

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2012-XXXX

WASTE DISCHARGE REQUIREMENTS
FOR
COUNTY OF KERN
CHINA GRADE SANITARY LANDFILL
POST-CLOSURE MAINTENANCE AND CORRECTIVE ACTION
KERN COUNTY

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

1. The County of Kern (hereafter Discharger) owns and maintains the China Grade Sanitary Landfill (the "Facility") about six miles northeast of Bakersfield, in Sections 1 and 12, T29S, R28E, MDB&M, as shown in Attachment A, which is incorporated herein and made part of this Order by reference. The facility is a municipal solid waste (MSW) landfill regulated under authority given in the Water Code section 13000 et seq.; California Code of Regulations, title 27 ("Title 27"), section 20005 et seq.; and Section 258 of Title 40 of the Code of Federal Regulations (a.k.a, "Subtitle D") in accordance with State Water Resources Control Board (State Water Board) Resolution 93-62.
2. The facility is on a 212-acre property on Landfill Road, Bakersfield. The facility contains one closed unlined 58-acre waste management unit (Unit) as shown in Attachment B, which is incorporated herein and made part of this Order by reference. An active landfill gas extraction system with a flare operates at the facility. The facility is comprised of Assessor's Parcel Numbers (APN) 436-010-02, -03, and -36; 436-061-12; 436-062-05, -06, -07, and -09; and 436-090-21.
3. On 13 February 2007, the Discharger submitted an amended Report of Waste Discharge (RWD) to establish corrective action. The information in the RWD has been used in revising these waste discharge requirements (WDRs). The RWD contains the applicable information required in Title 27.
4. On 21 October 2005, the Central Valley Water Board issued Order R5-2005-0162 in which the Unit was classified as a Class III unit for the discharge of municipal solid waste. This Order continues to classify the landfill unit as a Class III unit in accordance with Title 27.

5. On 9 October 1991, the United States Environmental Protection Agency (USEPA) promulgated federal MSW regulations under the Resource Conservation and Recovery Act (RCRA), Subtitle D. These regulations are under 40 Code of Federal Regulations section 258, and are hereafter referred to as either "Subtitle D" in reference to the RCRA federal law that required the regulations or "40 C.F.R. section 258.XX". These regulations apply to all California Class II and Class III landfills that accept MSW. State Water Board Resolution 93-62 requires the Central Valley Water Board to implement in WDRs for MSW landfills the applicable provisions of the federal MSW regulations that are necessary to protect water quality, and in particular the containment provisions and the provisions that are either more stringent or that do not exist in Title 27.
6. This Order implements the applicable regulations for discharges of solid waste to land through Prohibitions, Specifications, Provisions, and monitoring and reporting requirements. Prohibitions, Specifications, and Provisions are listed in Sections A through H of these WDRs below, and in the Standard Provisions and Reporting Requirements (SPRRs) dated January 2012, which are attached hereto and made part of this Order by reference. Monitoring and reporting requirements are included in Monitoring and Reporting Program (MRP) R5-2012-XXXX and in the SPRRs. In general, requirements that are either in regulation or otherwise apply to all MSW landfills are considered to be "standard" and are therefore in the SPRRs. Any site-specific changes to a requirement in the SPRRs are included in the applicable section (A through H) of these WDRs, and the requirement in the WDRs supersedes the requirement in the SPRRs.
7. Title 27 contains regulatory standards for discharges of solid waste promulgated by the State Water Board and the California Department of Resources Recovery and Recycling (CalRecycle). In certain instances, this Order cites CalRecycle regulatory sections. Title 27, section 20012 allows the Central Valley Water Board to cite CalRecycle regulations from Title 27 where necessary to protect water quality provided it does not duplicate or conflict with actions taken by the Local Enforcement Agency in charge of implementing CalRecycle's regulations.

SITE DESCRIPTION

8. The waste management facility is located on a bluff south of the Kern River in the southeastern portion of the San Joaquin Valley. The ancestral Kern River was the source of the sedimentary geologic formations present at the surface and underlying the landfill. Two geologic units are exposed at the surface at the site. These units are the Miocene to Pliocene Kern River Formation and alluvium of Pleistocene age. The alluvium forms a terrace deposit (10 to 15 feet thick) lying unconformably on top of the Kern River Formation. The alluvium consists of very coarse-grained material with boulders up to three-feet in diameter. The Kern River Formation consists of

interstratified fanglomerate and silty-claystone deposits approximately 500 feet thick at the site.

