could alter existing surface drainage patterns or change existing slope configurations. These activities may include, but not be limited to, significant grading activities, the importation of fill material, the design and installation of soil borings, ground water monitoring wells and other devices for site investigation purposes.

c. Written Notification

The discharger shall provide written notification at least 2 working days prior to any maintenance activities that are minor and/or routine in nature, do not add a significant amount of water, do not inhibit drainage, have limited potential for impacts to beneficial use of water, and will not interfere with future routine maintenance. These activities may include, but not be limited to:

1) routine maintenance grading and dust control;
2) landscaping with minimal/no water application;
3) gas surveys with temporary probes; or
4) replacement/removal of gas collection wells.

2. GENERAL REPORTING REQUIREMENT

The discharger shall furnish to the Executive Officer, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Executive Officer upon request, copies of records required to be kept by this Order.

3. CHANGE IN OWNERSHIP

The discharger shall notify the Executive Officer, in writing, at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage between the current owner and new owner for construction, operation, closure, or post-closure maintenance of a landfill. This agreement shall include an acknowledgement that the existing owner is liable for violations up to the transfer date and that the new owner is liable from the transfer date on. The agreement shall include an acknowledgement that the new owners shall accept responsibility for compliance with this Order which includes the post-closure maintenance of the landfill.

4. INCOMPLETE REPORTS

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

5. ENDANGERMENT OF HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the owner becomes aware of the circumstances. A written submission shall also be provided within five days of the time the owner becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, or prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

6. SLOPE FAILURE

The discharger shall notify the Executive Officer immediately of any slope failure occurring in a waste management unit. Any failure which threatens the integrity of the containment features or the waste management unit shall be promptly corrected after approval of the method and schedule by the Executive Officer.

7. LANDFILL GAS

The discharger shall operate and maintain a landfill gas migration control and detection system as required by the Air Pollution Control District (APCD) and the Local Enforcement Agency (LEA).

8. MONITORING AND REPORTING PROGRAM

The discharger shall comply with the attached Monitoring and Reporting Program No. 97-11. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. 97-11.

9. REPORT DECLARATION

All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:

a. The Report of Waste Discharge shall be signed as follows:

1. **For a corporation** - by a principal executive officer of at least the level of vice-president.

2. **For a partnership or sole proprietorship** - by a general partner or the proprietor, respectively.

3. **For a municipality, state, federal or other public agency** - by either a principal executive officer or ranking elected official.

4. **For a military installation** - by the base commander or the person with overall responsibility for environmental matters in that branch of the military.

b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:

1. The authorization is made in writing by a person described in paragraph (a) of this provision;

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and

3. The written authorization is submitted to the Executive Officer.

c. Any person signing a document under this Section shall make the following certification:

" I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

10. REGIONAL BOARD ADDRESS

The discharger shall submit reports required under this Order and other information requested by the Executive Officer, to:

California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Blvd., Suite A
San Diego, California 92124-1331

F. Notifications

1. U.S. EPA REVIEW

These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.

2. CIVIL MONETARY REMEDIES

The California Water Code provides that any person who intentionally or negligently violates any Waste Discharge Requirements issued, reissued, or amended by this Regional Board is subject to administrative civil liability of up to 10 dollars per gallon of waste discharged, or if no discharge occurs, up to 1000 dollars per day of violation. The Superior Court may impose civil liability of up to 10,000 dollars per day of violation or, if a cleanup and abatement order has been issued, up to 15,000 dollars per day of violation.

3. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and may be subject to administrative civil liability of up to 1000 dollars per day of violation.

4. OTHER CLOSURE REGULATIONS

Closure of this waste management unit may be subject to regulations of the California Integrated Management Board and the San Diego County Air Pollution Control District.

5. CHAPTER 15 DEFINITIONS

Definitions of terms used in this Order shall be as set forth in California Code of Regulations Chapter 15.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on April 9, 1997.

