

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER R5-2016-XXXX

WASTE DISCHARGE REQUIREMENTS  
FOR  
COUNTY OF KERN  
LOST HILLS SANITARY LANDFILL  
CLASS III LANDFILL  
POST-CLOSURE MAINTENANCE  
KERN COUNTY

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

1. The County of Kern (hereinafter Discharger) owns and maintains the Lost Hills Sanitary Landfill (facility) located about five miles northwest of the town of Lost Hills, in Section 30, T26S, R21E, 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 Water Code section 13000 et seq.; California Code of Regulations, title 27 ("Title 27"), section 20005 et seq.; and 40 Code of Federal Regulations section 258 (a.k.a, "Subtitle D") in accordance with State Water Resources Control Board (State Water Board) Resolution 93-62.
2. The total property boundary encompasses 547.15 acres which contains one unlined waste management unit (WMU) covering 6.7 acres, as shown in Attachment B, which is incorporated herein and made part of this Order by reference. The facility is comprised of Assessor's Parcel Numbers (APN) 058-180-28, 058-180-29, 058-180-43, 058-240-46, 057-240-46, and 057-240-47.
3. The WMU started operating under solid waste facility permit in 1972. In 2001, waste disposal at the site ceased and a transfer station was constructed. Waste collected at the transfer station was transported to the Shafter-Wasco Recycling and Sanitary Landfill for disposal until the transfer station was closed in 2003. Construction of final cover system was completed in 2011.
4. This Order updates the waste discharge requirements for continued post-closure maintenance of the facility. These updated waste discharge requirements were developed in accordance with an administrative policy of periodic review designed to incorporate revisions to Title 27 and policies adopted thereunder. The last revision of this Order was in 2006, 10 years ago.
5. On 14 June 2001, the Central Valley Water Board adopted Order No. 5-01-161 in which the landfill WMU was classified as a Class III landfill for the discharge of non-hazardous

municipal solid waste. This Order continues to classify the landfill unit as Class III units in accordance with Title 27.

6. On 5 May 2006, the Central Valley Water Board adopted Order No. R5-2006-0046, revising Order No. 5-01-161 and implementing Closure and Post-Closure Maintenance requirements for the facility.
7. The existing landfill unit authorized by this Order is described as follows:

<u>Unit</u>	<u>Area</u>	<u>Liner/LCRS Components</u>	<u>Unit Classification &amp; Status</u>
WMU	6.7 acres	Unlined	Class III, closed

8. 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.
9. 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 G of these WDRs below, and in the Standard Provisions and Reporting Requirements for Waste Discharge Requirements For Nonhazardous Solid Waste Discharges Regulated by Subtitle D and/or Title 27 (40 C.F.R. section 258 and Title 27, § 20005 et seq.) (SPRRs) dated January 2012 all of which are hereby incorporated into of this Order by this reference. Monitoring and reporting requirements are included in the Monitoring and Reporting Program R5-2016-XXXX (MRP) 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 G) of these WDRs, and the requirement in the WDRs supersedes the requirement in the SPRRs.
10. 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 (Cal Recycle). In certain instances, this Order cites Cal Recycle regulatory sections. Title 27, section 20012 allows the Central Valley Water Board to cite Cal Recycle 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 Cal Recycle's regulations.

## WASTE CLASSIFICATION AND UNIT CLASSIFICATION

11. The Discharger historically discharged nonhazardous solid waste, including municipal solid waste, to an unlined Class III WMU at the facility. These classified wastes were allowed to be discharged only in accordance with Title 27, Resolution 93-62, and Subtitle D as required by previous Board orders.

