

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906**

DRAFT WASTE DISCHARGE REQUIREMENTS ORDER NO. R3-2008-0050

Waste Discharger Identification No. 3400302001
Proposed for Consideration at the September 5, 2008 Board Meeting

FOR

**CITY OF EL PASO DE ROBLES
PASO ROBLES CLASS III LANDFILL
SAN LUIS OBISPO COUNTY**

The California Regional Water Quality Control Board, Central Coast Region (hereafter Water Board) finds that:

LANDFILL OWNER AND LOCATION

1. The City of El Paso de Robles (hereafter "Discharger") owns the Paso Robles Class III Landfill (hereafter "Landfill"). Pacific Waste Services, Inc. is contracted by the Discharger to operate the Landfill.
2. The Landfill is located in San Luis Obispo County approximately nine miles east of the City of Paso Robles on Highway 46 (Figures 1 and 2). The Landfill address is 9000 Hwy 46 East at Union Road, Paso Robles, California. The Landfill is located in Township 26 South, Range 13 East, Section 13 and is legally defined by the San Luis Obispo County Assessor as Parcel Number APN 025-491-001.

PURPOSE OF THIS ORDER

3. The Discharger is currently regulated by Waste Discharge Requirements Order No. 01-112 (hereafter "Order No. 01-112"). The purpose of proposed Order R3-2008-0050 (Hereafter "Order" or "Order No. R3-2008-0050 ") is to revise and update requirements for discharging waste to the Landfill.
4. Order No. R3-2008-0050 adopted on September 5, 2008, replaces Order No. 01-112, adopted on October 26, 2001.
5. Order No. R3-2008-0050 includes the following key elements:
 - a. Specifications for disposal of treated wood waste.
 - b. Compliance review of the 80-acre landfill facility.
 - c. Description of Landfill operations including waste management unit construction.
 - d. Updated groundwater monitoring information; provision requiring Discharger to address monitoring data gaps.

SITE DESCRIPTION AND HISTORY

6. Water Board staff prepared this Order using the August 2007, "Report of Disposal Site Information/Report of Waste Discharge/Joint Technical Document," April 2008 "Semiannual Detection Monitoring Report," and Landfill correspondence records that provided staff the current description of the Landfill's operation and design.
7. The Landfill serves as the primary municipal solid waste disposal facility for the City of Paso Robles, surrounding unincorporated county areas (San Miguel and Shandon) and nearby State- and Federally-owned facilities, including the California Men's Colony, Hearst Castle State Park, and Camp Roberts.
8. The Landfill is approximately 32 miles inland from the Pacific Ocean. The Landfill receives approximately 14.9 inches of rainfall per year, primarily between October and April. Normal year evaporation rate is 49.1 inches. Average maximum temperature is 77°F (maximum temperatures average 93°F during August and minimum temperatures average 32°F during December). Wind speed averages at 12 mph and is commonly from the northwesterly and southwesterly directions.
9. Land use surrounding the Landfill is zoned for agriculture (vineyards, row crops and grazing) and open space. Across Highway 46 opposite the Landfill are two wineries (Tobin/James and Chumeia). An airport is located approximately five miles west of the Landfill. No permanent structures are located within 1,000 feet of the Landfill.
10. The Discharger began operating the Landfill in 1970 using the trench and area-fill methods until 1993. In 1993, the Discharger constructed the first Subtitle-D lined unit (Module I) using Landfill using area fill methods.
11. The Landfill's property boundary ("Waste Management Facility," as defined in Title 27) encompasses approximately 82-acres. Existing and proposed Waste Management Units or modules will cover approximately 65-acres (82-acres less a 50-foot setback from the property line and other non-waste discharge uses), as indicated on Figure 3. The current waste footprint encompasses approximately 31 acres.
12. The estimated date that the Landfill will reach capacity (includes planned Modules 3A, 3B, 3C, 4 and 5), is 2051, based on current disposal rates and a modest population growth within the Landfill's service area. The Landfill received and disposed of approximately 45,000 tons of municipal solid waste (MSW) in 2007.
13. Refuse placement is designed for a maximum elevation of 1,226 feet above mean sea level over the southern "Existing Refuse Fill Area," with a 5% grade on the top deck and a maximum horizontal to vertical side-slope ratio of 3 to 1, as shown on Figure 4.
14. Landfill site infrastructure and ancillary facilities include a scale and scalehouse/office building, a permitted household hazardous waste drop-off facility (owned and operated by the San Luis Obispo County Integrated Waste Management Authority), a landfill gas collection and flare system, workshop, water supply from an onsite water supply well, two (2) leachate storage tanks, and two (2) stormwater sediment retention basins. Domestic wastewater from the scale house building is discharged to an onsite septic tank and leach field, located near the Landfill entrance facilities.
15. On June 2, 1988, the Executive Officer issued a letter conditionally allowing the Discharger to stockpile dry sewage sludge at the unused portion of the Landfill and use the sludge as a compost material at the Landfill. Wastewater treatment plant sludge is currently being used as a soil amendment on the Landfill's intermediate side slopes.

WASTE TYPE & CLASSIFICATION

16. Classification of a Class III landfill is based on the following site characteristics:
- Geologic setting is sufficient to ensure no impairment of beneficial uses of surface water or groundwater beneath or adjacent to the landfill. Factors to evaluate include: landfill's size; hydraulic conductivity and transmissivity of underlying soils; depth to groundwater and variations in depth to groundwater; background quality of groundwater; current and anticipated use of groundwater; and, annual precipitation;
 - Not located in a 100-year floodplain or wetland;
 - Not subject to 100-year flooding;
 - Not located on or within 200-feet of a Holocene fault; and,
 - The waste management unit's containment structure are designed, constructed and maintained to preclude failure due to rapid geologic change.

