



Los Angeles Regional Water Quality Control Board

August 12, 2016

Mr. Edgar Rojas, Engineering and Mining Manager  
City of Irwindale  
5050 N. Irwindale Avenue  
Irwindale, CA 91706

**TENTATIVE WASTE DISCHARGE REQUIREMENTS – NORTH KINCAID PIT, IRWINDALE, CALIFORNIA (FILE NO. 16-052, GEOTRACKER GLOBAL NO. T10000009219)**

Dear Mr. Rojas:

Reference is made to a *Application/Report of Waste Discharge*, dated April 5, 2016, that was submitted to this Regional Water Quality Control Board (Regional Board) by the City of Irwindale (Discharger), applying for waste discharge requirements (WDRs) for the North Kincaid Pit in Irwindale, California. In accordance with the California Water Code, we have prepared tentative WDRs for the site.

Enclosed are copies of the tentative WDRs, consisting of:

1. Order No. R4-2016-xxxx specifying WDRs,
2. Monitoring and Reporting Program (CI-xxxxx), and
3. Standard Provisions Applicable to Waste Discharge Requirements

In accordance with administrative procedures, this Regional Board will consider the enclosed WDRs and comments thereon, at a public hearing to be held at 9:00 AM on **October 13, 2016**, at the Board Room, Metropolitan Water District of Southern California, at 700 North Alameda Street, Los Angeles, California. The Regional Board will hear any testimony pertinent to this discharge, the tentative requirements, and monitoring and reporting program. It is expected that the Regional Board will take action at the hearing; however, as testimony indicates, the Regional Board at its discretion may postpone action.

Also enclosed is a *Notice of Opportunity to Comment and Public Hearing*. Written comments regarding the tentative WDRs must be received at the Regional Board office by 5:00 PM on **September 15, 2016**. Comments received after this date will not be accepted into the record unless determined by the Chair of the Regional Board not to prejudice any party or the Regional Board.

The agenda for the meeting will be posted on the Regional Board's website ([http://www.waterboards.ca.gov/losangeles/board\\_info/agenda/index.shtml](http://www.waterboards.ca.gov/losangeles/board_info/agenda/index.shtml)) approximately one week prior to the meeting.

Mr. Edgar Rojas  
City of Irwindale

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August 12, 2016

If you have any questions or need additional information, please contact me at (213) 620-2253 or [wyang@waterboards.ca.gov](mailto:wyang@waterboards.ca.gov).

Sincerely,




Wen Yang, Ph.D., C.E.G.  
Chief of Land Disposal Unit

Enclosures

cc: Leslie Graves, State Water Resource Control Board ([Leslie.Graves@waterboards.ca.gov](mailto:Leslie.Graves@waterboards.ca.gov))  
Shannon Hill, Cal Recycling ([Shannon.Hill@calrecycle.ca.gov](mailto:Shannon.Hill@calrecycle.ca.gov))  
Gerardo Villalobos, Los Angeles County, DPH ([gvillalobos@ph.lacounty.gov](mailto:gvillalobos@ph.lacounty.gov))  
Tony Zampielo, Main San Gabriel Basin Watermaster ([tony@watermaster.org](mailto:tony@watermaster.org))  
William Tam, City of Irwindale ([wtam@IrwindaleCA.gov](mailto:wtam@IrwindaleCA.gov))

## Los Angeles Regional Water Quality Control Board

To: Interested Persons

From: Rebecca Chou, Ph.D., P.E.   
Section Chief of Groundwater Permitting and Land Disposal

Date: August 12, 2016

Subject: **NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND PUBLIC MEETING  
ON TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR OLIVE PIT INERT  
LANDFILL**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) will consider tentative Waste Discharge Requirements (WDRs) for the North Kincaid Pit, operated by the City of Irwindale (Discharger), at 6570 Irwindale Avenue, Irwindale, California.

The Regional Board Meeting is scheduled as follows:

Date: October 13, 2016

Time: 9:00 a.m.

Place: Board Room, the Metropolitan Water District of Southern California 700 North Alameda Street Los Angeles, CA 90012

At the Regional Board Meeting, the public will have an opportunity to comment on the tentative WDRs and the tentative Monitoring and Reporting Program (MRP). Please note that the Regional Board may limit public comments to three (3) minutes each. Copies of the tentative WDRs and the tentative MRP can be obtained from the Regional Boards website at: [http://www.waterboards.ca.gov/losangeles/board\\_decisions/tentative\\_orders/index.shtml](http://www.waterboards.ca.gov/losangeles/board_decisions/tentative_orders/index.shtml)

Interested persons are encouraged to submit comments electronically. All written comments and evidence must be received by the Regional Board no later than 5:00 p.m. on **September 15, 2016**. Comments sent after that date/time will not be accepted into the record unless determined by the Chair not to prejudice any party or the Regional Board. Send comments by email to: Dr. Wen Yang at [wyang@waterboards.ca.gov](mailto:wyang@waterboards.ca.gov). Please indicate in the subject line, "Comment Letter - **Tentative WDRs for North Kincaid Pit.**" Written comments submitted through email are requested to be transmitted in Microsoft Word or PDF format. Written comments can also be sent via facsimile to (213) 576-5777 or by mail addressed to:

Dr. Wen Yang  
California Regional Water Quality Control Board, Los Angeles Region  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

Please contact Dr. Wen Yang at (213) 620-2253 for additional information.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

ORDER NO. R4-2016-0xxx

**WASTE DISCHARGE REQUIREMENTS**  
For  
**CITY OF IRWINDALE**  
**(North Kincaid Pit)**  
**(File No. 16-052)**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), finds:

1. The North Kincaid Pit (Site) is a former sand and gravel quarry located to the north of the 210 Freeway, east of Irwindale Avenue, and south of Foothill Boulevard in the Cities of Irwindale and Azusa, California (Figure 1). The street address of the Site is 6570 N. Irwindale Avenue, Irwindale, California. The Site is centered at approximately Latitude 34°07'53.94"N and Longitude 117°55'44.76"W.
2. The former quarry was mined for aggregates until approximately 1953. Thereafter, the mining pit has been utilized as a stormwater retention basin that collects stormwater runoff from the 210 Freeway and the industrial/commercial area to the north of the Site. The Site occupies 14.86 acres in total, of which 6.19 acres are in the City of Irwindale (APN 8616-022-008) and 8.67 acres are in the City of Azusa (APN 8616-001-408).
3. The City of Irwindale (Discharger) has contracted with Commodity Trucking Acquisition, LLC, dba Windrow Earth Transport (WET) to fill the Site with clean soils from construction sites and sediments excavated from flood control basins in the County of Los Angeles. It is estimated that approximately 1.4 million cubic yards of materials are needed to fill the pit to street level. The filled Site will be developed for commercial or other beneficial uses.
4. The Site overlies an aquifer that is a major source of drinking water in the Main San Gabriel Valley Basin in the Los Angeles-San Gabriel Hydrologic Area. Aquifers within the basin are comprised primarily of sand, gravel, silt, cobbles, and boulders, in various mixtures. The direction of groundwater flow at the vicinity of the Site is generally from northeast to southwest.
5. Ground elevation surrounding the quarry pit is approximately 560 feet above mean sea level (amsl). The maximum depth of the pit is approximately 60 feet. The groundwater table at the Site varies between 260 to 290 feet amsl due to climate (drought), seasonal conditions, groundwater discharge, and recharge activities. The historical high groundwater level at the Site is estimated to be around 340 feet amsl. The depth of groundwater is therefore estimated to be at least 160 feet below the bottom of the quarry pit.
6. This Order does not require the monitoring of groundwater quality at the Site because the great separation between the fill materials (wastes) and the groundwater table, and the fact that only clean soil and flood control basin sediments are permitted to be placed at the quarry pit.
7. Two environmental assessments, conducted by Converse Consultants in 2004-2005 and The Source Group in 2016, indicate that existing sediments in some areas of the Site,

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presumably derived from stormwater runoff from the 210 Freeway and the adjacent industrial and commercial areas, may be contaminated with heavy metals (lead and arsenic) and petroleum hydrocarbons. This Order requires the Discharger to further investigate, and, if necessary, remove all contaminated sediments for proper offsite disposal before imported materials may be discharged at the Site.

8. The proposed operations will be a multi-phased project that includes removal of all identified physical contaminants that were previously deposited from stormwater runoff, removal of contaminated sediments, rework of site drainage system, and filling and re-grading the Site to its natural grade.
9. Filling the site with sediments and soil constituent a discharge of wastes that may impact the quality of waters of the state, as defined in section 13050 of the California Water Code (CWC).
10. Section 20230(a) of title 27, California Code of Regulations (27 CCR), provides that "*Inert waste is that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste.*" Uncontaminated sediments and soils are considered inert wastes.
11. The Discharger has submitted a Report of Waste Discharger (ROWD) to the Regional Board, dated April 5, 2016, in accordance with the section 13260 of CWC, to apply for waste discharge requirements (WDRs) for the proposed project.
12. Section 20230(c) of 27 CCR provides that the Regional Board can prescribe individual or general waste discharge requirements (WDRs) for discharges of inert wastes at the site. The reclamation and grading of the Site is regulated under this Order as an inert landfill (Landfill).
13. CWC section 13267(b) authorizes the regional boards to require a person who discharged waste or is suspected of having discharged waste to furnish technical and monitoring reports. The technical and monitoring reports required by this Order and the attached Monitoring and Reporting Program (MRP) are necessary to assure compliance with these waste discharge requirements. The burden, including costs, of these reports, bears a reasonable relationship to the need for the reports and the benefits to be obtained, namely, confirmation that the Landfill is not causing adverse impacts to water quality or beneficial uses.
14. This Order requires the Discharger to take any and all necessary measures to protect water of the state during the inert waste disposal operations at the Landfill. The Discharger is required to implement a Load Checking Program (LCP) for the Landfill, including procedures for material acceptance and tracking, load inspection, employee training, and large source verification, that meets the requirements of this Order to prevent the disposal of any substance at the Landfill that may cause pollution to water resources.
15. On December 20, 2005, the City of Irwindale approved Resolution No. 2005-89-2106 that adopted technical guidelines for the backfilling of open-pit mines within the City, including: Guidelines for Stability Analyses of Open-pit Mine Slopes, Guidelines for Drainage and Erosion Control for Open-pit Mines, Guidelines for Underwater Backfilling of Open-Pit

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Mines, and Guidelines for Above-Water Backfilling of Open-Pit Mines. Reclamation backfilling of the Site is subject to the guidelines.

16. On June 13, 1994, this Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan). The Basin Plan (including its subsequent amendments) designates the following beneficial uses for groundwater within the Main San Gabriel Valley Basin, including municipal and domestic supply, agricultural supply, industrial process supply, and industrial service supply. The requirements in this Order, as they are met, are consistent with the Basin Plan.
17. The State Board has implemented regulations that require the electronic submittal of information (ESI) for Groundwater Cleanup programs (section 3890 et seq. of title 23 CCR and division 3 of 27 CCR). Starting January 1, 2005, required electronic submittal and submittal of a portable data format (PDF) copy of certain reports was extended to include all State Board groundwater cleanup programs, including the Land Disposal Program. The requirements contained in this Order, conform with the ESI reporting regulations.
18. It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes the policy by including requirements that ensure the Landfill will not adversely impact ground and surface water resources, thereby protecting human health and ensuring that water is safe for domestic use.
19. On March 24, 2016, the City of Irwindale, as the lead agency, certified a Notice of Exemption pursuant to the California Environmental Quality Act (CEQA, Public Resource Code, Section 21000 et seq.) for the reclamation and grading of the Site. The Notice of Exemption determined that the reclamation and grading of the Site is categorically exempt under Section 15304(c) (Minor Alterations to Land) of CEQA.
20. The Federal Emergency Management Agency (FEMA) has indicated on their FEMA Issued Flood Map (FIRM Panel: 06037C1700F / Effective Date: 09/26/2008, accessed June 2014) that the Site is within a Zone X. A Zone X is defined as: "*Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.*" Therefore, the potential flooding risk at the Site is very low.
21. In Southern California, the predicted impacts of climate change are numerous. Annual average temperatures are expected to increase, coupled with a higher frequency of extreme heat days. A likely consequence of this warmer climate will be more severe drought periods, leading to an increase in the amount and intensity of fires and a longer fire season. In addition, precipitation patterns are likely to be modified. A decrease in snowfall, combined with warmer temperatures, will induce a decrease in the amount and duration of snowpack, an essential source of freshwater to the region. Although changes to mean precipitation are expected to be small, the increasing occurrence of extreme precipitation events will amplify the risk of flooding.

Recognizing the challenges posed by climate change, on April 29, 2015, Governor Jerry Brown issued Executive Order B-30-15, which directs state agencies to take climate change into account in their planning decisions, guided by the following principles: Priority should be given to actions that both build climate preparedness and reduce greenhouse

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gas emissions; where possible, flexible and adaptive approaches should be taken to prepare for uncertain climate impacts; actions should protect the state's most vulnerable populations; and natural infrastructure solutions should be prioritized.