## SITE DESCRIPTION

12. Ground surface elevations within the property range from approximately 435 feet mean sea level (MSL) at the surface of the WMU to approximately 390 feet MSL within a basin area located west of the WMU at the property.
13. Land uses within one mile of the facility include the Class III, H.M. Holloway Surface Mine and Landfill Project to the north and Lost Hills Oil Field to the east. The remaining surrounding areas to the west and south consist of undeveloped property that is used for grazing.
14. There are no municipal, domestic, industrial, or agricultural groundwater supply wells within one mile of the site. Groundwater monitoring wells are located within one mile of the facility to the north at the H.M. Holloway Surface Mine and Landfill Project. Petroleum production wells exist approximately one half mile east of the facility. No surface springs or other sources of groundwater supply have been observed.
15. The WMU is underlain by a thick sequence of unconsolidated to poorly consolidated soils dominated by silts, clayey sand, gypsum, and low-to-medium plasticity clays.
16. The measured hydraulic conductivity of the native soils underlying the Unit ranges between  $1 \times 10^{-6}$  and  $1 \times 10^{-5}$  centimeters per second (cm/s).
17. The San Andreas Fault Zone is located approximately 22 miles west of the landfill. The magnitude of the maximum probable earthquake is 8.25. The peak horizontal ground acceleration at the site would be 0.234g.
18. The facility receives an average of 5.95 inches of precipitation per year as reported by the Kern County Water Agency at Lost Hills. The mean pan evaporation is 57.06 inches per year as measured at the California Irrigation Management Information System Lost Hills Station.
19. Based on the National Oceanic and Atmospheric Administration Volume 6, version 2, 2011 Atlas, the 100-year, 24-hour precipitation event for the facility is estimated to be 3.01 inches.

20. 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 060075 0375 B, dated 29 September 1986.
21. Storm water sedimentation basins are located west of the landfill as shown on Attachment B. The basins detain storm water for sedimentation control during the rainy season and are normally dry during the summer months.

### **SURFACE WATER AND GROUNDWATER CONDITIONS**

22. The *Water Quality Control Plan for the Tulare Lake Basin, Second Edition, revised January 2015* (hereafter Basin Plan), designates beneficial uses, establishes water quality objectives, and contains implementation plans and policies for all waters of the Basin.
23. Surface drainage is toward an unnamed creek in the Lost Hills in the Antelope Plain Hydrologic Area (558.60) of the Tulare Lake Basin. Surface waters in the Antelope Plain Hydrologic Area are designated as Valley Floor Waters in the Basin Plan.
24. The designated beneficial uses of the Valley Floor Waters, as specified in the Basin Plan, are agricultural, 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.
25. The first encountered groundwater ranges from about 100 feet to 105 feet below the native ground surface based on the 2<sup>nd</sup> Semi-Annual 2015 Monitoring Report. Groundwater elevations range from 314 feet to 315 feet MSL. The groundwater is unconfined. The depth to groundwater does not fluctuate significantly on a seasonal basis.
26. Monitoring data indicates background groundwater quality has an electrical conductivity (EC) ranging between 4,500 and 6,000 micromhos/cm. Based on the 2<sup>nd</sup> Semi-Annual 2015 Monitoring Report, the total dissolved solids (TDS) ranged between 3,600 and 4,700 milligrams per liter (mg/L). Therefore, the first encountered groundwater exceeds the recommended secondary maximum contaminant level (MCL) of TDS for drinking water which is 500 mg/l.
27. The direction of groundwater flow varies seasonally and periodically flows southwest and south. Based on the 2<sup>nd</sup> Semi-Annual 2015 Monitoring Report, the estimated average groundwater gradient is approximately 0.0025 feet per foot. The estimated average groundwater velocity is 20 feet per year.
28. The designated beneficial uses of the groundwater, as specified in the Basin Plan, are domestic and municipal water supply, agricultural supply, industrial service supply, and industrial process supply.

## GROUNDWATER AND UNSATURATED ZONE MONITORING

29. The groundwater detection monitoring system consists of three monitoring wells. Monitoring well LH1-03 is used to collect background water quality data and monitoring wells LH1-04 and LH1-06 are used to collect water quality data at the point of compliance.
30. At the time this Order was adopted, the Discharger's detection monitoring program for groundwater at the landfill satisfied the requirements contained in Title 27.
31. The detection monitoring program does not include an unsaturated zone monitoring system in accordance with Title 27. The Unit was constructed prior to the adoption of requirements for unsaturated zone monitoring and the Discharger demonstrated that it is infeasible to retrofit the Unit with an unsaturated monitoring zone system.
32. 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) allow 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.
33. 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.
34. 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.

35. 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).
36. A Water Quality Protection Standard has been established for the WMU. The concentration limits for the constituents of concern are listed on Table V of Monitoring and Reporting Program R5-2016-XXXX.
37. The Discharger submitted a November 1999 Water Quality Protection Standard (WQPS) report proposing statistical data analysis methods to calculate concentration limits for each monitored constituent in accordance with Title 27. The WQPS report proposed to use intra-well data analysis to calculate prediction limits for the monitored constituents. The WQPS and approved data evaluation methods are included in MRP R5-2016-XXXX.
38. The Water Quality Protection Standard for organic compounds which are not naturally occurring shall be taken as the detection limit of the analytical method used (i.e., US-EPA methods 8260 and 8270). The presence of non-naturally occurring organic compounds in samples from detection monitoring wells is evidence of a release from the Unit unless the Discharger can demonstrate that the Unit is not the cause pursuant to §20420(k)(7) of Title 27.