9. The closest potential Holocene fault is the Kern Bluff Fault that trends across the Facility, beneath the waste. The fault has offset modern soils by approximately two feet with Richter magnitude 2.5 and 2.4 earthquakes in 1954 and 1985, respectively. The largest earthquake in the region occurred in 1952 on the White Wolf Fault, approximately 30 miles south of the Facility, with a magnitude of 7.7 on the Richter Scale. Two aftershocks also occurred in 1952. One was a magnitude 6.1 earthquake centered approximately six miles southeast of the Facility and the other was a magnitude 5.8 earthquake centered approximately eight miles south of the Facility. The peak horizontal ground acceleration at the facility is estimated to be 0.49g.
10. The waste management facility is within the boundary of the Kern Bluff Oil Field. Land uses within one mile of the Facility include petroleum extraction and open land. There is a residential development at the Bakersfield city limit approximately one mile to the south and rural residences approximately 2,000 feet to the northwest.
11. There are approximately 27 domestic, industrial, or agricultural groundwater supply wells within one mile of the site. No surface springs or other sources of groundwater supply have been observed.
12. The geology of the southern San Joaquin Valley is characterized by structural deformation associated with the tectonics of the continental margin, including movement along the San Andreas Fault. The Facility is located on the northeast flank of the Buena Vista Hills anticline and is underlain by Pleistocene age unconsolidated non-marine sediments of the Upper Tulare Formation.
13. The measured hydraulic conductivity of the native soils underlying the Unit, as measured in laboratory tests, ranges between 2×10^{-4} and 3×10^{-8} centimeters per second (cm/sec). The hydraulic conductivity of native soils, in the saturated zone, range between 4.7×10^{-4} and 7.8×10^{-5} cm/sec.
14. The Facility receives an average of 6.26 inches of precipitation per year as measured at the Bakersfield Airport. The mean pan evaporation is 56.23 inches per year as measured at the United States Department of Agriculture Station near Shafter.
15. The 100-year, 24-hour precipitation event for the facility is estimated to be 2.5 inches, based on the *Kern County Hydrology Manual* dated 1992.
16. The waste management facility is not within a 100-year flood plain based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map, Community-Panel Number 06029C1841E.

17. A storm water sedimentation basin is located southwest of the landfill as shown on Attachment B. The basin detains storm water for sedimentation control during the rainy season and is normally dry during the summer months. The sedimentation basin discharges to an unnamed natural drainage course.

WASTE AND UNIT CLASSIFICATION

18. The Discharger previously disposed of municipal solid wastes, which are defined in Section 20164 of Title 27. Waste discharge ceased in April of 1992.
19. The site characteristics where the Unit is located (see Finding No. 13) do not meet the siting criteria for a new Class III landfill contained in Subsections 20260(a) and (b)(1) of Title 27. As such, the site is not suitable for operating new Units or lateral expansions of existing Units for the discharge and containment of wastes as described in Finding No. 18, without the construction of additional waste containment features in accordance with Section 20260(b)(2) of Title 27 and State Water Resources Control Board Resolution No. 93-62.

SURFACE WATER AND GROUNDWATER CONDITIONS

20. The *Water Quality Control Plan for the Tulare Lake Basin, Second Edition* (hereafter Basin Plan), designates beneficial uses, establishes water quality objectives, and contains implementation plans and policies for all waters of the Basin.
21. Surface water drainage from the site is to the south and west in the Kern Highlands Hydrologic Area (558.90) of the Tulare Lake Basin. Surface waters in the Kern Highlands Hydrologic Area are designated as Valley Floor Waters in the Basin Plan.
22. The designated beneficial uses of Valley Floor Waters, as specified in the Basin Plan, are agricultural supply, industrial service and process supply, water contact and non-contact water recreation, warm fresh water habitat, preservation of rare, threatened and endangered species, and groundwater recharge.
23. The first encountered groundwater ranges from about 521 feet to 553 feet below the native ground surface. Groundwater elevations range from about 172 feet MSL to 362 feet MSL.
24. Monitoring data indicate background groundwater quality for first encountered groundwater has electrical conductivity (EC) ranging between 441 and 597 micromhos/cm, with total dissolved solids (TDS) ranging between 298 and 350 milligrams per liter (mg/L).