This Order contains provisions to require planning and actions to address climate-related impacts that can cause or contribute to violations of permit requirements and/or degradation of waters of the state.

22. Definitions of terms used in this Order shall be as set forth in 27 CCR section 20164, title 14 CCR section 17381, CWC section 13050, and other applicable state and federal regulations.
23. The Regional Board has notified the Discharger and interested agencies and persons of its intent to adopt WDRs for this disposal of waste to land, and has provided interested persons with an opportunity to submit written comments and make oral comments at a hearing. The Regional Board in a public meeting on October 13, 2016, heard and considered all comments pertaining to waste disposal at the Landfill and Composting operations.
24. Any person aggrieved by this action of the Regional Board may petition the State Board to review the action in accordance with CWC section 13320 and title 23 CCR section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., thirty 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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

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**IT IS HEREBY ORDERED** that the Discharger shall comply with the following requirements:

**A. Discharge Specifications:**

1. Wastes discharged at the Site shall be limited to clean soils from construction sites and sediments excavated from flood control basins in the County of Los Angeles, as proposed.
2. The Discharger shall implement a load checking program and take all necessary measures to prevent unauthorized wastes to be disposal of at the Landfill. The load checking program must be approved by the Executive Office prior to any waste being discharged at the Landfill.
3. The Discharger shall remove and relocate to a legal point of disposal any wastes that are discharged in violation of the requirements of this Order. For the purpose of these requirements, a legal point of disposal is defined as one for which WDRs have been established by a California regional water quality control board, and is in full compliance therewith. In the event that the Discharger opts for a legal point of disposal outside the State of California, the legal point of disposal means a facility that is lawfully permitted under applicable state and federal laws to receive the type of waste improperly disposed of at the site.

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**B. Prohibitions:**

1. No hazardous wastes (as defined in 22 CCR section 66261.3 *et seq.*), designated wastes (as defined in CWC section 13173), or special wastes (27 CCR section 20164, as categorized in 22 CCR sections 66261.120, 66261.122, and 66261.124), such as liquids, oils, waxes, tars, soaps, solvents, or readily water-soluble solids, such as salts, borax, lye, caustic or acids shall be disposed of at the Landfill.
2. No non-hazardous solid wastes (as described in 27 CCR section 20220(a), including decomposable organic refuse such as, but not necessarily limited to, ordinary household and commercial refuse, tin cans, metals, paper and paper products, plasterboard, cloth and clothing, wood and wood products, lawn clippings, sod, shrubbery, hair, hide, bones, dead animals, roofing paper, tar paper, unquenched ashes mixed with refuse, market refuse, garbage, etc.) shall be deposited at the Landfill.
3. No materials of a toxic nature such as insecticides and poisons shall be deposited at the Landfill.
4. No radioactive material as determined by a regulatory agency with jurisdictional authority shall be deposited at the Landfill.
5. No asbestos or asbestos products shall be deposited at the Landfill.
6. Erosion of deposited materials by surface flow shall be prevented.
7. Neither the discharge nor any treatment of wastes shall cause pollution or nuisance.

**C. Cleanup of Contaminated Sediments:**

1. Within 30 days of the adoption of the this Order, the Discharger shall submit a sampling plan, for the approval of the Executive Officer, for the verification and cleanup of contaminated sediments that may have been carried to the Site by stormwater runoff.
2. All samples shall be analyzed for lead, arsenic, and total petroleum hydrocarbons (TPH). If the total concentration of a contaminant is greater than 10 times of its Soluble Threshold Limit Concentration (STLC), the sample shall be further analyzed to determine whether the it contains soluble concentration that constitute hazardous levels using the Toxicity Characteristic Leaching Procedure (TCLP).
3. The cleanup goals for contaminated sediments shall be set as following:

Contaminate	Total concentration limit	Soluble concentration limit
Lead	1000 mg/kg	5 mg/L
Arsenic	50 mg/kg	5 mg/L
TPH (C <sub>4</sub> -C <sub>12</sub> )	500 mg/kg	
TPH (C <sub>13</sub> -C <sub>22</sub> )	1,000 mg/kg	
TPH (C <sub>23</sub> -C <sub>32</sub> )	10,000 mg/kg	



Note: mg/kg = microgram/kilogram; mg/L = microgram/liter

All sediments with total or soluble concentrations exceeding any cleanup goal shall be excavated and disposed of at a legal point in accordance with Discharge Specification A.3. above.

4. For any area where contaminated sediments are excavated and relocated, confirmation samples must be taken and analyzed to demonstrated that all contaminated materials have been removed.
5. A final sediment cleanup report, documenting all sampling and cleanup activities at the Site (or a portion of the Site), must be submitted to the Regional Board and approved by the Executive Officer before any imported materials may be discharged at the Site (or the portion of the Site).

**D. Provisions:**

1. The Discharger shall furnish, under penalty of perjury, technical or monitoring program reports in accordance with CWC section 13267. Failure or refusal to furnish these reports or falsifying any information provided therein renders the Discharger guilty of a misdemeanor and subject to the penalties stated in CWC section 13268. Monitoring reports shall be submitted in accordance with the specifications contained in the MRP, as directed by the Executive Officer. Additionally, monitoring reports shall be prepared by, or under the supervision of, and signed by a California professional civil engineer or professional geologist. The MRP is subject to periodic revisions as warranted and approved by the Executive Officer.
3. Sampling, excavation, and confirmation of the removal of contaminated samples:
4. If the Discharger becomes aware that it failed to submit any relevant facts in any report to the Regional Board, it shall submit such facts or information within fourteen days of its discovery of the omission.
5. All applications, reports, or information submitted to the Regional Board shall be signed and certified as follows:
  - a. Applications, ROWDs, or similar documents shall be signed as follows:
    - i. For a corporation - by a principal executive officer of at least the level of vice-president.
    - ii. For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
    - iii. For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.
    - iv. For a military installation - by the base commander or the person with overall responsibility for environmental matters in that branch of the military.
  - b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph [a] of

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this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:

- i. The authorization is made in writing by a person described in paragraph [a] of this provision;
  - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
  - iii. The written authorization is submitted to the Executive Officer.
- c. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