### **GROUNDWATER CONDITIONS**

39. The non-statistical analysis of VOCs indicated no VOCs detections in groundwater samples.
40. No current WQPS concentration limits were exceeded in compliance wells during the 2<sup>nd</sup> semi-annual 2015 monitoring event for the routine groundwater monitoring constituents and parameters, though the concentration of chloride has exhibited a long-term increasing trend in samples from background groundwater monitoring well LH1-03.

### **LANDFILL CLOSURE**

41. Title 27, section 21090 provides the minimum prescriptive final cover components for landfills consisting of, in ascending order, the following layers:
- a. Two-foot soil foundation layer.
  - b. One-foot soil low flow-hydraulic conductivity layer, less than  $1 \times 10^{-6}$  cm/s or equal to the hydraulic conductivity of any bottom liner system.
  - c. Geomembrane layer (this layer is required for composite-lined landfills for equivalency to bottom liner).
  - d. One-foot soil erosion resistant/vegetative layer.

42. 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.
43. The Discharger submitted a design plan for the proposed closure of the landfill in a Final Closure Plan dated February 2003. The Final Closure and Post-Closure Maintenance Plans were determined to be adequate in a letter from the Central Valley Water Board dated 9 April 2004. The plan proposed the construction of an engineered alternative in lieu of the prescriptive cover design specified in section 21090(a) of Title 27. The proposed engineered alternative is an evapotranspirative design consisting of a vegetated soil layer.
44. The Discharger adequately demonstrated that construction of a Title 27 prescriptive standard cover would be unreasonable and unnecessarily burdensome when compared to the proposed engineered alternative design. There is no clay source on-site or nearby and the cost of importing clay from off-site or mixing on-site soils with bentonite would cost substantially more than the alternative design.
45. The performance of an evapo-transpirative cover design can be adequately predicted by using a computer model that utilizes the Richards Equation and laboratory-derived parameters from samples of soil that will be used in the construction of the cover.
46. An engineered alternative final cover system for the WMU, which was demonstrated to be consistent with the performance goals of Title 27 and affords equivalent protection against water quality impairment, was completed in 2011 and consists of a minimum of two-foot thick evapotranspirative vegetative layer. A pan lysimeter was constructed in the northwest area of the top deck to monitor potential percolation through the evapotranspirative cover. The pan lysimeter included the following components (from top to bottom): a 2-foot thick evapotranspirative cover, a geocomposite drainage layer, a 60-mil double-textured geomembrane layer lining the sides and bottom of the sump, a sump at the downslope end of the pan lysimeter, and a 1.5-inch diameter PVC outlet pipe.
47. The Discharger has demonstrated that the engineered alternative final cover meets the performance goals of Title 27 and that it is equivalent to the prescriptive standard.
48. Side slopes for the closed landfill are sloped at 3H:1V. The Discharger performed a slope stability analysis for the proposed final cover. The Discharger's static and dynamic stability analysis demonstrates that the side slopes of the final cover will be stable in accordance with the requirements of Title 27.
49. Pursuant to Title 27, section 21090(e)(1), a survey of the final cover was conducted for later comparison with iso-settlement surveys and required to be conducted every five years.

## LANDFILL POST-CLOSURE MAINTENANCE

50. The Discharger submitted the *Final Closure and Postclosure Maintenance Plan*, dated 3 February 2003 for post-closure maintenance of the facility. The 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, access roads, 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.
51. Once every five years during the post-closure maintenance period for the closed landfill area, iso-settlement maps will be made to identify and evaluate landfill settlement. 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), this Order requires iso-settlement maps to be prepared and submitted every five years. The maps may be completed using aerial photography or another appropriate method.
52. The completed final cover will be periodically inspected for damage or defects and defects will be repaired and tested for adequacy based on the closure CQA Plan.
53. Monitoring of the final cover will include inspecting and recording the volume of moisture collected by the pan lysimeter. In the event the pan lysimeter detects significant moisture infiltration, then, **within 120 days**, the Discharger will submit a plan and time schedule, for Executive Officer review and approval, to evaluate the problem, and recommend and implement corrective measures.