25. The direction of groundwater flow is generally to the south. The average groundwater gradient is approximately 0.08 feet per foot and the average groundwater velocity is approximately 60 feet per year.
26. The facility is in the Kern County Basin Hydrologic Unit, Detailed Analysis Unit (DAU) 257. The designated beneficial uses of the groundwater, as specified in the Basin Plan for DAU 257, are municipal and domestic water supply, agricultural supply, industrial service supply, and water contact recreation.

GROUNDWATER AND UNSATURATED ZONE MONITORING

27. The existing groundwater monitoring network for the landfill unit consists of background monitoring well CG1-07 and detection monitoring wells CG2-13 and CG2-14 as shown on Attachment B.
28. The Discharger's detection monitoring program for groundwater at the landfill satisfies the requirements contained in Title 27.
29. Volatile organic compounds (VOCs) are often detected in a release from a MSW landfill, and are often associated with releases of landfill gas rather than leachate. Since volatile organic compounds are not naturally occurring and thus have no background value, they are not amenable to the statistical analysis procedures contained in Title 27 for the determination of a release of wastes from a landfill unit. Title 27, sections 20415(e)(8) and (9) allows the use of a non-statistical evaluation of monitoring data that will provide the best assurance of the earliest possible detection of a release from a landfill unit in accordance with Title 27, sections 20415(b)(1)(B)2-4. However, Title 27 does not specify a specific method for non-statistical evaluation of monitoring data.
30. The Central Valley Water Board may specify a non-statistical data analysis method pursuant to Title 27, section 20080(a)(1). Water Code section 13360(a)(1) allows the Central Valley Water Board to specify requirements to protect groundwater or surface waters from leakage from a solid waste site, which includes a method to provide the best assurance of determining the earliest possible detection of a release.
31. In order to provide the best assurance of the earliest possible detection of a release of non-naturally occurring waste constituents from a landfill unit, the SPRRs specify a non-statistical method for the evaluation of monitoring data for non-naturally occurring compounds. The specified non-statistical method for evaluation of monitoring data provides two criteria (or triggers) for making the determination that there has been a release of non-naturally occurring waste constituents from a landfill unit. The presence of two non-naturally occurring waste constituents above their respective method detection limit (MDL), or one non-naturally occurring waste constituent detected above

its practical quantitation limit (PQL) [a.k.a, laboratory reporting limit (RL)], indicates that a release of waste from a Unit has occurred. Following an indication of a release, verification testing must be conducted to determine whether there has been a release from the landfill unit or the detection was a false detection. The detection of two non-naturally occurring waste constituents above the MDL as a trigger is appropriate due to the higher risk of false-positive analytical results and the corresponding increase in sampling and analytical expenses from the use of one non-naturally occurring waste constituent above its MDL as a trigger.

32. For a naturally occurring constituent of concern, Title 27 requires concentration limits for each constituent of concern be determined as follows:
 - a. By calculation in accordance with a statistical method pursuant to Title 27, section 20415(e)(8); or
 - b. By an alternate statistical method meeting the requirements of Title 27, section 20415(e)(8)(E).
33. The Discharger submitted a Water Quality Protection Standard (WQPS) report in 2002 and updated the report in June 2006. The WQPS report proposed statistical data analysis methods to calculate concentration limits for each monitored constituent in accordance with Title 27. The WQPS and approved data evaluation methods are included in MRP R5-2012-XXXX.
34. The background groundwater quality at the facility varies with time. This Order requires the WQPS to be updated, at a minimum, every five years; or as required by natural changes in background water quality.

GROUNDWATER DEGRADATION AND CORRECTIVE ACTION

35. Organic compounds that are not naturally occurring have been detected in groundwater along the point of compliance. Historically, several aromatic hydrocarbons and chlorinated hydrocarbons have been detected in groundwater samples obtained from compliance wells. The most recent monitoring report, dated August 2012, reports dichlorodifluoromethane (Freon 12) in monitoring well CG2-13 was detected at a concentration below the practical quantitation limit but above the method detection limit. No other volatile organic compounds were detected.
36. The Discharger submitted an Evaluation Monitoring Program Report on 30 August 2006. The nature of the release was demonstrated to be volatile organic compounds that originated from landfill gas. The extent of the release plume is limited to the area between the edge of waste and the southern property boundary.