The Paso Robles Landfill has appropriate site characteristics to be classified as Class III.

17. The waste type allowed to be discharged at a Class III landfill, per Title 27 §20220, is generally limited to "Nonhazardous Solid Waste, defined as:

All putrescible and nonputrescible solid, semi-solid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction waste, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes and other discarded waste (whether of solid or semi-solid consistency); provided that such wastes do not contain waste which must be managed as hazardous wastes, or wastes which contain pollutants in concentrations which exceed applicable water quality objectives, or could cause degradation of water of the state (i.e., designated waste).

18. Wastes materials received at the Landfill that the Discharger separates for recycling include: concrete, asphalt, appliances, scrap metal, clean wood waste, and used tires.

GEOLOGY

19. The Landfill is located within the Upper Salinas River Basin that is bounded to the northeast by the Diablo and Temblor ranges, to the south by the La Panza Range, and to the west by the Santa Lucia Range. The Landfill is located about 2,000-feet west-southwest of the Estrella River in an elevated area typified by small plains and rolling hills. The Landfill natural land surface ranges in elevation from 990 to 1,120-feet above mean sea level.
20. The geology beneath the Landfill area is characterized by gently north to northwest-dipping Plio-Pleistocene age non-marine Paso Robles Formation overlying the Miocene to early Pliocene fine-grained sediments of the Pancho Rico Formation of marine origin. The Paso Robles Formation was deposited in alluvial fan, flood plain, and lake depositional environments and consists of relatively thin, generally discontinuous, weakly indurated sand and gravel layers interbedded with thicker layers of silt and clay. In the vicinity of the Landfill, the Paso Robles Formation is approximately 1,400-feet in thickness. Locally overlying the Paso Robles Formation (from 0 to 30 feet thick in thickness) is Quarternary age alluvium deposits consisting of unconsolidated gravel, sand and silt. Boring logs for onsite wells describe the lithology beneath the site as consisting of unconsolidated clayey sand to gravelly sand, sandy clay, and clay to a depth of 355 feet below ground surface.
21. The Landfill is located between the Rinconada Fault (about 10 miles) to the southwest, and the San Juan Fault system and the San Andreas Fault (about 14 miles) to the east. A 1989 geologic study determined there is no evidence of faults at the Landfill. The maximum probable earthquake is based

on a magnitude 8.25 along the San Andreas Fault, which is expected at the Landfill to generate a ground acceleration of 0.272 times the acceleration of gravity (g).

GROUNDWATER, STORMWATER, SURFACE WATER

22. The Landfill is located within the Paso Robles Subbasin of the Salinas Valley Groundwater Basin. First encountered groundwater beneath the landfill occurs in discontinuous perched zones at approximately 75 to 180 feet below ground surface (approximately 920 to 930 feet above mean sea level). Investigations in 2002-2003 using a down-well neutron probe, and 2006 drilling to install MW-11, indicates that perched groundwater does not exist on the west side of the Landfill property boundary. The primary aquifer beneath the Landfill occurs in the Paso Robles Formation, with groundwater encountered at depths between 250 and greater than 320 feet below ground surface (approximately 760 to 820 feet above mean sea level). Groundwater potentiometric surface maps indicate groundwater flows in a west to northwesterly direction beneath the Landfill site. Since 2005, the Discharger has not been able to collect groundwater samples from monitoring wells MW-3 and MW-8 because they have become dry due to declining groundwater levels.
23. Within one mile of the Landfill there are 13 water supply wells (primarily for agricultural and industrial use) and eight groundwater monitoring wells related to the Landfill.
24. Groundwater quality: groundwater monitoring data from the landfill indicates that the inorganic chemical signature of the groundwater is fairly heterogeneous, with recent total dissolved concentrations between 330 and 580 mg/L, chloride concentrations between 32 and 160 mg/L, and sulfate concentrations between 8 and 280 mg/L. Sulfate concentrations are bimodal with lower sulfate concentrations corresponding to higher chloride concentrations. Chloride concentrations are generally highest in upgradient monitoring wells, suggesting that the Landfill is not the source of chloride. With the exception of nitrate, inorganic constituent concentrations are below primary and secondary maximum contaminant levels. Recent nitrate concentrations ranged between less than 0.10 mg/L and 13 mg/L, with no distinct pattern of distribution between upgradient and downgradient monitoring wells. The maximum contaminant level for nitrate is 10 mg/L. During the first quarter 2008, the City reports perchlorate in both upgradient and downgradient monitoring wells at concentrations between non-detect (less than 4.0 µg/L) and 5.8 µg/L. The Discharger is currently exploring the source of perchlorate, which appears to be other than the Landfill. Typical organic constituents associated with landfill gas are not consistently detected in groundwater at the Landfill.
25. The Landfill is enrolled in the State Water Resources Control Board's (SWRCB) industrial activities stormwater general permit, under Waste Discharger Identification No. 3-40S000176.
26. The Landfill is located about 2,000-feet west-southwest of the Estrella River, as shown on Figure 2. Estrella River trends from the southeast to the northwest and is an intermittent flowing river. The Salinas River is located about eight miles to the west of the Landfill and intermittently flows from south to north.
27. The Landfill property is not located within a designated wetland.
28. There are four sediment retention basins associated with the Landfill. Two terminal sediment retention basins that ultimately drain offsite are located along the west and east facility boundary, and two internal sediment retention basins located on the east side of the facility (Figure 3).