6. The Discharger shall maintain copies of this Order at the Landfill so as to be available at all times to personnel operating the Landfill.
7. The Discharger shall file with this Regional Board a report of any material change or proposed change in the character, location, boundaries or quantity of this waste discharge at least 120 days prior to the date of such proposed change.
8. The Regional Board shall be notified of any incident at the Landfill that are in violation of this Order and that may endanger the environment, by telephone within 24 hours from the time the Discharger becomes aware of the circumstances, and in writing within 14 days of the time that the Discharger becomes aware of the circumstances. The written notification shall fully describe the incident including what occurred, when it occurred, the duration of the incident, when correction occurred (or when correction will occur if it is a continuing incident), and the steps taken or planned to reduce, eliminate, and/or prevent recurrence of the incident. All instances of noncompliance with this Order shall also be reported to the Regional Board in the same manner as stated above, and shall also be included in the next scheduled monitoring report.
9. Ninety (90) days prior to cessation of disposal operations at this Landfill, the Discharger shall submit a technical report to the Regional Board describing the methods and controls to be used to assure protection of the quality of receiving waters during final operations and with any proposed subsequent use of the land. Such methods and controls shall comply with the foregoing technical report and the WDRs. The report shall be prepared under the direct supervision of a California registered geologist or professional civil engineer, or a California-certified engineering geologist.

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10. This Regional Board considers the Discharger to have continuing responsibility for correcting any problems which may arise in the future as a result of this waste discharge or water applied to the Landfill during subsequent use of the land for other purposes.
11. This Order does not exempt the Discharger from compliance with any other laws, regulations, or ordinances which may be applicable; they do not legalize this waste disposal facility, and they leave unaffected any further restraint on the disposal of wastes at the Landfill which may be contained in other statutes or required by other agencies.
12. In accordance with CWC section 13263(g), this Order shall not create a vested right to continue to discharge and are subject to rescission or modification. All discharges of waste into the waters of the State are privileges, not rights.
13. The Discharger shall comply with all conditions of this Order and any additional conditions prescribed by the Regional Board in addenda thereto. Noncompliance with this Order constitutes a violation of the CWC and is grounds for:
  - a. enforcement action;
  - b. termination, revocation and re-issuance, or modification of this Order;
  - c. denial of a ROWD in application for new or revised WDRs; or
  - d. any combination of the foregoing.
16. Failure to comply with the terms and conditions of this Order may result in imposition of civil liability against the Discharger by this Regional Board, either by the Board or judicially by the Superior Court, in accordance with CWC section 13350 et. seq. and/or referral to the Attorney General of the State of California for such legal action as may be deemed appropriate.
18. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). The Discharger shall be responsible for meeting all applicable requirements of the Endangered Species Acts. A discharge which is deleterious to fish, plant life, mammals, or bird life or otherwise in violation of Fish and Game Code section 5650 is not a discharge which is authorized nor in compliance with the terms and conditions of this Order. The Discharger shall obtain permits as necessary, and comply with permit conditions and all other applicable federal, state, county, and local laws and regulations.
19. This Order includes the attached "Standard Provisions Applicable to Waste Discharge Requirements" (Attachment "W"), which is incorporated herein by references. If there is any conflict between provisions stated hereinbefore and the attached "Standard Provisions Applicable to Waste Discharge Requirements", those provisions attached hereinbefore prevail.
20. In accordance with CWC section 13263, this Order is subject to periodic review and revision by this Regional Board.

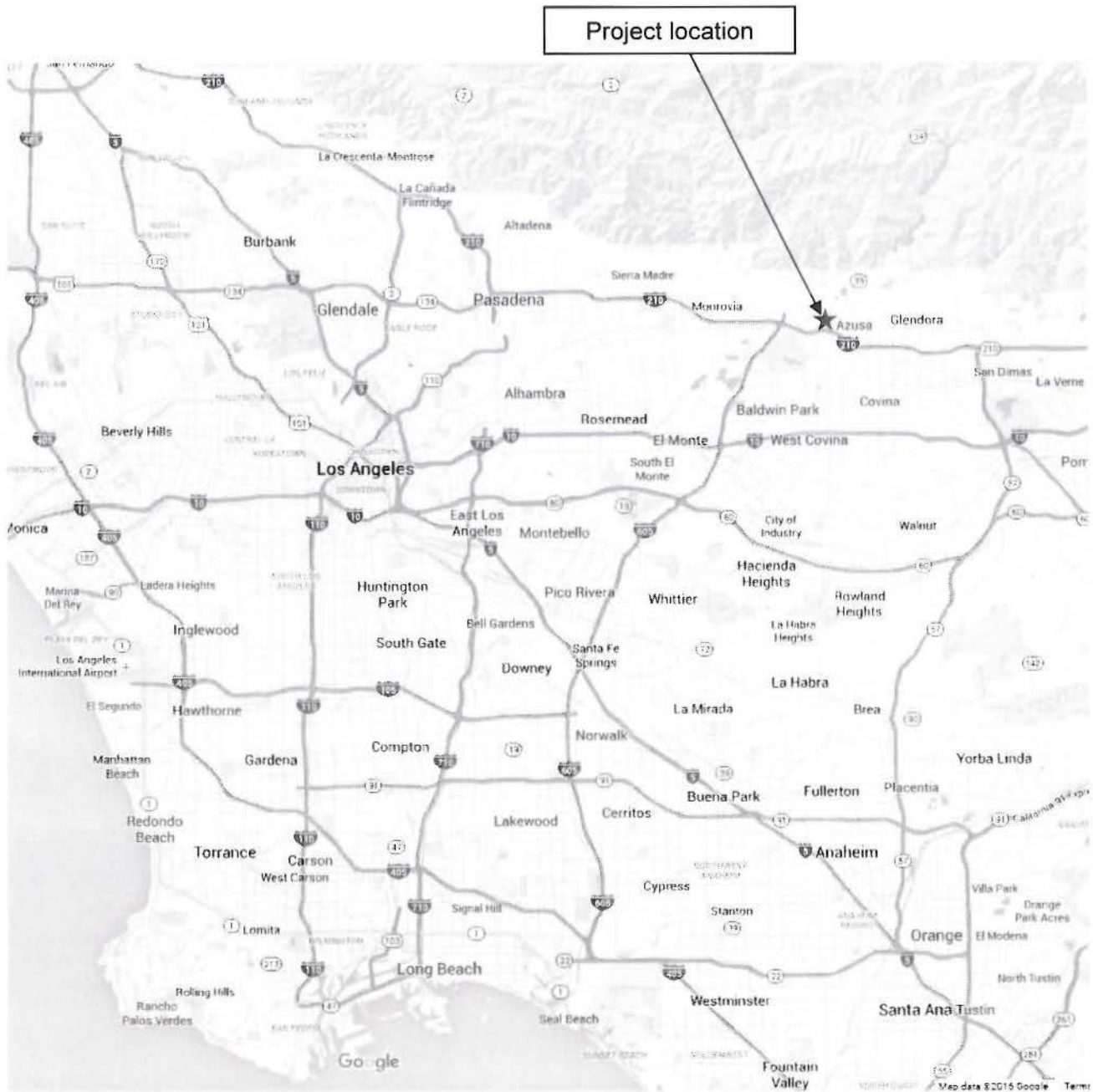
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21. The filing of a request by the Discharger for the modification, revocation and re-issuance, or termination of this Order or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
22. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
23. This Order becomes effective on the date of adoption by this Regional Board.