JOHN H. ROBERTUS
Executive Officer

No.	Landfill Name	WDID No.	Operation period	Facility Type	Site Address	Owner/ Operator	Address
1	Arizona/Balboa	6-0003.02	1935-36, 1952-74	Class II-2 landfill	2781 Pershing Drive, San Diego, CA 92101	City of San Diego	Environmental Services Department, 9601 Ridgehaven Court, Suite 310, San Diego, CA 92123-1636
2	Chollas, South	6-0007.02	1951-81	Class II-2 landfill	2781 Camito Chollas, San Diego, CA 92105	City of San Diego	Environmental Services Department, 9601 Ridgehaven Court, Suite 310, San Diego, CA 92123-1636
3	Encinitas	6-0017.02	1967-77	Class II-2 landfill	2099 Encinitas Blvd., Encinitas CA 92024	County of San Diego	Joseph Minner, Deputy Director, Dept of Public Works, County of San Diego, 5555 Overland Ave., MS 0383, San Diego, CA 92123-1295
4	Gillespie		1940-64	Class II-2 landfill	1706 Cuyamaca St., El Cajon, CA 92020	County of San Diego	Joseph Minner, Deputy Director, Dept of Public Works, County of San Diego, 5555 Overland Ave., MS 0383, San Diego, CA 92123-1295
5	Golf Course	6-0020.02	1940s-1965	Class II-2 landfill	Naval Air Station, North Island	US Department of the Navy	Commanding Officer, Naval Air Station, Environmental Compliance Division, P. O. Box 357040, San Diego, CA 92135-7040
6	Sweetwater I Hillsborough	6-1090.02	1948-62	Class II-2 landfill	Manzana Way, San Diego, CA 92139	County of San Diego	Joseph Minner, Deputy Director, Dept of Public Works, County of San Diego, 5555 Overland Ave., MS 0383, San Diego, CA 92123-1295
7	Maxson Street	6-0023.02	1960-69	Class II-2 landfill	300 North Coast Highway, Oceanside, CA 92054	City of Oceanside	James Stillman, City of Oceanside, Division Manager, Engineering Department, 300 North Hill Street, Oceanside, CA 92054
8	Old Marine Corp Recruit Depot	6-0035.02	1950-71	Class II-2 landfill	Naval Training Center	US Marine Corps	Commanding Officer, Attn: Keith Forman, Interim BEC, Naval Training Center, 33502 Decatur Road, Suite 120, San Diego, CA 92122-1449
9	SERE Camp	6-0047.02	1978 - 1982	Class II-2 landfill	SERE Camp, Warner Springs	US Department of the Navy	Commanding Officer, Naval Air Station, Environmental Compliance Division, P. O. Box 357040, San Diego, CA 92135-7040
0	Mission Bay	6-378.02	1952 - 1959	Class II-2 landfill	Mission Bay, Sea World Drive, San Diego, CA 92109	City of San Diego	Environmental Services Department, 9601 Ridgehaven Court, Suite 310, San Diego, CA 92123-1636

Ceased operations by November 1984

No.	Site Name	WDID No.	Operation period	Facility Type	Site Address	Owner/ Operator	Address
1	Admiral Baker		1965-late 70s	solid waste landfill	Admiral Baker golf course	Dept of the Navy	Department of the Navy, Commanding Officer, Naval Station San Diego, 3395 Sturevant St., Suite 6, San Diego, CA 92136-5071
2	Old Spanish Bight	6-0030.02	1917-40s	burn dump	Naval Air Station, North Island	US Department of the Navy	Commanding Officer, Naval Air Station, Environmental Compliance Division, P. O. Box 357040, San Diego, CA 92135-7040
3	San Ysidro		1947-1957	burn dump	S. Otay Mesa Rd and E. of Interstate 805	County of San Diego	Joseph Minner, Deputy Director, Dept of Public Works, County of San Diego, 5555 Overland Ave., MS 0383, San Diego, CA 92123-1294