CONTROL SYSTEMS AND MONITORING PROGRAM

29. The Discharger installed and began operating the landfill gas extraction system in 1998. The Discharger enhanced the system in December 2003 by adding five vertical and 10 horizontal gas recovery wells, which improved the landfill gas recovery rate from approximately 117 to 155 standard cubic feet per minute. The landfill gas is burned in an onsite flare per San Luis Obispo Unified Air Pollution Control District requirements. The landfill gas control system is also operated under federal Title V permit requirements.
30. Monitoring and Reporting Program (hereafter "MRP") No. R3-2008-0050, issued by the Water Board's Executive Officer, requires monitoring and reporting on: groundwater; vadose zone; leachate collection and removal; landfill gas; storm water drainage; waste intake; rainfall data; and physical site observations. The MRP establishes groundwater Monitoring Points; monitoring frequency; Monitoring Parameters; Constituents of Concern; criteria for sample collection and analyses; methods for analyzing data both statistically and non-statistically; minimum monitoring report content; and, definition of terms.

BASIN PLAN

31. The Water Quality Control Plan, Central Coast Basin (hereafter "Basin Plan"), was adopted by the Water Board on September 8, 1994, and approved by the State Water Resources Control Board on November 17, 1994. The Basin Plan incorporates statewide plans and policies by reference and contains a strategy for protecting beneficial uses of State Waters. Order No. R3-2008-0050 implements the water quality objectives stated in the Basin Plan.
32. Surface water bodies that do not have beneficial uses designated for them in Table 2-1 of the Basin Plan, as is the case for the adjacent Estrella River, have the following designated beneficial uses:
 - a. Municipal and domestic water supply.
 - b. Protection of both recreation and aquatic life.
33. Present and anticipated beneficial uses of groundwater in the vicinity of the Landfill include:
 - a. Agricultural supply.
 - b. Municipal and domestic supply.
 - c. Industrial use.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

34. On January 5, 1993, the Discharger adopted Resolution 93-03 "A Resolution of the City Council of the City of El Paso de Robles Approving a Negative Declaration for Improvements to the City Landfill." The Discharger prepared a July 13, 2001, letter clarifying that Resolution No. 93-03 was for the construction of liners and leachate collection and removal systems for the entire 80-acre Landfill property.
35. On October 17, 2006, the Paso Robles City Council adopted a resolution approving a California Environmental Quality Act (CEQA) Initial Environmental Impact Study and Negative Declaration (State Clearinghouse No. 2006091070) for minor changes to the operating permit, increased throughput capacity and extending daily operating hours. On July 3, 2007, the City Council adopted an addendum to the Negative Declaration recognizing that revised forecasts of remaining disposal capacity and site life would not have any significant effect on the environment. Specific items approved by the City are: 1) Increase the peak daily landfill disposal tonnage from 250 tons per day to 450 tons per day. 2) Increase the annual landfill disposal rate from 69,000 tons MSW to 75,000 tons

MSW per year. 3) Operating hours changed to allow the facility to begin receiving waste at 7:00 a.m. rather than 8:00 a.m. 4) Revised the estimated date that the landfill will reach capacity from year 2034 to year 2051. This revised estimate reflects existing airspace capacity not accounted for by previous surveys.

36. This Order is for an existing facility and therefore is exempt from provisions of the California Environmental Quality Act (Public Resources Code, §21000, et seq.) in accordance with Title 14, Chapter 3, §15301.

GENERAL FINDINGS

37. On October 8, 1993, the Water Board adopted Order No. 93-84 "Waste Discharge Requirements Amendment for All MSW Landfills in the Central Coast Region, to Implement State Water Board Resolution No. 93-62, Adopted June 17, 1993, as State Policy for Water Quality Control Under Section 13140 of the Water Code." The Paso Robles Class III Landfill is included as one of the municipal solid waste landfills subject to Order 93-84. Order No. R3-2008-0050 incorporates the requirements of Order No. 93-84.
38. The Landfill operates under the California Integrated Waste Management Board's Solid Waste Facilities Permit No. 40-AA-0001, issued on October 3, 1997, and later revised on January 23, 2008.
39. The Landfill operates its gas extraction system under San Luis Obispo County Air Pollution Control District permit number 70-3. This permit is annually renewed.
40. "Treated wood" means wood that contains a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code, Sec. 136 and following). This may include but is not limited to waste wood that has been treated with chromated copper arsenate, pentachlorophenol, creosote, acid copper chromate, ammoniacal copper arsenate, ammoniacal copper zinc arsenate, or chromated zinc chloride. Existing law regulates the control of hazardous waste, but exempts from the hazardous waste control laws, wood waste that is exempt from regulation under the federal Resource Conservation and Recovery Act (RCRA) of 1976, as amended if the wood waste is disposed of in a municipal landfill that meets certain requirements imposed pursuant to the Porter-Cologne Water Quality Control Act for the classification of disposal sites, and the Landfill meets other specified requirements outlined in Sections 25143.1.5 and 25150.7 of the Health and Safety Code. Section 25150.8 of the Health and Safety Code also provides that if treated wood waste is accepted by a solid waste landfill that manages and disposes of the treated wood waste in the manner specified, the treated wood waste shall be deemed to be a solid waste, and not a hazardous or designated waste. The Discharger has indicated that all treated wood waste accepted at the facility will be handled and disposed of in accordance with the provisions outlined in Sections 25143.1.5, 25150.7, and 25150.8 of the Health and Safety Code.
41. The Discharger shall obtain and maintain Financial Assurance Instruments (Instruments), which comply with CCR Title 27 (Sections 22207 [Closure Fund], 22212 [Post-Closure Fund], and 22220 et seq. [Corrective Action Fund]), and 40 CFR parts 257 and 258. The Discharger shall evaluate the cost of financial assurance to cover the estimated cost for correcting the worse case reasonably foreseeable release. Upon request, the Discharger shall submit a report on financial assurance for corrective action for the Water Board Executive Officer's review and approval. Every five years after submittal of the initial financial assurance report, or earlier, if requested by the Executive Officer, the Discharger shall submit a report that either validates the Instruments' ongoing viability or proposes and substantiates any needed changes. The Discharger may combine the three components (closure, post-closure, corrective action) of the Instruments into one report to comply with this requirement. The Discharger shall also submit evidence (e.g., an acceptance letter from the California Integrated Waste