I, Samuel Unger, 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, Los Angeles Region on October 13, 2016.

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Samuel Unger, P.E  
Executive Officer

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Figure 1

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File No. 16-052

North Kincaid Pit  
Order No. R4-2016-0xxx

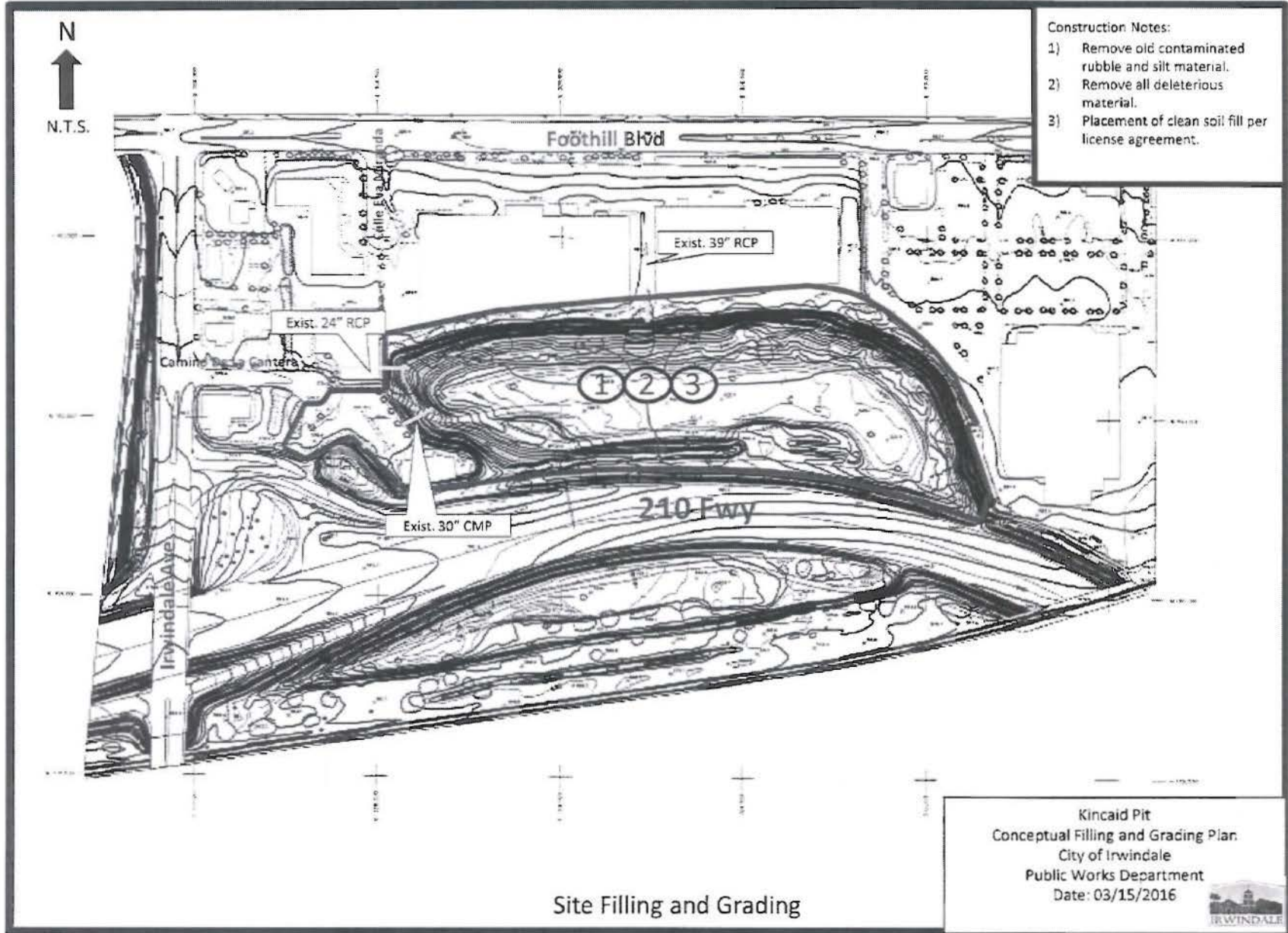
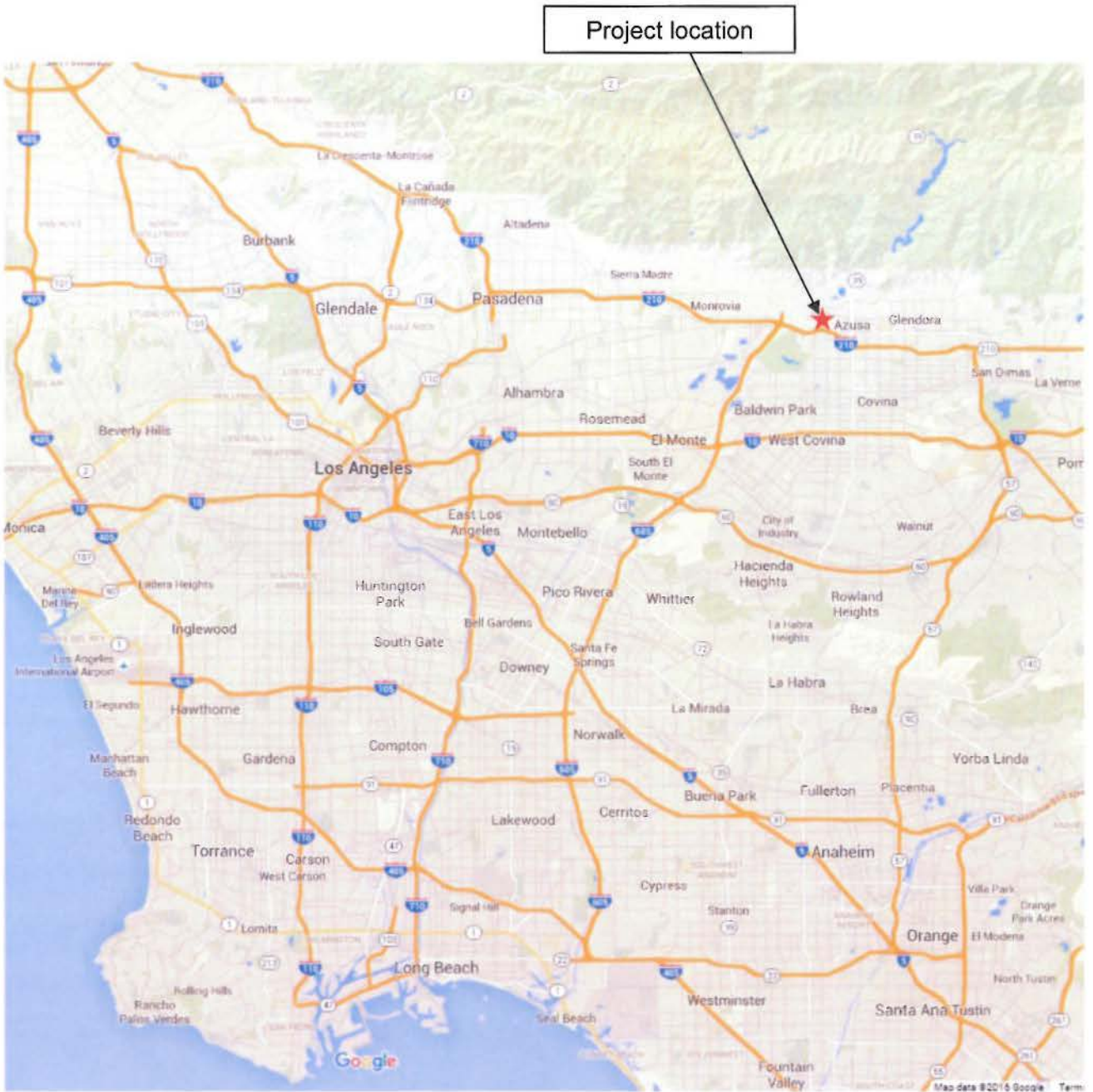