37. In November 2006, the Discharger submitted an Engineering Feasibility Study in accordance with Section 20425(c) of Title 27. The Engineering Feasibility Study concluded that the most technically and economically feasible corrective action alternative is monitored natural attenuation.
38. In February 2007, the Discharger submitted a Corrective Action Plan as part of the amended RWD. The proposed corrective action was monitored natural attenuation with landfill gas extraction as a source control measure.

LANDFILL CLOSURE

39. Title 27, section 21090 provides the minimum prescriptive final cover components for landfills consisting of, in ascending order, the following layers:
- i. Two-foot soil foundation layer.
 - ii. One-foot soil low flow-hydraulic conductivity layer, less than 1×10^{-6} cm/s or equal to the hydraulic conductivity of any bottom liner system.
 - iii. Geomembrane layer (this layer is required for composite-lined landfills for equivalency to bottom liner).
 - iv. One-foot soil erosion resistant/vegetative layer.
40. On 6 July 2001, the *Final Closure and Post-Closure Maintenance Plan*, dated 6 October 2000, was approved for the Unit. The plan proposed an evapotranspirative engineered alternative final cover design system that consisted of a three-foot thick vegetated soil layer.
41. Title 27 allows engineered alternative final covers provided the alternative design will provide a correspondingly low flow-through rate throughout the post-closure maintenance period.
42. During 2010, the Discharger constructed the final cover in accordance with the *Final Closure and Post-Closure Maintenance Plan*.

LANDFILL POST-CLOSURE MAINTENANCE

43. The *Final Closure and Post-Closure Maintenance Plan* includes inspection, maintenance, and monitoring of the landfill during the post-closure maintenance period, and includes a post-closure maintenance cost estimate for the entire facility. Inspection and maintenance will include the condition of the final cover, drainage features, groundwater monitoring wells, unsaturated zone monitoring points, access roads, landfill gas system, groundwater corrective action system, and site security. The plan will be implemented for a minimum period of 30 years or until the waste no longer poses a threat to environmental quality, whichever is greater.

44. Once every five years during the post-closure maintenance period, iso-settlement maps will be prepared to determine the amount of differential settlement occurring over the previous five years, pursuant to Title 27, section 21090(e)(2).
45. The completed final cover will be monitored for performance and for damage or defects by visual inspection and a pan lysimeter installed beneath the cover pursuant to California Code of Regulations, title 27, section 21090(a)(4)(A). Defects will be repaired and tested for adequacy based on the closure Construction Quality Assurance Plan.

FINANCIAL ASSURANCES

46. Title 27, sections 21840 and 22211 requires a cost estimate for landfill post-closure maintenance. The *Final Closure and Post-Closure Maintenance Plan* includes a cost estimate for landfill post-closure maintenance. The amount of the cost estimate for post-closure maintenance in 2012 dollars is \$5,139,151. This Order requires that the Discharger maintain financial assurance with CalRecycle in at least the amount of the post-closure maintenance cost estimate adjusted annually for inflation.
47. Title 27, section 22221 requires a cost estimate for corrective action of all known or reasonably foreseeable releases. The Discharger's cost estimate for corrective action of all known or reasonably foreseeable releases, adjusted for inflation, is \$531,136. This Order requires that the Discharger maintain financial assurance with the CalRecycle in at least the amount of the cost estimate adjusted annually for inflation.

CEQA AND OTHER CONSIDERATIONS

48. The action to revise waste discharge requirements for this existing facility is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") pursuant to California Code of Regulations, title 14, section 15301.
49. This order implements:
 - a. *The Water Quality Control Plan for the Tulare Lake Basin, Second Edition*;
 - b. The prescriptive standards and performance goals of California Code of Regulations, Title 27, section 20005 et seq., effective 18 July 1997, and subsequent revisions;
 - c. State Water Board Resolution 93-62, *Policy for Regulation of Discharges of Municipal Solid Waste*, adopted 17 June 1993, and revised on 21 July 2005.
 - d. The applicable provisions of 40 C.F.R. section 258 "Subtitle D" federal regulations as required by State Water Board Resolution 93-62.