Management Board - Financial Assurance Division) that a financial assurance instrument(s) is in place for closure, post-closure, and corrective action. This can be included in the Landfills Annual Report to the Executive Officer.

42. Discharge of waste is a privilege, not a right, and authorization to discharge waste is conditioned upon the Discharger complying with provisions of Division 7 of the California Water Code and with any more stringent limitations necessary to implement the Basin Plan, to protect beneficial uses, and to prevent nuisance. Compliance with Order No. R3-2008-0050 should assure conditions are met and mitigate any potential changes in water quality attributed to the Landfill.
43. The Landfill meets the criteria of Title 27 and 40 CFR for a Class III landfill suitable to receive non-hazardous solid waste. Order No. R3-2008-0050 implements, but is not limited to, the prescriptive standards and performance goals of Title 27 and 40 CFR.
44. Antidegradation: State Water Board Resolution No. 68-16 Statement of Policy with Respect to Maintaining High Quality of Waters in California (Resolution No. 68-16) requires Regional Water Boards, in regulating the discharge of waste, to maintain high quality waters of the State until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a Regional Water Board's policies (e.g., quality that exceeds applicable water quality standards). Resolution No. 68-16 also states, in part:

Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in best practicable treatment and control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

The discharges regulated by this Order are required to comply with the land disposal regulations contained in Title 27, which are intended to prevent discharges of waste to waters of the state, preventing degradation of waters of the state. The discharge is subject to waste discharge requirements which will result in best practicable treatment or control.

45. On June 13, 2008, the Discharger and interested agencies and persons were notified by the Water Board of its intention to update the waste discharge requirements for the discharge from the Landfill, and were provided a copy of proposed Order No. R3-2008-0050 and an opportunity to submit written views and comments.
46. After considering all comments pertaining to this discharge during a public hearing on September 5, 2008, Order No. R3-2008-0050 was found consistent with the above findings.

IT IS HEREBY ORDERED, pursuant to authority in Section 13263 and 13267 of the California Water Code, that the City of El Paso de Robles, its agents, successors, and assigns, may discharge wastes at the Paso Robles Class III Landfill, providing compliance is maintained with the following:

A. COMPLIANCE WITH OTHER REGULATIONS AND ORDERS

1. Discharge of waste shall comply with all applicable requirements contained in California Code of Regulations Title 27, Solid Waste; and, Code of Federal Regulations Title 40 Parts 257 and 258 Solid Waste Facility Disposal Criteria, Final Rule (hereafter "40 CFR"). If any applicable requirements overlap or conflict in any manner, the most water quality protective requirement shall govern in all cases, unless specifically stated otherwise in this Order, or as directed by the Executive Officer.

2. This Landfill is no longer subject to this Water Board's Order No. 93-84 "Waste Discharge Requirements (WDR) Amendment for All MSW Landfills in the Central Coast Region" (Super Order). The Super Order updated all Water Board landfill WDRs to comply with the updated federal landfill regulations, 40 CFR Parts 257 and 258. Through compliance with CCR Title 27 and 40 CFR Parts 257 and 258 as required above in A.1, the Discharger will satisfy requirements identical to those within Order No. 93-84.
3. The Discharger shall monitor potential releases from the Landfill related to surface water runoff by complying with all requirements contained in the "State Water Resources Control Board Water Quality Order No. 97-03-DWQ National Pollutant Discharge Elimination System General Permit No. CAS000001 Waste Discharge Requirements for Discharge of Storm Water Associated with Industrial Activities Excluding Construction Activities".
4. This Landfill is subject to this Water Board's Cleanup and Abatement Order No. R3-2002-0130 "Moratorium on the Disposal of Decommissioned Materials to Class III and Unclassified Waste Management Units" adopted on October 11, 2002.

B. PROHIBITIONS

1. Discharge of waste to areas outside the Permitted Waste Management Unit Area, as shown on Figure 3, is prohibited.
2. Discharge of waste within the Permitted Waste Management Unit Area is prohibited except as provided in **Specification C.3**.
3. Discharge of hazardous waste or hazardous constituents, except for treated wood waste or waste that is hazardous due only to its asbestos content, is prohibited.
4. Discharge of waste or leachate to ponded water, drainageway(s) or waters of the State, including groundwater, is prohibited.
5. Discharge of liquid waste, meaning any waste materials that are determined to contain free liquids through visual inspection, or as defined by Method 9095 (Paint Filter Liquids Test), is prohibited.
6. Discharge of waste within 50 feet of the property line, 100 feet of surface waters, or 100 feet of domestic water supply wells is prohibited.