## FINANCIAL ASSURANCES

54. Title 27, sections 21840 and 22211 requires a cost estimate for landfill post-closure maintenance. The amount of the cost estimate for post-closure maintenance in February 2003 dollars was \$857,490. This Order requires that the Discharger maintain financial assurance with Cal Recycle in at least the amount of the post-closure maintenance cost estimate adjusted annually for inflation. As of 2015, the balance of the post-closure maintenance fund was \$1,081,965.
55. Title 27, section 22221 requires a cost estimate for corrective action of all known or reasonably foreseeable releases. The Discharger submitted a 2003 cost estimate of \$265,745 for corrective action of all known or reasonably foreseeable releases. This Order requires that the Discharger maintain financial assurance with the Cal Recycle in at least the amount of the cost estimate adjusted annually for inflation. As of 2015, the balance of the corrective action fund was \$335,312.
56. Title 27 section 22100(b) requires owners and operators of disposal facilities that are required to be permitted as solid waste landfills to provide cost estimates for initiating and completing corrective action for known or reasonably foreseeable releases of

waste. Title 27 section 22101 requires submittal of a *Water Release Corrective Action Estimate* and a *Non-Water Release Corrective Action Cost Estimate*. The *Water Release Corrective Action Estimate* is for scenarios where there is statistically significant evidence of a release of waste to ground or surface water when comparing point-of-compliance analyte concentrations to background concentrations. The *Non-Water Release Corrective Action Cost Estimate* is for complete replacement of the landfill final cover system, however a site-specific corrective action plan pursuant to Title 27, section 22101(b)(2) may be provided in lieu of the final cover replacement cost estimate. Title 27 section 22221 requires establishment of financial assurances in the amount of an approved *Water Release Corrective Action Estimate* or an approved *Non-Water Release Corrective Action Cost Estimate*, whichever is greater.

### CEQA AND OTHER CONSIDERATIONS

57. The action to revise waste discharge requirements for this existing facility is exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resource Code section 21000, et seq., and the CEQA guidelines, in accordance with Title 14, section 15301.
58. This order implements:
- a. *The Water Quality Control Plan for the Tulare Lake Basin, Second Edition*;
  - b. The prescriptive standards and performance goals of 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.
59. Based on the threat and complexity of the discharge, the facility is determined to be classified 3-B as defined below:
- a. Category 3 threat to water quality, defined as, "Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2."
  - 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."
60. State Water Board Resolution 68-16, the *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Anti-Degradation Policy) generally prohibits the

Central Valley Water Board from authorizing activities that will result in the degradation of high-quality waters unless it has been shown that:

- a. The degradation will not result in water quality less than that prescribed in state and regional policies, including violation of one or more water quality objectives;
- b. The degradation will not unreasonably affect present and anticipated future beneficial uses;
- c. The discharger will employ Best Practicable Treatment or Control (BPTC) to minimize degradation; and
- d. The degradation is consistent with the maximum benefit to the people of the state.

Due to the controls installed by the Discharger, including a landfill cap and drainage controls, no detectable discharge to surface water or groundwater is expected. Furthermore, the Monitoring and Reporting Program adopted to ensure compliance with this Order will be sufficient to verify that such discharges do not occur. Therefore, the Anti-Degradation Policy does not apply to these WDRs. The requirements of this Order represent "best efforts" to control the discharge of waste to waters of the State.

61. Water Code section 13267(b) provides that: "In conducting an investigation specified in subdivision (a), the Regional Board may require that any person who has discharged, discharges, or is suspected of having discharge or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region that could affect the quality of the waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the board requires. The burden, including costs of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports."
62. The technical reports required by this Order and the attached "Monitoring and Reporting Program R5-2016-XXXX" are necessary to assure compliance with these waste discharge requirements. The Discharger owns and operates the facility that discharged the waste subject to this Order.

### **PROCEDURAL REQUIREMENTS**

63. 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.
64. 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.

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

IT IS HEREBY ORDERED, pursuant to California Water Code sections 13263 and 13267, that Order No. R5-2006-0046 is rescinded except for purposes of enforcement of violations occurring prior to the Effective Date of this Order, and that the County of Kern, its agents, successors, and assigns, in order to meet the provisions of Division 7 of the California Water Code and the regulations adopted thereunder, shall comply with the following:

#### **A. PROHIBITIONS**

1. The discharge of any waste is prohibited.
2. The Discharger shall comply with all Standard Prohibitions listed in Section C of the Standard Provisions and Reporting Requirements for Waste Discharge Requirements for Nonhazardous Solid Waste Discharges Regulated by Subtitle D and/or Title 27 (40 C.F.R. section 258 and Title 27, § 20005 et seq.) (SPRRs), dated January 2012, which are attached hereto and made part of this Order by this reference.