50. Based on the threat and complexity of the discharge, the facility is determined to be classified 2B as defined below:

- a. Category 2 threat to water quality, defined as, "Those discharges of waste that could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance."
- b. Category B complexity, defined as, "Any discharger not included in Category A that has physical, chemical, or biological treatment systems (except for septic systems with subsurface disposal), or any Class 2 or Class 3 waste management units."

51. Water Code section 13267(b) states that:

In conducting an investigation ... the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

The technical reports required by this Order and the attached "Monitoring and Reporting Program R5-2012-XXXX" are necessary to assure compliance with these waste discharge requirements. The Discharger owns and operates the facility that discharges the waste subject to this Order.

PROCEDURAL REQUIREMENTS

52. All local agencies with jurisdiction to regulate land use, solid waste disposal, air pollution, and to protect public health have approved the use of this site for the discharges of waste to land stated herein.

53. The Central Valley Water Board notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

54. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, pursuant to Water Code sections 13263 and 13267, that Order R5-2005-0162 is rescinded except for purposes of enforcement, and that the County of Kern, its agents, successors, and assigns, in order to meet the provisions of Division 7 of the Water Code and the regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. The discharge of any additional waste at this facility is prohibited.
2. The Discharger shall comply with all applicable Standard Prohibitions listed in Section C of the Standard Provisions and Reporting Requirements (SPRRs) dated January 2012 which are attached hereto and made part of this Order by reference.

B. DISCHARGE SPECIFICATIONS

1. The Discharger shall comply with all Standard Discharge Specifications listed in Section D of the SPRRs dated January 2012 which are attached hereto and made part of this Order by reference.

C. FACILITY SPECIFICATIONS

1. The Discharger shall comply with all Standard Facility Specifications listed in Section E of the SPRRs dated January 2012 which are part of this Order.

D. FINANCIAL ASSURANCE SPECIFICATIONS

1. The Discharger shall obtain and maintain assurances of financial responsibility with CalRecycle for closure and post-closure maintenance for the landfill in at least the amounts described in Finding No. 46, adjusted for inflation annually. A report regarding financial assurances for closure and post-closure maintenance shall be submitted to the Central Valley Water Board by **1 June of each year**. This may be the same report that is submitted to CalRecycle for this purpose. If CalRecycle determines that either the amount of coverage or the mechanism is inadequate, then within 90 days of notification, the Discharger shall submit an acceptable mechanism to CalRecycle and the Central Valley Water Board for at least the amount of the approved cost estimate.
2. The Discharger shall obtain and maintain assurances of financial responsibility with CalRecycle for initiating and completing corrective action for all known or reasonably foreseeable releases from the landfill in at least the amount of the annual inflation-adjusted cost estimate described in Finding No. 47. A report regarding financial assurances for corrective action shall be submitted to the Central Valley Water Board

by **1 June of each year**. This may be the same report that is submitted to CalRecycle for this purpose. If CalRecycle determines that either the amount of coverage or the mechanism is inadequate, then within 90 days of notification, the Discharger shall submit an acceptable mechanism to CalRecycle and the Central Valley Water Board for at least the amount of the approved cost estimate.

3. The Discharger shall comply with all Standard Financial Assurance Specifications listed in Section H of the SPRRs dated January 2012 which are attached hereto and made part of this Order by reference.

E. MONITORING SPECIFICATIONS

1. The Discharger shall comply with the detection monitoring program provisions of Title 27 for groundwater, surface water, and the unsaturated zone, and in accordance with MRP R5-2012-XXXX and the Standard Monitoring Specifications listed in Section I of the SPRRs dated January 2012.
2. The Discharger shall, for any landfill unit in a corrective action monitoring program, comply with the corrective action monitoring program provisions of Title 27, MRP R5-2012-XXXX, and the Standard Monitoring Specifications listed in Section I of SPRRs dated January 2012.
3. The Discharger shall comply with the Water Quality Protection Standard as specified in this Order, MRP R5-2012-XXXX, and the SPRRs dated January 2012.
4. The concentrations of the constituents of concern in waters passing the Point of Compliance (defined pursuant to Title 27, section 20164 as a vertical surface located at the hydraulically downgradient limit of the landfill unit that extends through the uppermost aquifer underlying the unit) shall not exceed the concentration limits established pursuant to MRP R5-2012-XXXX.
5. For each monitoring event, the Discharger shall determine whether the landfill is in compliance with the Water Quality Protection Standard using procedures specified in MRP R5-2012-XXXX and the Standard Monitoring Specifications in Section I of the SPRRs dated January 2012.
6. The Discharger shall comply with all Standard Monitoring Specifications and Response to a Release specifications listed in Sections I and J of the SPRRs dated January 2012.