C. SPECIFICATIONS

1. Discharge of waste shall not cause a condition of pollution or contamination to occur through a statistically significant release of pollutants, contaminants and/or waste constituents, as indicated by the most appropriate statistical [or non-statistical] data analysis method and retest method listed in MRP No. R3-2008-0050.
2. Discharge, collection, and treatment of waste shall not create nuisance, as defined by California Water Code Section 13050(m).
3. The Discharger shall not discharge waste to areas outside the footprint area which had not received waste as of April 9, 1994, unless the discharge is to an area equipped with a containment system consisting of a composite liner and a leachate collection and removal system. The liner must consist of the following components:
 - (i) Lower Component: a minimum six-inches of scarified and recompacted subgrade; and,

- (ii) Middle Component: 2-foot thick compacted clay having a permeability less than or equal to 10^{-7} centimeter per second and a minimum 40-thousandths of an inch (mil) synthetic flexible membrane liner or a minimum 60-mils high-density polyethylene. The middle component must be installed in direct and uniform contact with the lower component;
- (iii) Upper component: 12-inches of sand drainage layer covered with a 12-inch protective soil layer; or,
- (iv) An engineered alternative design, as approved by the Executive Officer. Engineered alternative designs must satisfy the performance criteria in 40 CFR § 258.40(a)(1) and (c), and satisfy the criteria for an engineered alternative to the above Prescriptive Design, as provided by CCR Title 27 §20080 (b), where the performance of the alternative composite liner's components, in combination, equal or exceed the waste containment capability of the Prescriptive Design.

In the Joint Technical Document, The Discharger proposes an engineered alternative design concept for future bottom liner systems. This Order does not approve the Discharger's proposed engineered alternative concept; rather, proposed alternative bottom liner designs will be addressed on a module by module basis by the Executive Officer after review of design submittals.

- 4. Discharge of waste shall neither cause nor contribute to any surface water impacts, including, but not limited to:
 - a. Floating, suspended, or deposited macroscopic particulate matter or foam;
 - b. Increases in bottom deposits or aquatic growth;
 - c. An adverse change in temperature, turbidity, or apparent color beyond natural background levels;
 - d. The creation or contribution of visible, floating, suspended, or deposited oil or other products of petroleum origin; and,
 - e. The introduction or increase in concentration of toxic or other pollutants/contaminants resulting in unreasonable impairment of State waters' beneficial uses.
- 5. Discharge of condensate or leachate shall comply with the following:
 - a. The Discharger may only return liquids to a waste management unit equipped with a containment system that meets or exceeds the performance standard of Title 27, CFR, Part 258.40(a)(2), or in this Order, whichever is more protective of water quality;
 - b. The Discharger must measure liquids by volume and record the volume on a monthly basis. The Discharger shall include the monthly volume records in the monitoring submittals required in MRP No. R3-2008-0050;
 - c. A second containment system sized to hold 100% of the primary containment system holding capacity;
 - d. The Discharger may discharge liquids in compliance with this Order.
 - e. The Discharger may not discharge leachate within 48 hours of any forecasted rain event, during any rain event, or 48-hours after any rain event; and,
 - f. An approved alternate method of leachate disposal (e.g., wastewater treatment plant) that is acceptable to the Executive Officer.
- 6. The Discharger shall prevent formation of a habitat for carriers of pathogenic microorganisms.
- 7. Asbestos may be discharged in the Landfill only if it is handled and disposed of in accordance with all applicable Federal, State, and local statutes and regulations.
- 8. Daily cover shall prevent nuisance and excess leachate generation, and promote lateral runoff of precipitation/surface water away from the active disposal area.

9. The Discharger shall not discharge waste to a wetland, as defined in 40 CFR §232.2(r), or to any portion thereof, unless the Discharger successfully completes all demonstrations pursuant to 40 CFR §258.12(a). Such demonstration is subject to Executive Officer approval.
10. The Discharger shall remove and relocate waste discharged in violation of this Order.
11. The Discharger shall operate the Landfill and configure the final Landfill contours, in conformance with the most recent Executive Officer approved Operations Plan, and/or Report of Waste Discharge/Joint Technical Document (collectively Plan) except where the Plan conflicts with this Order. In the event of conflict, this Order shall govern in cases where it is more protective of water quality. Any change to the Plan that may affect compliance with this Order shall be approved in writing by the Executive Officer prior to the Discharger implementing the change.
12. If adequate daily cover material is not accessible during inclement weather, such material shall be stockpiled during favorable weather to ensure year-round compliance.
13. The Discharger shall grade and operate all Landfill surfaces and working faces to minimize precipitation/surface water from infiltrating into waste, to prevent ponding of water, and to resist erosion. The Discharger shall provide positive drainage to divert precipitation/surface water runoff from areas containing waste.
14. Storage facilities associated with precipitation and drainage control systems shall be emptied immediately following each storm, or otherwise managed, to maintain the design capacity of the system.
15. A minimum of two feet of freeboard shall be maintained in all stormwater/sediment containment ponds.
16. The Discharger shall design, construct, and maintain to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, washout, overtopping, and damage to Waste management units, containment structures, and drainage facilities resulting from natural disasters (e.g., floods with a predicted frequency of once in 100 years, the maximum probable earthquake, and severe wind storms).
17. The Discharger shall provide all Landfill areas that have not reached final fill elevation, but will remain inactive over one-year, with an Executive Officer approved long-term interim cover. The thickness and permeability of the long-term intermediate cover shall be based primarily on site-specific conditions including, but not limited to length of exposure time; volume of underlying material, permeability, thickness and composition of existing cover; amount of yearly rainfall; depth to groundwater; beneficial uses of underlying groundwater; site-specific geologic and hydrogeologic conditions; and effectiveness of existing monitoring systems.
18. "Treated wood" wastes may be discharged, but only to an area equipped with a composite liner and leachate collection and removal system, and shall be handled in accordance with California Health and Safety Code Sections 25143.1.5 and 250150.7.