Figure 2



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Figure 1

# T E N T A T I V E

File No. 16-052

North Kincaid Pit  
Order No. R4-2016-0xxx

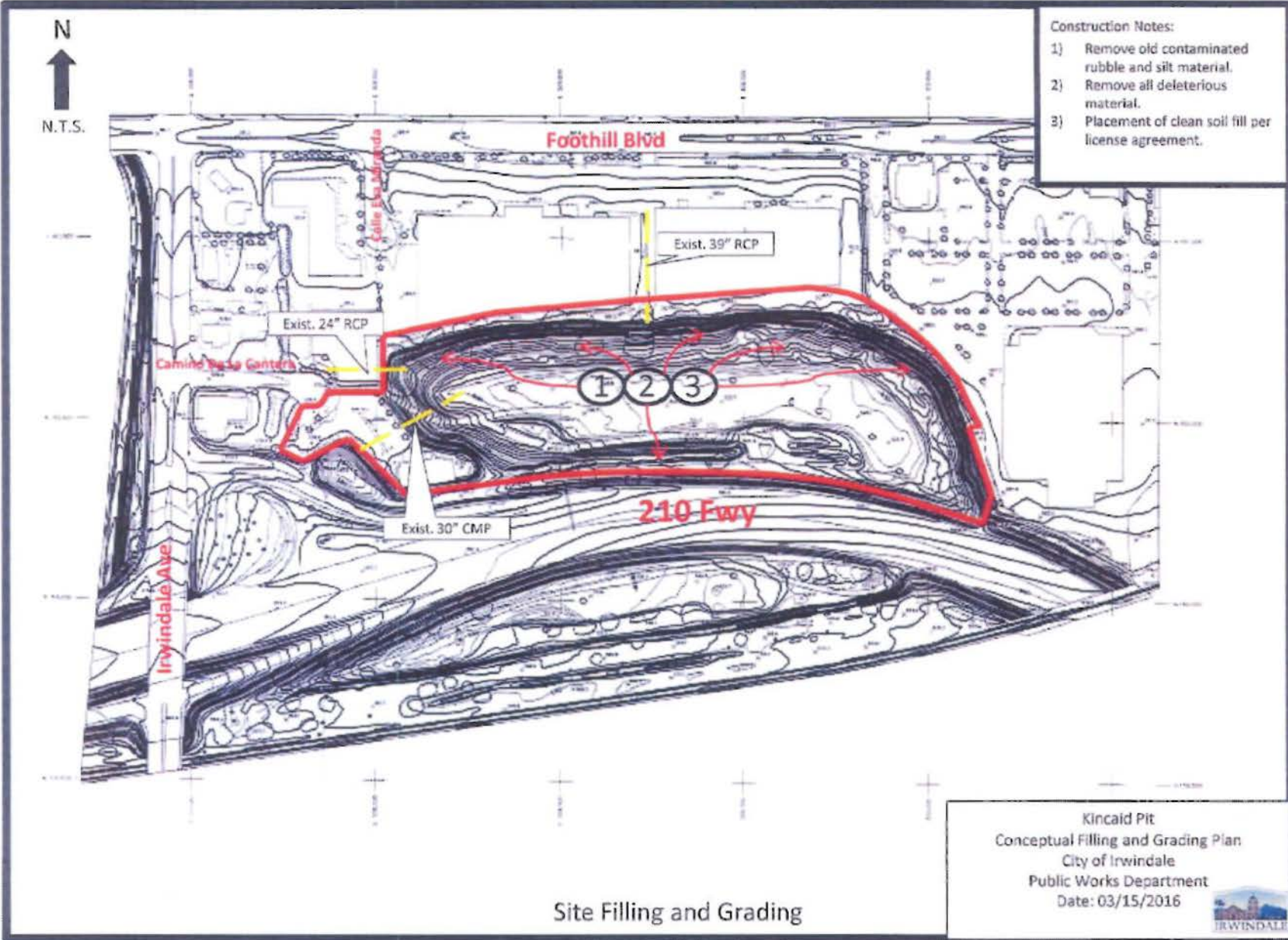


Figure 2



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

**MONITORING AND REPORTING PROGRAM NO. CI-xxxxx**  
for  
**CITY OF IRWINDALE**  
**(North Kincaid Pit)**  
**(File No. 16-052)**

This Monitoring and Reporting Program (MRP, No. CI-xxxxx) is issued by the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) to the City of Irwindale (Discharger) for the North Kincaid Pit (Landfill) pursuant to California Water Code (CWC) section 13267(b). This MRP is incorporated by reference into Regional Board Order No. **R4-2016-0xxx** (Order), adopted on October 13, 2016. The Discharger shall begin implementing this MRP following the adoption of the Order. This MRP is required to assure compliance with the conditions of the Order and is issued to the Discharger, which is the owner of the Landfill. The first monitoring report under this program is due by February 15, 2017.