F. CORRECTIVE ACTION SPECIFICATIONS

1. The Discharger shall implement a corrective action program pursuant to Section 20430 of Title 27 to remediate the release of waste constituents from the Unit and to

ensure compliance with the WQPS. Corrective action shall be performed in accordance with a corrective action plan approved by the Executive Officer.

2. The Discharger shall operate and maintain a groundwater corrective action monitoring system for the purpose of monitoring the nature and extent of the release and the progress of corrective action. Sample collection and analysis shall coincide with Groundwater Detection Monitoring D.1 of Monitoring and Reporting Program R5-2012-XXXX.
3. Corrective action measures may be terminated when the Discharger demonstrates to the satisfaction of the Central Valley Water Board that the concentrations of all COCs are reduced to levels below their respective concentration limits throughout the entire zone affected by the release.
4. After suspending the corrective action measures, the Discharger shall demonstrate that the concentration of each constituent in each sample from each monitoring point remained at or below its concentration limit for at least three consecutive years, beginning immediately after the suspension of corrective action measures.
5. Upon completion of corrective action, the Discharger shall certify, in writing, that corrective action has been completed in compliance with Title 27 and the WDRs. The certification shall be signed by a California Registered Civil Engineer or Professional Geologist.
6. If either the Discharger or the Executive Officer determines that the corrective action program is not adequate (i.e. does not satisfy the provisions of Section 20430 of Title 27), the Discharger shall, within 90 days of making the determination, or of receiving written notification from the Central Valley Water Board of such determination, submit an amended RWD to make appropriate changes to the program. The amended RWD shall include the following:
 - a. A discussion as to why existing corrective action measures have been ineffective or insufficient.
 - b. A revised evaluation monitoring plan if necessary to further assess the nature and extent of the release.
 - c. A discussion of corrective action needs and options.
 - d. Proposed additional corrective action measures, as necessary, for:
 - 1) Source control,
 - 2) Groundwater cleanup, and/or

- 3) Landfill gas control.
- e. A plan to monitor the progress of corrective action measures consistent with Monitoring and Reporting Program No. R5-2012-XXXX.
- f. Cost estimates for implementing additional corrective action, including monitoring.
- g. An implementation schedule.

G. PROVISIONS

1. The Discharger shall maintain a copy of this Order at the offices of the Kern County Waste Management Department, including the MRP R5-2012-XXXX and the SPRRs dated January 2012 which are part of this Order, and make it available at all times to facility maintenance personnel, who shall be familiar with its contents, and to regulatory agency personnel.
2. The Discharger shall comply with all applicable provisions of Title 27 and Subtitle D that are not specifically referred to in this Order.
3. The Discharger shall comply with MRP R5-2012-XXXX, which is incorporated into and made part of this Order by reference.
4. The Discharger shall comply with the applicable portions of the Standard Provisions and Reporting Requirements for Waste Discharge Requirements for Nonhazardous Solid Waste Discharges Regulated by Subtitle D and/or Title 27, dated January 2012, which are attached hereto and made part of this Order by reference.
5. If there is any conflicting or contradictory language between the WDRs, the MRP, or the SPRRs, then language in the WDRs shall supersede either the MRP or the SPRRs, and language in the MRP shall supersede the SPRRs.
6. All reports required by this Order shall be submitted pursuant to Water Code section 13267.
7. The Discharger shall complete the tasks contained in these waste discharge requirements in accordance with the following time schedule:

Task

Compliance Date

A. Financial Assurance Review

1. Annual Review of Financial Assurance for closure and post-closure maintenance **1 June each year**

(see Financial Assurance Specification D.1).

2. Annual Review of Financial Assurance for **1 June each year**
initiating and completing corrective action
(see Financial Assurance Specification D.2).

8. The Discharger shall comply with all General Provisions listed in Section K of the SPRRs dated January 2012.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality
or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on ____ December 2012.

PAMELA C. CREEDON, Executive Officer