D. WATER QUALITY PROTECTION STANDARDS

1. Discharge of waste shall not cause the concentration of any Constituents of Concern (hereafter COC) or Monitoring Parameter to exceed its respective background value in any monitored media (i.e. soil, or groundwater) at any Monitoring Point pursuant to MRP No. R3-2008-0050.
2. COC for groundwater and surface water are listed in MRP No. R3-2008-0050. Monitoring Parameters for groundwater and surface water are listed in MRP No. R3-2008-0050. Monitoring Points and

Background Monitoring Points for Detection Monitoring shall be those specified in MRP No. R3-2008-0050.

3. Point of Compliance is the lesser of the edge of the "Permitted Waste Management Unit Area," as identified in this Order; or, no more than 150 meters (492 feet) from the waste management unit boundary (unless otherwise allowed by the Executive Officer), and is located on land owned by the Discharger. The Point of Compliance extends vertically down through the uppermost aquifer.
4. At the Point of Compliance, the Concentration Limit for each COC or Monitoring Parameter shall not exceed a statistically significant (per MRP No. R3-2008-0050) increase over background as obtained during that Reporting Period, as defined in the MRP No. R3-2008-0050. The Discharger shall maintain Concentration Limits over the Compliance Period.
5. Discharge of waste shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Water Board or the State Water Resources Control Board.
6. The estimated compliance period, pursuant to Title 27 § 20410, for the Landfill is to the year 2081 [based on the Landfill's estimated closure date of 2051 plus 30-years "post-closure care," pursuant to 40 CFR 258.61(a)], or until such time as waste in the unit no longer poses a threat to water quality, whichever period of time is more protective of water quality.
7. Discharge of waste shall not cause groundwater to exceed the State Department of Health Services latest recommended Drinking Water Action Levels or Maximum Contaminant Levels of the California Code of Regulations Title 22, Division 4, Chapter 15, Article 5.5.

E. PROVISIONS

1. Order No. 01-112 "Waste Discharge Requirements for City of El Paso de Robles, Paso Robles Class III Solid Waste Disposal Site", adopted by the Water Board on October 26, 2001, is hereby rescinded.
2. The Water Board's Order No. 93-84 "Waste Discharge Requirements (WDR) Amendment for All MSW Landfills in the Central Coast Region" (Super Order) is hereby rescinded.
3. The Discharger shall have a continuing responsibility for correcting any problems, which may arise in the future as a result of waste discharge. This responsibility continues as long as the waste poses a threat to water quality.
4. If the Discharger or the Water Board determines, pursuant to Title 27, §20420, that there is evidence of a release or a new release from any portion of the Landfill, the Discharger shall immediately implement the procedures outlined in Title 27 Section 20380, 20385, 20430 and MRP No. R3-2008-0050.
5. Should additional data become available through monitoring or investigation that indicates compliance with this Order is not adequately protecting groundwater, the Water Board will review and revise this Order as appropriate.
6. The Water Board shall be allowed, at any time and without prior notification:
 - a. Entry upon the Waste Management Facility or where records must be kept under the conditions of this Order and MRP No. R3-2008-0050;
 - b. Access to copy any records that must be kept under the conditions of this Order and MRP No. R3-2008-0050;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order and MRP No. R3-2008-0050; and,

- d. To photograph, sample, and monitor for the purpose of showing compliance with this Order.
7. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
 - a. Violation of any term or condition contained in this Order;
 - b. Obtaining this Order by misrepresentation, or by failure to disclose fully all relevant facts;
 - c. A change in any condition or endangerment to human health or environment that requires a temporary or permanent reduction or elimination of the authorized discharge; and,
 - d. A material change in character, location, or volume of the waste being discharge to land.
8. This Order does not authorize commission of any act causing injury to the property of another, does not convey any property rights of any sort, and does not guarantee a capacity right.
9. The Discharger shall take all reasonable steps to minimize or correct adverse impacts on the environment resulting from non-compliance with this Order.
10. Provisions of this Order are severable, and if any provision is found invalid, the remainder shall not be affected.
11. By **October 1 of each year**, the Discharger shall complete all necessary runoff diversion and erosion prevention measures. The Discharger shall complete all necessary construction, maintenance, or repairs of precipitation and drainage control facilities to prevent erosion or Landfill flooding and to prevent surface drainage from contacting or percolating through waste. The Discharger shall repair erosion rills greater than six-inches deep immediately after storm events that cause the erosion.
12. By **October 1 of each year** and throughout the rainy season of each year, a compacted soil cover designed and constructed to minimize percolation of precipitation through waste shall be maintained over the entire active Landfill area. The only exception to this specification is the working face. The working face shall be confined to the smallest area practicable based on the anticipated quantity of waste discharged and required waste management facility operations. Based on site-specific conditions, the Executive Officer may require a specified thickness of soil cover for any portion of the Landfill's active waste management unit prior to the rainy season.
13. By **October 1 of each year**, vegetation shall be planted and maintained over all slopes within the entire Landfill area to prevent erosion. The Discharger shall select vegetation that requires a minimum of irrigation and maintenance and a rooting depth not to exceed the vegetative layer thickness. Upon Executive Officer approval, non-hazardous sludge may be utilized as a soil amendment to promote vegetation. Soil amendments and fertilizers (including wastewater sludge) used to establish vegetation shall not exceed the vegetation's agronomic rates (i.e., annual nutrient needs), unless approved by the Executive Officer.
14. **Two-weeks** prior to constructing each phase of a waste management unit (e.g., preparing foundation, installing liner, install leachate collection and removal system, placing operations layer, etc.), the Discharger must arrange for a Water Board staff inspection.
15. Prior to construction, a third party (e.g., unrelated to the Discharger, Landfill operator, project designer, contractor) must prepare a Construction Quality Assurance Plan (CQAP). The third party and CQAP must be approved by the Executive Officer; the third party must also implement the CQAP and provide regular construction progress reports to the Executive Officer.
16. Prior to beginning discharge of waste into any newly constructed waste management unit, the Discharger must receive a final inspection and written approval from the Executive Officer.