**I. General Requirements for Reporting**

A. Monitoring reports shall be submitted by the dates in the following schedule:

<u>Reporting Period</u>	<u>Report Due</u>
1 <sup>st</sup> Semi-Annual Report (for the period from January 1 to June 30)	August 15
2 <sup>nd</sup> Semi-Annual Report (for the period from July 1 to December 31)	February 15

The semi-annual reports shall include all information required under this MRP. The 2<sup>nd</sup> Semi-Annual report shall include an annual summary of the data obtained during the calendar year.

- B. A transmittal letter that contains the essential points of the report shall accompany each report. Such a letter shall include a discussion of any violations found since the last such report was submitted, and shall describe actions taken or planned for correcting those violations. If the Discharger has previously submitted a detailed time schedule for correcting said violations, a reference to the correspondence transmitting such schedule will be satisfactory. If no violations have occurred since the last submittal, this shall be stated in the transmittal letter. Monitoring reports and the letter transmitting the monitoring reports shall be signed by a principal executive officer at the level of vice president or above, or by his/her duly authorized representative, if such a representative is responsible for the overall operation of the facility from which the discharge originates. The letter shall be signed and certified as required by Provision D.3 of the Order.
- C. The Discharger shall arrange the data in tabular form so that the specified information is readily discernible. The data shall be summarized in such a manner as to clearly illustrate whether the facility is operating in compliance with the WDRs.

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- D. In the event that hazardous or other unacceptable wastes are detected, the Regional Board shall be notified by telephone within 24 hours and by writing within seven days. The type, source, and final disposition of those wastes shall also be reported.
- E. If the Discharger performs analyses for any parameter more frequently than required by this MRP, using approved analytical methods, the results shall be included in the next scheduled monitoring report.
- F. The Discharger may submit additional data to the Regional Board that are not required by this MRP in order to simplify reporting to other agencies.
- G. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records regarding monitoring instrumentation, and copies of all data submitted to regulatory agencies, for a period of at least five years. This period may be extended by request of the Regional Board at any time, and shall be extended during the course of any unresolved litigation regarding all or any part of the entire Landfill.
- H. The reporting period and the compliance file number (CI-xxxxx) must be clearly displayed on the title page to facilitate routing to the appropriate staff and file.
- I. Unless it is otherwise required by the Executive Officer, all reports required under this MRP shall be submitted to the State Water Resources Control Board (State Board) Geotracker database system in the form of searchable Portable Document Format (PDF) files. In addition, any groundwater monitoring data shall also be submitted to Geotracker in Electronic Deliverable Format (EDF). A hard copy of the report, including all original laboratory reports and field records that are used in preparation of the reports, must be kept in the Discharger's Landfill Operating Record and be available for review by Regional Board staff.

## II. Contaminated Sediment Cleanup Reporting

The cleanup of contaminated sediments required in the Order shall be reported in all semi-annual reports as following:

- A. A map showing all areas at the Landfill where cleanup activities were carried on during the reporting period.
- B. A tabular list of the contaminated sediments (in cubic yards or tons) that have been excavated and disposed of offsite, including places where contaminated sediments were shipped to, during the reporting period.
- C. All sampling and laboratory testing data obtained during the reporting period.

## III. Waste Disposal Reporting

All semi-annual reports to the Regional Board shall include the following information:

- A. A map showing the areas at the Landfill where wastes were deposited during the monitoring period.

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- B. A tabular list of the estimated average monthly quantities (in cubic yards or tons) of materials deposited each month and the methods of disposal.
- C. Quantities (in tons or cubic yards) of unacceptable materials (such as household trash, wood, etc.) that were removed and sent out from the Landfill in each month. The places where these unacceptable materials were sent to shall also be reported.
- D. An estimate of the remaining life of the Landfill in years and months.
- E. A certification that all wastes disposal operations at the Landfill were in compliance with the Regional Board's requirements.

These records and reports are public documents and shall be made available for inspection during normal business hours at the office of the California Regional Water Quality Control Board, Los Angeles Region.

Ordered by: \_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer

Date: October 13, 2016

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STANDARD PROVISIONS  
APPLICABLE TO WASTE DISCHARGE REQUIREMENTS

1. DUTY TO COMPLY

The discharger must comply with all conditions of these waste discharge requirements. A responsible party has been designated in the Order for this project, and is legally bound to maintain the monitoring program and permit. Violations may result in enforcement actions, including Regional Board orders or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Board. (Water Code, Sections 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, and 13350). Failure to comply with any waste discharge requirement, monitoring and reporting requirement, or other order or prohibition issued, reissued or amended by the Los Angeles Water Board or State Water Resources Control Board is a violation of these waste discharge requirements and the Water Code, which can result in the imposition of civil liability. (Water Code, Section 13350, subdivision (a).)

2. GENERAL PROHIBITION

Neither the treatment nor the discharge of waste shall create a pollution, contamination or nuisance, as defined by California Water Code section 13050. In addition, the discharge of waste classified as hazardous, as defined in California Code of Regulations, Title 23, Section 2521, subdivision (a) is also prohibited.

3. AVAILABILITY

A copy of these waste discharge requirements shall be maintained at the discharge facility and be available at all times to operating personnel. (Water Code, Section 13263)

4. CHANGE IN OWNERSHIP

The discharger must notify the Executive Officer, in writing at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage to a new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date forward. (Water Code, Sections 13267 and 13263)

5. CHANGE IN DISCHARGE

In the event of a material change in the character, location, or volume of a discharge, the discharger shall file with this Regional Board a new Report of Waste Discharge. (Water Code, Section 13260, subdivision (c)). A material change includes, but is not limited to, the following:

- (a) Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.

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- (b) Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
- (c) Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.
- (d) Increase in flow beyond that specified in the waste discharge requirements.
- (e) Increase in the area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. (California Code of Regulations, Title 23, Section 2210)

6. REVISION

These waste discharge requirements are subject to review and revision by the Regional Board. (Water Code, Sections 13263)

7. NOTIFICATION

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information. (Water Code, Sections 13260 and 13267)

8. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the discharger from his liability under Federal, State or local laws, nor do they create a vested right for the discharger to continue the waste discharge. (Water Code, Section 13263, subdivision (g).)