#### **B. DISCHARGE SPECIFICATIONS**

1. The Discharger shall, in a timely manner, remove and relocate any wastes discharged at this facility in violation of this Order. If the Discharger is unable to remove and relocate the waste, the Discharger shall submit a report to the Central Valley Water Board explaining how the discharge occurred and why the waste cannot be removed. If the waste is a hazardous waste, the Discharger shall immediately notify the Department of Toxic Substances Control.
2. The Discharger shall comply with all Standard Discharge Specifications listed in Section D of the SPRRs.

#### **C. FACILITY SPECIFICATIONS**

1. The Discharger shall comply with all Standard Facility Specifications listed in Section E of the SPRRs.

#### **D. CLOSURE AND POST-CLOSURE MAINTENANCE SPECIFICATIONS**

1. Every five years, the Discharger shall submit, pursuant to Title 27, section 21090(e)(2), an iso-settlement map accurately depicting the estimated total change in elevation of each portion of the final cover. This map shall show the total lowering of the surface elevation of the final cover relative to the baseline topographic map and shall indicate all areas where visually noticeable differential settlement may have been obscured by grading operations. The map shall be drawn to the same scale and contour interval as the baseline topographic map.

2. The Discharger shall comply with all Standard Closure and post-closure Specifications listed in Section G of the SPRRs.

## **E. FINANCIAL ASSURANCE SPECIFICATIONS**

1. The Discharger shall obtain and maintain assurances of financial responsibility with Cal Recycle for post-closure maintenance for the landfill in at least the amounts described in Finding 54, adjusted for inflation annually. A report regarding financial assurances for 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 Cal Recycle for this purpose. If Cal Recycle 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 Cal Recycle and the Central Valley Water Board for at least the amount of the approved cost estimate.
2. The Discharger shall update the post-closure maintenance plan (PCMP) any time there is a change that will increase the amount of the post-closure maintenance cost estimate. The updated PCMP shall be submitted to the Central Valley Water Board, the Local Enforcement Agency, and Cal Recycle. The PCMP shall meet the requirements of Title 27, section 21769(c), and include a lump sum estimate of the cost of carrying out all actions necessary to carry out the first thirty years of post-closure maintenance. Reports regarding financial assurance required in E.1 above shall reflect the updated cost estimate.
3. The Discharger shall obtain and maintain assurances of financial responsibility with Cal Recycle 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 55. 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 Cal Recycle for this purpose. If Cal Recycle 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 Cal Recycle and the Central Valley Water Board for at least the amount of the approved cost estimate.
4. The Discharger shall comply with all Standard Financial Assurance Specifications listed in Section H of the SPRRs.

## **F. 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 Monitoring and Reporting Program R5-2016-XXXX (MRP), and the Standard Monitoring Specifications listed in Section I of the SPRRs.
2. The Discharger shall comply with the Water Quality Protection Standard as specified in this Order, MRP R5-2016-XXXX, and the SPRRs.
3. 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 R5-2016-XXXX. Though, concentration limits are prepared for the facility inorganic constituents, particularly the major ions, may not be reliable indicators of a release. Therefore, VOC data is used as the primary basis for evaluating a potential release.
4. 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 R5-2016-XXXX and the Standard Monitoring Specifications in Section I of the SPRRs.
5. As specified in MRP R5-2016-XXXX, the Discharger shall enter all monitoring data and monitoring reports into the online Geotracker database as required by Division 3 of Title 27 and Chapter 30, Division 3 of Title 23.
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.

## **G. PROVISIONS**

1. The Discharger shall maintain a copy of this Order at the offices of the Kern County Public Works Department, including the MRP R5-2016-XXXX and the SPRRs dated January 2012, 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 R5-2016-XXXX, which is incorporated into and made part of this Order by reference.
4. The Discharger shall comply with the applicable portions of the SPRRs.

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 Post-closure maintenance.<br>(see Financial Assurance Specification E.1).                    | <b>1 June for each year</b> |
| 2. | Annual Review of Financial Assurance for Initiating and completing corrective action.<br>(see Financial Assurance Specification E.3). | <b>1 June for each year</b> |
8. The Discharger shall comply with all General Provisions listed in Section K of the SPRRs.

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 that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final 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](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 XX April 2016.

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PAMELA C. CREEDON, Executive Officer