17. As presented in Finding No. 22, two monitoring wells located on the west (downgradient) side of the Landfill have been dry since 2005. This represents a data gap in the detection monitoring program. Therefore, by **November 1, 2008**, the Discharger must address this data gap to the satisfaction of the Executive Officer.

REPORTING REQUIREMENTS

18. All reports shall be signed as follows:
- For a corporation: a principal executive officer of at least the level of vice president;
 - For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
 - For a public agency; by either a principal executive officer or ranking elected official; or, their "duly authorized representative."
 - A California Registered Civil Engineer or Certified Engineering Geologist must sign engineering reports.
19. Any person signing a report makes the following certification, whether its expressed or implied:
- "I certify under penalty of perjury I have personally examined and am familiar with the information submitted in this document and all attachments and, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."
20. Except for data determined to be confidential under §13267 (b) of the California Water Code, all reports prepared in accordance with this Order shall be available for public inspection at the Water Board office.
21. By **October 1 of each year**, the Discharger shall submit a "Wet Weather Preparedness Report." The report shall address, in detail, compliance with all previously stated wet weather preparedness specifications of this Order, and all other relevant Title 27 and 40 CFR 258 criteria.
22. By **April 30 of every year**, the Discharger shall submit a Compliance Report addressing compliance with all terms of this Order. The report can be included in the Landfill's Annual Report to the Executive Officer. The Discharger shall maintain a copy of this Order at the Landfill and make it available at all times to regulatory agency personnel and to Landfill operating personnel, who shall be familiar with its contents.
23. At least **180-days** prior to constructing a waste management unit the Discharger must submit design plans and a construction quality assurance report (hereafter CQA). Executive Officer will provide comments on the design plans and CQA to the Discharger no later than 90-days after receiving the documents. Prior to beginning construction, the Discharger must receive Executive Officer approval on the waste management unit's design and CQA.
24. By **November 15, 2012**, the Discharger must submit a Report of Waste Discharge (hereafter "ROWD") pursuant to Title 27 §21710, to the Executive Officer. The ROWD shall contain, but is not limited to, the following:
- Information on waste characteristics, geologic and climatologic characteristics of the unit and the surrounding region, installed features, operation plans for waste containment, precipitation and drainage controls, and closure and post closure maintenance plans, in accordance with Title 27 §21740, §21750, §21760, and §21769.
 - The ROWD is to be submitted in the form of a Joint Technical Document, in accordance with Title 27 §21585 et al.

- c. A completed State Water Board JTD Index, in accordance with Title 27 21585(b), with your JTD addendum.
 - d. Discusses whether, in the Discharger's opinion, there is any portion of this Order that is incorrect, obsolete, or otherwise in need of revision; and,
 - e. Any other technical documents needed to demonstrate continued compliance with this Order and all pertinent State and Federal requirements.
 - f. Detailed information regarding regulatory considerations; design, construction and operating provisions; environmental monitoring; and closure and postclosure.
 - g. A Fill Sequencing Plan, including detailed maps. The Fill Sequencing Plan should describe in detail the overall development of the entire Landfill.
 - h. A detailed description of the lateral and vertical extent of refuse within all existing Modules. It must include an accurate estimate of waste volumes within each Landfill module and an approximation of the remaining volume and years of capacity for each existing module and all new proposed modules within currently permitted Landfill boundaries. It must also describe all existing available space within currently permitted Landfill areas (i.e., modules where refuse has been placed in the past, but have not reached final permitted elevation and modules or portions of modules where refuse has never been placed); and
 - i. Discusses any plans/proposals to close or partially close any modules or portions of modules, any proposed liner systems and respective design components, any proposed plans for long-term intermediate cover for Landfill areas which may remain inactive for long periods of time.
25. By **January 31, 2012 and every five years thereafter**, the Discharger shall submit a Financial Assurance Report that either validates the instrument's (described in finding 43 of this Order) ongoing viability, or proposes and substantiates any needed changes. The Executive Officer may require submittal of the Financial Assurance Report at an earlier date.
26. The Discharger shall notify the Water Board with a written request of any proposed change in ownership or responsibility for construction or operation of the Landfill in accordance with Title 27, §21710 (c)(1). Failure to submit the written request shall be considered a violation of §13264 of the Water Code. The written request shall be given at least **90-days** prior to the effective date of change in ownership or responsibility and shall:
- a. Be accompanied by an amended Report of Waste Discharge and any technical documents that are needed to demonstrate continued compliance with these Waste Discharge Requirements;
 - b. Contain the requesting entity's full legal name, the state of incorporation if a corporation, the name and address and telephone number of the persons responsible for contact with the Water Board; and,
 - c. Contain a statement indicating that the new owner or operator assumes full responsibility for compliance with this Order.
- Request for change in ownership or responsibility may be approved or disapproved in writing by the Executive Officer. In the event of any change in ownership of this Landfill, the Discharger shall notify the succeeding owner or operator, in writing, of the existence of this Order. A copy of that notification shall be sent to the Executive Officer.
27. The Discharger shall furnish, within a reasonable time, any information the Executive Officer may request to determine compliance with this Order or to determine whether cause exists for modifying or terminating this Order.
28. The Discharger shall submit reports in advance of any planned changes in the permitted Landfill or in an activity, which could potentially or actually result in noncompliance.
29. The Discharger shall promptly correct any noncompliance issue that threatens the Landfill's containment integrity. Correction schedules are subject to the approval of the Executive Officer,

except when delays will threaten the environment and/or the Landfill's integrity (i.e., emergency corrective measures). For emergency corrective measures, the Discharger shall report details of the corrections made in a written report submitted within 7-days of initiating correction.