9. SEVERABILITY

Provisions of these waste discharge requirements are severable. If any provisions of these requirements are found invalid, the remainder of the requirements shall not be affected.

10. OPERATION AND MAINTENANCE

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

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staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order. (Water Code, Section 13263, subdivision (f).)

11. NOTIFICATION REQUIREMENT

Except for a discharge which is in compliance with these waste discharge requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of Section 13271 of the Water Code unless the discharger is in violation of a prohibition in the applicable Water Quality Control plan. (Water Code, Section 13271, subdivision (a).)

12. OIL OR PETROLEUM RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with Section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This provision does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan. (Water Code, Section 13272)

13. INVESTIGATIONS AND INSPECTIONS

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

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

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- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the California Water Code, any substances or parameters at any location. (Water Code, Section 13267)
- (e) Except for material determined to be confidential in accordance with applicable law, all reports prepared in accordance with the terms of this Order shall be available for public inspection at the office of the Los Angeles Water Board. Data on waste discharges, water quality, geology, and hydrogeology shall not be considered confidential.

14. MONITORING PROGRAM AND DEVICES

The discharger shall furnish, under penalty of perjury, technical monitoring program reports; such reports shall be submitted in accordance with specifications prepared by the Executive Officer, which specifications are subject to periodic revisions as may be warranted. (Water Code, Section 13267)

All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year, or more frequently, to ensure continued accuracy of the devices. Annually, the discharger shall submit to the Executive Office a written statement, signed by a registered professional engineer, certifying that all flow measurement devices have been calibrated and will reliably achieve the accuracy required.

The analysis of any material required pursuant to Division 7 of the Water Code shall be performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code. However, this requirement does not apply to field tests, such as test for color, odor, turbidity, pH, temperature, dissolved oxygen, conductivity, and disinfectant residual chlorine. (Water Code, Section 13176). Unless otherwise permitted by the Regional Board Executive officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Water Resources Control Board's Division of Drinking Water. All analyses shall be required to be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40CFR Part 136) promulgated by the United States, Environmental Protection Agency (USEPA). (California Code of Regulation, Title 23, Section 2230)

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The Quality Assurance-Quality Control Program must conform to the USEPA Guidelines "Laboratory Documentation Requirements for Data Validation", January 1990, USEPA Region 9) or procedures approved by the Los Angeles Regional Water Quality Control Board.

All quality assurance and quality control (QA/QC) analyses must be run on the same dates when samples were actually analyzed. All QA/QC data shall be reported, along with the sample results to which they apply, including the method, equipment, analytical detection and quantitation limits, the percent recovery, and explanation for any recovery that falls outside the QC limits, the results of equipment and method blanks, the results of spiked and surrogate samples, the frequency of quality control analysis, and the name and qualifications of the person(s) performing the analyses. Sample results shall be reported unadjusted for blank results or spike recoveries. In cases where contaminants are detected in QA/QC samples (e.g., field, trip, or lab blanks); the accompanying sample results shall be appropriately flagged.

The Discharger shall make all QA/QC data available for inspection by Regional Board staff and submit the QA/QC documentation with its respective quarterly report. Proper chain of custody procedures must be followed and a copy of that documentation shall be submitted with the quarterly report.

15. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or to reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies, for example, when the primary source of power of the treatment facility fails, is reduced, or is lost. (Water Code, Section 13263, subdivision (f).)

16. DISCHARGE TO NAVIGABLE WATERS

A person who discharges pollutants or proposes to discharge pollutants or proposes to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state or a person who discharges dredged or fill material or proposes to discharge dredged or fill material into the navigable waters of the United States within the jurisdiction of this state shall file a report of waste discharge in compliance with the procedures set forth in Water Code section 13260. (Water Code, Section 13376)

17. ENDANGERMENT TO HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including

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exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Office within 24 hours:

- (a) Any bypass from any portion of the treatment facility.
- (b) Any discharge of treated or untreated wastewater resulting from sewer line breaks, obstruction, surcharge or any other circumstances.
- (c) Any treatment plan upset which causes the effluent limitation of this Order to be exceeded. (Water Code, Sections 13263 and 13267)

18. MAINTENANCE OF RECORDS

The discharger shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and record of all data used to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurement;
  - (b) The individual(s) who performed the sampling or measurement;
  - (c) The date(s) analyses were performed;
  - (d) The individual(s) who performed the analyses;
  - (e) The analytical techniques or method used; and
  - (f) The results of such analyses.
19. (a) All application reports or information to be submitted to the Executive Office shall be signed and certified as follows:
- (1) For a corporation – by a principal executive officer or at least the level of vice president.
  - (2) For a partnership or sole proprietorship – by a general partner or the proprietor, respectively.

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- (3) For a municipality, state, federal, or other public agency – by either a principal executive officer or ranking elected official.
- (b) A duly authorized representative of a person designated in paragraph (a) of this provision may sign documents if:
  - (1) The authorization is made in writing by a person described in paragraph (a) of this provision.
  - (2) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity; and
  - (3) The written authorization is submitted to the Executive Officer.

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

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. (Water Code Sections 13263, 13267, and 13268)"

20. OPERATOR CERTIFICATION

Supervisors and operators of municipal wastewater treatment plants and privately owned facilities regulated by the Public Utilities Commission, used in the treatment or reclamation of sewage and industrial waste shall possess a certificate of appropriate grade in accordance with California Code of Regulations, title 23, section 3680. State Boards may accept experience in lieu of qualification training. (California Code of Regulations, Title, 23, Sections 3680 and 3680.2.) In lieu of a properly certified wastewater treatment plant operator, the State Board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Public Health where reclamation is involved. (California Code of Regulations, Title, 23, Section 3670.1, subdivision (b).)

ADDITIONAL PROVISIONS APPLICABLE TO  
PUBLICLY OWNED TREATMENT WORKS' ADEQUATE CAPACITY

- 21. Whenever a regional board finds that a publicly owned wastewater treatment plant will reach capacity within four years, the board shall notify the discharger. Such notification shall inform the discharger that the regional board will consider adopting a time schedule order pursuant to Section 13300 of the Water Code or other enforcement order unless the discharger can demonstrate that adequate steps are being taken to address the capacity problem. The notification shall require the discharger to submit a technical

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report to the regional board within 120 days showing how flow volumes will be prevented from exceeding existing capacity or how capacity will be increased. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies and the press. The time for filing the required technical report may be extended by the regional board. An extension of 30 days may be granted by the executive officer. Longer extensions may be granted by the regional board itself. (California Code of Regulations, Title, 23, Section 2232.)

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