30. Discharger shall notify the Executive Officer, within 24 hours by telephone and within 14 days, with a written report, of:
 - a. Any noncompliance that potentially or actually endangers health or the environment. Reports of noncompliance shall include a description of;
 - i. The reason for non-compliance;
 - ii. A description of the non-compliance, including photo documentation;
 - iii. Schedule of tasks necessary to achieve compliance; and,
 - iv. An estimated date for achieving full compliance.
 - b. Any flooding, equipment failure, slope failure, or other change in Landfill conditions which could impair the integrity of waste containment facilities or of precipitation and drainage control structures;
 - c. Leachate seep occurring on or in proximity to the Landfill;
 - d. Violation of a discharge prohibition; and,
 - e. Violation of any treatment system's discharge limitation.
31. The Discharger or persons employed by the Discharger shall comply with all notice and reporting requirements of the State Department of Water Resources, and San Luis Obispo County with concurrence of the Executive Officer regarding the construction, alteration, destruction, or abandonment of all monitoring wells used to comply with this Order or with MRP No. R3-2008-0050, as required by §13750.5 through §13755 and §13267 of the California Water Code.
32. The Discharger shall notify the Executive Officer at least **180 days** prior to beginning Landfill closure activities. The notice shall include a statement that all closure activities will conform to the most recently approved Closure Plan and that the Plan provides for closure in compliance with all applicable State and Federal regulations. If there is no approved Closure Plan, the Discharger must submit a complete Closure Plan at least 240 days prior to beginning any Landfill closure activities.
33. The Discharger shall file with the Water Board a ROWD (in accordance with Provision E. 22 of this Order) or secure a waiver from the Executive Officer at least **120-days** before making any material change or proposed change in the character, location, or volume of the waste being discharged to land.
34. Should the Discharger discover that it failed to submit any relevant facts or that it submitted incorrect information in a report, it shall promptly submit the missing or corrected information.

ENFORCEMENT

35. Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267 of the California Water Code, or falsifying any information provided therein, is guilty of a misdemeanor.
36. The Discharger and any person who violates Waste Discharge Requirements and/or who intentionally or negligently discharges waste or causes or permits waste to be deposited where it is discharged into waters of the state may be liable for civil and/or criminal remedies, as appropriate, pursuant to Section 13350, 13385, and 13387 of the California Water Code.
37. All technical and monitoring reports submitted pursuant to this Order are being requested pursuant to Section 13267 of the California Water Code. Failure to submit reports in accordance with schedules established by this Order, attachments to this Order, or failure to submit a report of sufficient technical

quality to be acceptable to the Executive Officer may subject the discharger to enforcement action pursuant to Section 13268 of the California Water Code.

38. No provision or requirement of Order No. R3-2008-0050 or MRP No. R3-2008-0050 is a limit on the Discharger's responsibility to comply with other federal, state and local laws, regulations or ordinances.
39. The discharger must comply with all conditions of these Waste Discharge Requirements. Violations may result in enforcement actions, including Water Board orders or court orders requiring corrective action or imposing monetary civil liability, or in modification or revocation of these waste discharge requirements by the Water Board. [CWC Section 13261, 13267, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350].
40. The Discharger shall comply with the following submittal and implementation schedule for all tasks and/or reports required by this Order:

REPORT AND IMPLEMENTATION DATE SUMMARY

| <u>TASK</u> | <u>IMPLEMENTATION DATE</u> |
|---|--|
| Runoff diversion and erosion prevention [Provisions No. E.11] | October 1, of each year |
| Compacted cover over entire active Waste Management Unit [Provisions No. E.12] | October 1, of each year |
| Vegetation placement over entire Landfill area [Provisions No. E.13] | October 1, of each year |
| Request inspection during construction of unit [Provisions No. E.14] | Two-weeks prior to beginning each phase |
| <u>REPORT</u> | <u>DUE DATE</u> |
| Wet Weather Preparedness Report [Provisions No. E.21] | October 1, of each year |
| Compliance Report [Provisions No. E.22] | April 30, of each year |
| Design Plans and CQA [Provisions No. E.23] | 180-days prior to construction |
| ROWD/JTD [Provisions No. E.24 and E.33] | November 15, 2012, or 120-days before making a change, whichever is sooner |
| Financial Assurance Report [Provisions No. E.25] | January 31, 2012, and every five years thereafter |
| Address Groundwater Monitoring Data Gap(s) [Provision E.17] | November 1, 2008 |
| Landfill Final Cover Activity [Provisions No. E.32] | 180-days prior to beginning closure |

I, **Roger W. Briggs, Executive Officer**, do hereby certify the foregoing is full, true, and correct copy of an order adopted by the California Water Quality Control Board, Central Coast Region, on September 5, 2008.

Executive Officer

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