



# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Acting Secretary for  
Environmental Protection

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Edmund G. Brown Jr.  
Governor

February 18, 2011

To Interested Agencies and Persons:

**RESPONSE TO COMMENTS – TENTATIVE AMENDMENTS TO WASTE DISCHARGE REQUIREMENTS FOR DISPOSAL AND ONSITE USE OF NON-DESIGNATED/NON-HAZARDOUS CONTAMINATED SOILS AND RELATED WASTES AT MUNICIPAL SOLID WASTE LANDFILLS (FILE NOS. 57-220, 58-076, 69-090, 60-117, 60-118, 63-082, 67-020, 69-091, 72-030, 72-035)**

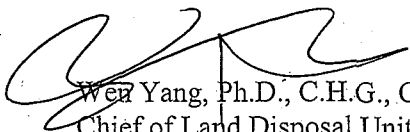
Reference is made to a letter from this Regional Water Quality Control Board (Regional Board), dated December 15, 2010, transmitting tentative *Amended Waste Discharge Requirements for Disposal/Reuse of Contaminated Soils and Other Nonhazardous Wastes at Municipal Solid Waste Landfills within the Los Angeles Region* (tentative Order). The deadline for submitting comments on the tentative Order was December 30, 2011, and was subsequently extended to February 4, 2011, by our letter dated January 28, 2011.

A total of nineteen interested agencies and persons submitted their comments on the tentative Order to the Regional Board by the extended deadline. Regional Board staff has considered all comments submitted, made appropriate revisions to the tentative Order accordingly, and prepared the attached Response to Comments. A redline version that includes all revisions to the tentative Order since it was released on December 15, 2011, as well as copies of all comments received, are also attached to this letter. For your convenience, these documents are also posted on the Regional Board website at:  
[http://www.waterboards.ca.gov/losangeles/board\\_decisions/tentative\\_orders/individual/non-npdes/Amended\\_WDR\\_for\\_Disposal/index.shtml](http://www.waterboards.ca.gov/losangeles/board_decisions/tentative_orders/individual/non-npdes/Amended_WDR_for_Disposal/index.shtml).

As has been announced previously, the tentative Order is scheduled to be considered by the Regional Board at a public hearing on March 3, 2011, at 9:00 AM, at the Metropolitan Water District of Southern California, 700 North Alameda Street, Board Room, in Los Angeles, California.

Please contact Dr. Enrique Casas, project manager, at (213) 620-2299 or me at (213) 620-2253 if you have any questions regarding this matter.

Sincerely,



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

Enclosures: Response to Comments  
Redline version of tentative Order  
Comments received

cc: See mailing list

**California Environmental Protection Agency**



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

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**A: COMMENTS SUMMARY TABLE WITH RESPONSES**

## Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
1. Wayne Fishback (12/16/2010)	(1.1) I made a complaint about the horrible runoff at the Simi Valley Landfill. Does the tentative Order reduce thresholds while you supposedly increase standards for the NPDES Permit?	The tentative Order includes storm water protection, including stormwater monitoring, which will identify and trigger controls to eliminate any potential adverse effects on the beneficial uses of surface waters (as well as of groundwater) as established in the Basin Plan, thus relate directly to your concern regarding stormwater runoff quality at the Simi Valley Landfill. The tentative Order requires that exceedances of stormwater benchmark levels that are not controlled by effective implementation of stormwater best management practices (BMPs) could, pursuant to a directive by the Executive Officer, lead to the operator being required to obtain an individual NPDES permit or enroll in a general NPDES permit. Also, the tentative Order provides the Executive Officer with the authority to terminate the onsite reuse of any wastes that contributes to degraded stormwater quality that cannot be control through permitting or operational controls. The tentative Order has not been revised in response to the comment.
	(1.2) When there are already gross violations of solid waste laws and enforcement problem at the Simi Valley Landfill; why would the Board consider relaxing the WDR standards?	Regional Board staff does not concur with the comment that there are "gross violations of solid waste laws" at the Simi Valley Landfill or that the tentative Order "relaxes" water quality protection standards. As discussed above, a primary purpose of the tentative Order is to expand surface water quality protection measures at active municipal solid waste (MSW) landfills in the Region. Staff believes that the concentration limits prescribed in the tentative Order are justified by well established landfill construction and operational standards and the stormwater pollution prevention requirements proposed in the tentative Order. The tentative Order has not been revised in response to the comment.
2. Diana Henriouille, North Coast RWQCB (12/20/2011)	How do you handle soils with metal concentrations that meet CHHSLs but exceed TTLCs?	Soils with metal concentrations exceeding TTLCs are deemed to be hazardous wastes and are prohibited from discharging at any MSW landfills per Section B.2. of the tentative Order and all site specific WDRs for the MSW landfills. The tentative Order has not been revised in response to the comment.
3. Cindy Chen, Los Angeles County Department of Public Health (1/10/2011)	On Footnote No. 3 of the tentative order, please correct the name of the current LEA of the County of Los Angeles to Department of Public Health, Environmental Health Services, Solid Waste Management Program.	The footnote has been revised as requested.

# Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
4. Theresa Jordan (1/24/2011)	(4.1) I am opposed to allowing the disposal/reuse of contaminated soils at the Calabasas and Simi Valley Landfills, because there are unresolved issues of concern related to these sites.	Contaminated soils are currently permitted to be discharged at all MSW landfills in the Region, including the Calabasas and Simi Valley Landfills under Board Order 91-93. The tentative Order is being proposed because Order 91-93 does not contain any concentration limits for pollutants other than for petroleum hydrocarbons thereby, strengthening regulation in this area. Furthermore, Order 91-93 is issued to the generators of contaminated soils and does not include any requirements for landfill operators for the disposal and reuse of such wastes at MSW landfills. The tentative Order includes specific concentration limitations for a broad range of contaminants and requirements to protect surface water quality that may be impacted by the disposal and reused of contaminated soils. The tentative Order will therefore provide better protection to the environment. No change to the tentative Order has been made in response to this comment.
	(4.2) I am opposed to terminating the Los Angeles Regional Water Board's General Order No. 91-93.	The tentative Order does not terminate general Order 91-93. If it adopted by the Regional Board, it will no longer be necessary for generators of contaminated soils to apply for coverage under Order 91-93 to discharge contaminated soils at MSW landfills. As discussed in response to Comment No. 4.1 above, the tentative Order will provide better protection to the environment for the disposal and reuse of contaminated soils at MSW landfills in the Region.
	(4.3) I am opposed to allowing the disposal/reuse of contaminated soils at any of the ten MSW landfills in the Region.	Refer to response to comment No. 4.1.
	(4.4) Finding No. 5 of the tentative Order is inconsistent with Mr. Sam Unger's letter dated September 8, 2010.	An intent of the tentative Order from its inception, as indicated in our letter of September 8, 2010, was that modern landfilling practices that promote the recycling or reuse of wastes as part of environmental control systems, not result in an increased threat to stormwater quality. The tentative Order includes stormwater protection and is consistent with the information presented in our September 8, 2010 letter. No change to the tentative Order has been made in response to this comment.
	(4.5) I am opposed to change General Order No. 91-93's "contaminants/pollutants" to "constituents of concern".	The use of the term "Contaminants/pollutants" in general Order 91-93 is in the context of profiling contaminated soils. The term "constituent of concern" is consistent with the characterization of groundwater or surface water quality. No implicit attempt to lessen the nature of the threat to groundwater or surface water quality should be interpreted from the terms used in the tentative Order, hence the terms used have not been changed in the tentative Order.

## Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
4. Theresa Jordan (1/24/2011) Continued	(4.6) Changing General Order No. 91-93's "mitigating " to "controlling" will not guarantee that water quality will not be compromised.	A primary intent of the tentative Order is to include storm water protection, including stormwater monitoring, to eliminate any potential adverse effects on the beneficial uses of surface waters (as well as of groundwater) as established in the Basin Plan. To this end, the tentative Order expand significantly on requirements in the current General Industrial Stormwater Permit with regard to stormwater quality monitoring and waste reuse practices. No change to the tentative Order has been made in response to the comment.
	(4.7) While Finding No. 12 of the tentative Order states that active MSW landfills in the Region are regulated under the General Industrial Stormwater Permit, Finding No. 10 states that "site specific demonstration project are not required" for the listed materials to be used as alternated daily cover.	Staff does not see a contradiction between the two statements. The site specific demonstration referred in Finding No. 10 is to determine if a material is suitable to be used for daily cover, while requirements in the General Industrial Stormwater Permit are applicable to all landfill activities. No change to the tentative Order has been made in response to the comment.
	(4.8) The word "GENERAL" has been deleted from the tentative Order (in comparison to Order No. 91-93).	The tentative Order is structured as amendments to existing site-specific WDRs for active MSW landfills in the Region, rather than as a direct replacement to Order 91-93 which is a general permit. The omission of "General" is not in error and no change to the tentative Order has been made in response to the comment.
	(4.9) I disagree that disposing contaminated soils to the 10 MSW landfills will eliminate or reduce to non-significant levels the threat to State waters. Finding No. 3 states of the tentative Order states "assure", not ensure, that discharges of the wastes do "not affect the quality of waters of the states."	The tentative Order includes revision of Stormwater Pollution and Prevention Plans for MSW landfills in the Region focused on the onsite use of contaminated soils and related wastes and include the expansion of qualifying stormwater sampling events and the constituents of concern that must be tested. Implementation of the requirements in the tentative Order will eliminate or reduce the threat to State waters to non-significant levels per Title 27 of the California Code of Regulations, applicable stormwaer regulations, and State Water Quality Control Plans. No change to the tentative Order has been made in response to the comment.
	(4.10) "State" and "state" are used inconsistently in the tentative Order.	The tentative Order has been modified for consistency with regard to the usage of the word "State"
	(4.11) "MSW landfills" and "Class III landfills" are used inconsistently in the tentative Order	The terms Municipal Solid Waste (MSW) landfill and Class III landfill are synonymous as defined in Finding No. 3. Omission of "or Class III" when discussing MSW landfills is made for simplicity in the tentative Order and does not alter the meaning of the term. No change to the tentative Order has been made in response to the comment.
	(4.12) "Interested Parties" and "Interested Agencies and Persons" have been used inconsistently in Regional Board correspondences.	The terms "interested parties" and "interested persons" have been used interchangeably. The meaning of the terms is self-evident and fully meets our intent to notify all interested parties or persons regarding the proposed tentative Order.



## Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
4. Theresa Jordan (1/24/2011) continued	(4.13) The tentative Order is inconsistent since the "contaminated soils concentration limits" "may vary for each landfill cited in this Order, based on site specific criteria" (Section A.2)	The tentative Order includes requirements for the disposal and on-site reuse of non-designated/non-hazardous contaminated soils at MSW landfills. The definition of designated waste, as discussed in Section C of the tentative Order is dependant on the hydrologic properties of the bedrock underlying a specific landfill. Thus, designated waste limits for a specific contaminant are site-specific and will differ for each specific landfill. For this reason, the tentative Order require that landfill operators determine designated waste limits for their landfill as part of the Waste Acceptance Program (WAP), to be approved by the Executive Officer, based on a methodology established in the tentative Order. No change to the tentative Order has been made in response to the comment.
	(4.14) I am opposed to Section F.7 of the tentative Order which states that "The Executive Officer or authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours". The written report must not be waived.	The tentative Order authorizes the Executive Officer the authority to evaluate the severity of any noncompliance associated with the tentative Order to optimize limited Regional Board staff resources. No change to the tentative Order has been made in response to the comment.
	(4.15) Section F.8 of the tentative Order contains an error. Section "a." is missing.	A header with the term "a. Signing agent" has been added to the tentative Order for consistency with numbering convention used in the Order.
	(4.16) Delete "principal executive officer" as a municipality certifying signatory. For a City, the Mayor must sign, and for the County Board of Supervisors, the Chairperson must sign.	The report certification and signing agent cited in the tentative Order is consistent with existing site-specific landfill WDRs. The CWC authorizes delegation to the Executive Officer. The provision was revised to clarify that the Executive Officer may also modify reporting requirements and to eliminate further delegation to an authorized representative.
	(4.17) Change Section H of the tentative Order to read "PENALTIES" that include H.1. and H.2. Section H.3. should be in a new section "I. NOTIFICATIONS" as Section I.1.	The proposed retitling of Section H will not change/alter the proposed provisions. No change to the tentative Order has been made in response to the comment.
	(4.18) Finding No. 10 of the tentative Order states " ... in writing to the California Integrated Waste Management Board, now the Department of Resources Recycling and Recovery (CalRecycle)". The statement must read "in writing to the Department of Resources Recycling and Recovery (CalRecycle, formerly the California Integrated Waste Management Board)".	The language is purposely structured to be consistent with section 20690(b) of the California Code of Regulations, Title 27, for the purpose of clarity. No change to the tentative Order has been made in response to the comment.
	(4.19) The file for the Simi Valley Landfill, 60-090, is in error. It should be 69-090.	Corrections have been made to the file number.
	(4.20) The information on file numbers and respective landfills should have been readily available on the Regional Board's Website.	Adopted Orders are available at our website via <a href="http://www.swrcb.ca.gov/rwqcb4/board_decisions/adopted_orders/">http://www.swrcb.ca.gov/rwqcb4/board_decisions/adopted_orders/</a>

## Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
5. Sally Coleman, Ventura Regional Sanitation District (1/26/2011)	(5.1) The Toland Road Landfill operated by the Ventura Regional Sanitation District is a fully engineered and lined landfill. In addition to the structural BMPs that the District currently utilizes, the District is willing to implement new practices that will prevent constituents in contaminated soils from getting into the surface water runoff.	The comments are noted and no change to the tentative Order has been made in response to this comment.
	(5.2) The District feels very strongly that concentration limits set for the incoming contaminated soils should not be equivalent or more restrictive than the stormwater benchmark limits set in Table 1 of the tentative Order.	The benchmark limits in Table 1 are for concentrations of pollutants in stormwater, while limits for incoming soils are concentrations of pollutants in solid. The two types of limits are therefore not comparable. No change to the tentative order has been made in response to this comment.
	(5.3) The minimum contaminants of concern (COC) required to be monitored by the tentative Order has a laboratory cost of approximately \$1000 per event per sampling point. It seems excessive to monitor for all storm events, considering the general NPDES industrial permit only requires two sampling events a year.	The revised tentative Order has been modified to be more clear about the intent of stormwater monitoring to include a suite constituents to be considered on site-specific conditions. This clarification has been made because Regional Board staff recognizes that some landfill operators who have historically completed stormwater monitoring procedures in excess of minimum requirements in the current general industrial stormwater permit so that stormwater monitoring data is available to more readily focus on an appropriate list of constituents of concern. Moreover, the Executive Officer is delegated explicit authority to revise the surface water monitoring program, including increases or reductions of monitoring constituents, sampling locations, or events. The revised tentative Order maintain ample flexibility so that each landfill operator can develop a site- and operations-specific monitoring program that can be updated as necessary to effectively align monitoring costs with the threat to stormwater quality for each landfill. Revisions to the tentative Order to clarify the intent of stormwater quality sampling are included in a redline version of the tentative Order that is part of this document.
6. Gary Hillebrand, County of Los Angeles DPW (01/27, 2011)	Data obtained by County of Los Angeles DPW indicate that sediments removed from dams and debris basins are well below threshold levels for all contaminants specified in the tentative Order. The County therefore request that soils removed from the County's dams and debris basins be exempt from further testing requirements pursuant to the tentative order.	Under the tentative Order, the mechanism for profiling soils acceptable for disposal or reuse at a MSW landfill is through a WAP developed by the landfill and approved by the Executive Officer. If soils/debris from dams and debris basins are proposed to be disposed or reused at a MSW landfill, it would be the responsibility of the landfill operator to determine whether the soils/debris complies in accordance with the approved WAP. No change to the tentative WDRs has been made in response to the comment.

## Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
7. Paul Ryan (1/27/2011)	(7.1) Would spent biofilter wood mulch be allowed for use as a BMP?	The tentative order requires landfill operators to revise the Stormwater Pollution Prevention Plan (SWPPP) for their landfill for the disposal and reused of contaminated soils and related wastes. For any BMPs that are not referenced in the tentative Order, the landfill operator must justify whether their use is appropriate and poses no risk to water quality. No change to the tentative WDRs has been made in response to the comment.
	(7.2) SCAQMD Rule section 1133.1 through 1133.3 should be included in the WDR.	SCAQMD Rule section 1133.1 through 1133.3 are rules regulating emissions inventory for composting and related operations that are enforced by SCAQMD. These rules should not be included in the tentative Order. The tentative Order has not been revised in response to the comment.
8. Beth Bax, County Sanitation Districts of Los Angeles County (2/1/2011)	(8.1) The goals and requirements of the tentative Order are not clear throughout the document. We have made suggested changes to reflect what we think is your intent of these Order. A key component of our suggested language is to state at the beginning of the waste acceptance criteria (Section C) that each discharger will prepare a site-specific Waste Acceptance Plan for accepting soils for reuse & disposal.	Staff concurs with this comment. The requirement of a site-specific WAP for each landfill has been clarified by the addition of Requirement C.1 and modification of Requirement F.2 in the tentative Order.
	8.2 We are also suggesting that related wastes are not to be discussed in Section C and that this section applies just to soil.	Staff concurs with this comment. As indicated by the title (Contaminated Soils Disposal Criteria), Section C of the tentative order includes criteria for the acceptance of contaminated soils only. The phrase "related wastes" has been deleted from relevant paragraphs in the section.
	Proposed redline comments incorporated as Document No. 1796376.	For clarity and brevity, the response by Regional Board staff to Document No. 1796376 is included in our responses to comments from Ms. Ruffell, below.
9. Theresa Jordan (2/4/2011)	(9.1) File number of Simi Valley Landfill, 60-090, is in error.	Corrections have made.
	(9.2) Requirements relevant to stormwater pollution prevention in the tentative Order will be nullified if the recently released draft General Industrial Stormwater Permit becomes policy.	To assure that the requirements in the tentative Order integrate with those of a revised General Industrial Stormwater Permit, a re-opener (Provision H.4) has been added to the tentative Order, stating that "The Regional Board may reopen this Order at its discretion, including to assure consistency with the State Water Board's general industrial stormwater permit, and revisions thereto."

## Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
10. Dave Broadbent, Targhee (2/4/2011)	The whole regulatory scheme revolves around the definition of contaminated soil. How is contaminated soil defined. Is it defined? Must all soil exported from a property be tested before placed on the land?	Footnote 1 in the tentative Order states that "As used in this Order, the phrase 'contaminated soils' means soils that are impacted by pollutants listed in this Order, but in low concentrations that the soil is not a designated or hazardous waste." The mechanism for profiling soils acceptable for disposal or reuse at MSW landfills in the Region is through WAPs to be developed by landfill operators and approved by the Executive Officer.
11. Ted Clark, R.T. Frankian & Associates (2/4/2011)	(11.1) If an operator uses a blanket (geosynthetic fabric or panel product) for ADC, does this Order require testing and verification that no mobilization constituents are derived from the blanket during storm events, or can the blanket material be considered inert?	Staff concur that use of a blanket (geosynthetic fabric or panel product) for alternative daily cover is not likely to add mobilized constituents to stormwater, thus are not specifically included in reuse requirements of the tentative Order. However, the use of such materials and assurance that they will not add pollutants at the landfill should be documented in the WAP and updated SWPPP the operator is required to develop for the Executive Officer's approval. The tentative Order has not been revised in response to the comment.
	(11.2) On page 9, E.1., we propose the following revision: "The updated COC list shall include all waste constituents appropriate to the contaminated soils or related wastes. At a minimum the COCs monitored shall include consider pH, total suspended solids, specific conductance, oil and grease, volatile organic compounds, semi-volatile organic compounds, pesticides, polychlorinated biphenyls, CAM metals, total organic carbon, nitrate-nitrogen, nitrogen as total Kjeldahl, and total phosphorous."	Refer to response to Comment No. 5.3
	(11.3) An operator may be able to demonstrate that specific compounds are not present in leachate or condensate – and do not appear to be waste constituents at the site; and/or not present (or not statistically significant) in groundwater downstream from the landfill – and are unlikely to be mobile stormwater COCs. In both cases, such compounds should not be required stormwater COCs.	The rate that a pollutant being leached out of wastes could be much faster when the wastes are exposed to surface water comparing when such wastes are landfilled with MSW. The fact that a pollutant has not been detected in leachate does not necessary prove that it cannot get to surface water and cause pollution. The tentative Order, therefore, requires landfill operators to consider monitoring a broad range of COCs. No change to the tentative WDRs has been made in response to this comment.

## Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
11. Ted Clark, R.T. Frankian & Associates (2/4/2011) Continued	(11.4) The Order would require sampling of "all discrete storm events that results in runoff ..." therefore, a typical rain year might generate 15 stormwater sampling events, while the heavy rainfall in 2004/2005 generated over 30 sampling events. For a site with two discharge points, that typical year translates to laboratory fees of almost \$37,000, plus labor for sampling and reporting, and \$74,000 for lab fees during a year with heavy rains.	Refer to response to Comment No. 5.3.
	(11.5) If staff believes additional data are needed in order to develop appropriate stormwater monitoring programs, then we suggest allowing an initial time period for data gathering to assess water quality and sampling frequency needs at each site. Given that the Order may be adopted March 3, 2011, near the end of the 2010/2011 wet season, we propose using the 2011/2012 wet season for the data gathering phase. During this period, operators may conduct sampling and analysis of potential COCs (as listed in E.1.) in order to develop an appropriate COC list and sampling frequency for each site.	If the tentative Order are adopted on March 3, 2011, landfill operator would be required to submit revised stormwater sampling protocols to comply with requirements of Section D (Stormwater Monitoring Program) for approval by the Executive Officer by April 18, 2011. Given staff resources available, and the number revised stormwater sampling protocols that are required, Regional Board staff is targeting implementation of stormwater monitoring to commence with the 2011/2012 wet season. A change in the implementation schedule from 45 to 60 days after the adoption of the tentative Order was accepted in the belief that implementation of stormwater monitoring commencing with the 2011/2012 wet season is not threatened.
12. Mike Dean, Southern California Waste Connections, Inc (2/4/2011)	(12.1) The State Water Board has issued a draft General Industrial Permit that is much more stringent than the existing General Industrial. Many of the requirements of the draft General Industrial Permit are duplicative of the requirements of the tentative Order and make the requirements of the tentative Order unnecessary.	Refer to Response to Comment No. 9.2. Because the schedule for adopting the draft State Water Board General Industrial Stormwater Permit requirements cannot be predicted at this time, it unwarranted to eliminate relevant requirements in the tentative Order. A re-opener has been added to the tentative Order to address any redundancies or inconsistencies in the future.
	(12.2) The tentative Order should be revised to address only contaminated soils and delete any reference to "related wastes". This is consistent with the existing 91-93 which only addresses soils.	Section C (Contaminated Soils Disposal Criteria) of the tentative Order has been revised to be applicable to contaminated soils only. However, requirements related to stormwater BMPs and monitoring requirements in the tentative Order have not been changed in response to this comment, as staff believes that such requirements are equally important for the disposal and reuse of both contaminated soils and related wastes.
	(12.3) Stormwater pollution prevention related requirements (revised SWPPP, BMP, and monitoring) should be deleted from the tentative Order and rely upon the new General Industrial Stormwater Permit.	Refer to response to Comments No. 12.1 and 12.2 above.

## Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
13. Chris Fall, Advantage Disposal & Recycling Services (2/4/2011)	(13.1) The tentative Order appears to conflict with existing regulations that authorize and encourage the beneficial re-use of the materials. We believe that including the beneficial re-use materials listed in Finding No.10 of the tentative Order within the scope of these new regulations will ultimately significantly restrict the use of these materials.	The tentative Order has been revised to clarify that materials listed in Finding No. 10 will not be subject to the concentration limits for contaminated soils. The intent to include such materials in the tentative Order is not to restrict or discourage their reuse of such materials at MSW landfills, but to ensure that their reuses are conducted in an environmentally sound manner, which is consistent with the California Water Code, California Code of Regulations, Title 27 of the California Code of Regulations, and other relevant State and Federal regulations.
	(13.2) As a stakeholder we have been left out the Board's tentative Order development process.	The Regional Board followed the law and proper notice procedures with respect to this Order. The announcement of preparing the tentative Order was sent to more than 80 known interested persons on September 8, 2010, and published on a newspaper that circulated in the Region and posted on the Regional Board website. Staff conducted two information workshops on October 6, 2010, and January 27, 2011 to present requirements in the tentative Order. The deadline for submitting comments about the tentative Order was extended from January 30, 2011 to February 4, 2011 to allow more time for interested persons to submit comments. Since you submitted comments, you have not been left out of the process. Staff has added your name to the Board's interested person list for this matter.
	(13.3) The proposed tentative Order will place cities and counties needlessly at risk for losing long-standing diversion credit and being penalized under AB 939. In this economy the city doesn't need any additional burden.	As discussed above, the intent of the tentative Order is not an explicit or implicit attempt to limit the beneficial use of wastes at municipal waste landfills. No change to the tentative Order has been made in response to the comment.
	(13.4) We strongly suggest that the Regional Board reconsider its current position in attempting to regulate beneficial re-use materials. At a minimum we suggest that the Regional Board re-consider its timeline for adopting this tentative Order and allow for much more time for input from the stakeholders.	As discussed above, the intent of the tentative Order is not an explicit or implicit attempt to limit the beneficial use of wastes at municipal waste landfills. We have conducted an administrative process that has allowed for significant review and comments to the tentative Order by interested parties. Regional Board staff does not agree that delaying the consideration of the tentative Order is warranted. No change to the tentative Order has been made in response to the comment.
14. Andy Hovey, Ventura Regional Sanitation District (2/4/2011)	The comments are presented on a "track change" copy of the tentative Order.	Staff evaluated all proposed modifications in the context of the comments, as well as comments made by Ventura Regional Sanitation District during the work shops held on October 6, 2010, and January 27, 2011, and made revisions to the tentative Order as appropriate. A redline version of the tentative Order is included as part of this document.
15. John Richardson, Crown Disposal (2/4/2011)	The comments provided by Mr. John Richardson are identical to those of Mr. Chris Fall as summarized in No. 13 above.	Refer to response to Comment No. 13.

## Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
16. Kristen Ruffell, County Sanitation Districts of Los Angeles County (2/4/11)	(16.1) County Sanitation Districts of Los Angeles County provided comments on the tentative Order in the form of edits to a PDF file, in addition to detailed comments summarized below.	Staff evaluated all proposed modifications in the context of the comments, as well as comments made by County Sanitation Districts of Los Angeles County during the work shops held on October 6, 2010, and January 27, 2011, and made revisions to the tentative Order as appropriate. A redline version of the tentative Order is included as part of this document.
	(16.2) Please clarify that the reuse and disposal criteria established in Section C of the tentative Order are intended solely for soils and are not applicable to the list of "related wastes" identified in Finding Nos. 9 and 10 of the tentative Order.	Section C of the tentative Order has been revised so that the criteria are applicable to contaminated soils only.
	(16.3) The intermixed uses of "disposal" versus "reuse" and "soils" versus "soils or related wastes" have created conflicting interpretations and confusion in determining the applicability of the waste discharge requirements in the tentative Order.	Revisions have made to the tentative Order to clarify waste acceptance procedures, as suggested.
	(16.4) Please clarify the threshold limit concentrations provided in the Contaminated Soils Disposal Criteria 1.b.(i), (ii), and (iii) in Section C of the tentative Order.	Regional Board staff has made refinement to the requirements for development of WAPs to allow for appropriate profiling of contaminated soils to comply with requirements of the tentative Order. Revisions to the tentative Order in response to the comment are included in the redline version of the tentative Order that is part of this document.
	(16.5) Clarification is needed on the list of COCs and a definition for "discrete" storm events to comply with the expanded stormwater monitoring program and the associated benchmark values established in Section E of the Tentative Order.	To be consistent with the draft General Industrial Stormwater Permit that was recently released by the State Water Board, the term "discrete storm events" in the tentative Order has been replace with "qualifying storm events", which is defined in Footnote No. 10 of the revised tentative Order. For clarifications of COCs and associated benchmark values, please refer to response to Comment No. 5.3.
	(16.6) The development of a site-specific Waste Acceptance Program, an Implementation Plan, and an updated list of COCs for the expanded stormwater monitoring program is anticipated to require a longer timeframe than proposed in the tentative Order.	Refer to our response to Comment No. 11.5. A change in the implementation schedule from 45 to 60 days after the adoption of the tentative Order, to be consistent with the stormwater monitoring program, was made to the tentative Order. Moreover, to assure that there is no unintended restriction on waste acceptance practices at Region landfills, Provision F.2 of the tentative Order have been revised to allow landfill operators to implement their WAPs while they are under review by the Executive Officer.

## Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
17. Paul Ryan, Los Angeles County Waste Management Association (2/4/2011)	(17.1) My comments are focused on the requirements for the on-site use and reuse of green waste and wood waste used as alternate daily cover (ADC), composts, mulches, erosion control products and other soil amendments noted as related wastes in the tentative Order. In general, the tentative Order does not delineate the constituents of concern that may impact water quality or when these wastes can be used as BMPs to prevent erosion, sediment loss, or immobilize or reduce constituents that exceed benchmark contaminant values.	Staff concurs that these wastes can be utilized as effective best management practices (BMPs) to prevent erosion and sediment loss, and can potentially immobilize pollutants or reduce the amount pollutants released to stormwater. The use of these materials as BMPs at MSW landfills is not restricted in the tentative Order. However, such usage should be carefully considered on a site-specific basis to assure that the benefit they provide is not offset by potential pollution to stormwater. No change to the tentative Order has been made in response to the comment.
	(17.2) It seems appropriate to revise the adoption schedule of the tentative Order to allow additional time to meet with industry stakeholders to address issues brought about by the requirements of expanded stormwater monitoring program in the tentative Order.	Staff disagrees that additional time is necessary to consider the merit of the tentative Order. Refer to response to Comment No. 13.2 for the development process of the tentative Order.
	(17.3) It is not clear how the aforementioned wastes should be handled in load-check programs, plans for waste acceptance, and wet weather conditions.	The tentative Order require that a WAP and a revised SWPPP be submitted by the landfill operator and approved by the Executive Officer. The acceptance and handling of such wastes at landfills are elements of those plans and will be evaluated during Regional Board staff review of those documents. No change to the tentative Order has been made in response to the comment.
	(17.4) We feel that is necessary to establish clearly understandable guidance and methodologies to assure that water quality is protected through the appropriate use and reuse of green waste and wood waste feedstocks and finished products at MSW landfills.	Refer to response to Comment No. 17.3. MSW landfills are encouraged to propose detailed methodologies for the appropriate use and reuse of such wastes in the WAPs and SWPPPs.
18. Bonnie Teaford, City of Burbank (2/4/2011)	(18.1) The Burbank Landfill has not and does not intend to accept contaminated soils and does not use any alternative daily cover other than fabric tarps. we believe that the landfill would fall under criterion C.1. of the tentative Order and would not be expected to develop a waste acceptance criteria document referenced in section C.3. or implement the items detailed in sections D, E, or F of the tentative Order.	Provision C.2 of the tentative Order indicates that "Clean and slightly contaminated soils, for which waste contaminant concentrations do not exceed the ....threshold criteria may be disposed of, or used onsite .... without restriction", i.e. the landfill operator would not have to comply with stormwater monitoring associated with the tentative Order. Nevertheless, pursuant to Provision C.2.b. of the tentative Order, landfill operators would be required to develop a WAP to profile threshold concentration levels for contaminated soils. Also, the landfill operator would remain subject to the current general industrial stormwater permit, and any future revisions thereof. No change to the tentative Order has been made in response to the comment.



## Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
18. Bonnie Teaford, City of Burbank (2/4/2011) Continued	(18.2) Furthermore, we believe that we would not need to analyze samples from incoming loads of clean soil for the constituents referenced in sections C.1.a, C.1.b.i, ii, and iii.	The tentative Order provides that site specific soil accepting measures as well as any necessary expansion of stormwater monitoring must be incorporated in the WAP and SWAPPP for the site and approved by the Executive Officer. No change to the tentative Order has been made in response to the comment.
19. Scott Tignac, Waste Management (2/4/2011)	(19.1) Page 3 – Item 10 – says that all approved ADC under 27 CCR 20690(b) is subject to this order, but no additional discussion of treated auto shredder wastes (TASW), tires, processed C&D, etc. Are there plans to reevaluate the declassification of TASW?	No. It is not the intent of the tentative Order to reevaluate the declassification of TASW.
	(19.2) Page 3 – Item 11: Does this refer to only the “bulleted” items in Finding #10 or any approved daily cover material with mobilizable constituents?	Waste considered in Finding No. 11 include the waste listed in Finding No. 10, as well as any other wastes approved for onsite use that have mobilizable constituents. To clarify that the wastes allowed for onsite use is not limited to those listed in Finding No. 10, the phrase “as well as any other wastes approved by the Executive Officer” has been added to the finding.
	(19.3) Page 5 – Item B.4.: Perhaps should read, ‘Soils knowingly contaminated with used oil’	Staff believes that the qualifier ‘knowingly’ in the proposed statement is implicit and not necessary. No change to the tentative Order has been made in response to the comment.
	(19.4) Page 7 – Item C.2.b.: This item only references 100X MCL (on a per weight basis), but not PRG or CHHSL?	Staff concurs that PRG and CHHSLs should be considered when developing a WAP for appropriate disposal of contaminated soils in unlined landfills. Revisions to the tentative Order in response to the comment are included in the redline version of the tentative Order that is part of this document.
	(19.5) Page 7 – Item C.2.: mobile and non-mobile parameters are lumped together under a 100X multiplier. Other Regions have used a different Dilution Attenuation Factors (DAF) for mobile vs. non-mobile constituents. This approach may warrant staff’s consideration.	Staff has refined requirements for the development of WAP to allow for appropriate profiling of contaminated soils to comply with the Order. Revisions to the tentative Order in response to the comment are included in the redline version of the tentative Order that is part of this document.
	(19.6) What criteria were used to establish the maximum TPH concentrations for disposal in Class III landfills? Why not permit the use of site-specific limits as discussed in C.3.?	Acceptance levels for total petroleum hydrocarbons included in the tentative Order were selected to be consistent with criteria established in this Regional Board’s May 1996 Interim Site Assessment and Cleanup Guidebook for clean-up sites with an intermediate and deep groundwater sites. No change to the tentative Order has been made in response to the comment.

## Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
19. Scott Tignac, Waste Management (2/4/2011)	(19.7) Page 8 – Item D: How does the landfill make the determination that “the contaminants shall not be mobilized at concentrations that would adversely affect beneficial uses of waters of the State in the event of a release”? Which leaching procedure should be utilized? Would de-ionized water be a suitable leachate?	The determination is made through implementation of the stormwater monitoring requirements included in the tentative Order. No change to the tentative Order has been made in response to the comment.
	(19.8) Page 9 – Item E: The expanded storm water requirements are very onerous (both parameters and frequency) and appear to disregard solid waste regulations regarding containment of contact water and storm water regulations. The Solid Waste Facility Permit, Landfill WDR and the Industrial Storm Water General Permit address the management of materials used for alternative daily cover and should be used as the regulatory mechanism. It seems unnecessary that a separate WDR aimed at controlling the use of alternative daily cover at the ten facilities in the LA area is required when other regulations should be used to manage this material.	As stated in Finding No. 5 of the tentative Order, increasingly the generators of contaminated soils or landfill operators request approval for use of contaminated soils and related wastes at landfills within the Region. Also, as stated in Finding No. 12 of the tentative Order, surface water monitoring results for landfills in the Region indicates that benchmark limits are commonly exceeded. Thus, an explicit intent of the tentative Order is to expand on requirements of the current General Industrial Stormwater Permit in responding to more aggressive waste use practices at MSW landfills in the Region in order to ensure the protection of surface waters. No change to the tentative Order has been made in response to the comment.
	(19.9) Section A.7 of the current General Industrial Stormwater Permit requires facility operators to develop and implement additional BMPs as appropriate and necessary to prevent or reduce pollutants associated with each source and to monitor the storm water for those pollutants. Additionally, the recently issued Draft General Industrial Stormwater Permit requires, in part, the discharger to analyze for parameters required by the Regional Water Board. This would allow the Water Board to require the Landfills that accept contaminated soil as ADC to monitor for additional parameters. We recommend that the storm water section of this WDR be eliminated.	Refer to response to Comment No. 12.1.
	(19.10) The analytical cost for the identified storm water parameters can be upward of \$1,100.00 per sample. Many sites have 3-5 discharge locations. Without limitation to the number of storm water samples, the cost could be significant.	Refer to response to Comment No. 5.3.
	(19.11) WMC would like to request that Board staff reconsider the approach of using MCLs (on a “per weight basis”) for comparison to soil levels.	Staff has refined requirements for development of a WAP to allow for appropriate profiling of contaminated soils to comply with requirements of the tentative Order. Revisions to the tentative Order in response to the comment are included in the redline version of the tentative Order that is part of this document.

## Response to Comments

Item 11

Commenter (Date Submitted)	Summary of Comment	Response/Action
19. Scott Tignac, Waste Management (2/4/2011) Continued	(19.12) The unrestricted use section is problematic. Using PRGs/CHHSLs will produce threshold levels significantly higher than an MCL comparison. For example, the PRG for TCE in industrial soil is 14 mg/kg and the CHHSL for DDT is 9 mg/kg. If TCE were instead restricted based on MCL using the comparison criteria, the soils concentration for unrestricted use would be 0.005 mg/kg (5 ug/kg, equivalent to 5 ug/L)	The "100 times of MCL" criteria is applicable only when an appropriate PRG or CHHSLs is not available. Refer to response to Comment No. 19.11 for refined requirements for development of a WAP.
	(19.13) Using the rule of 100x the MCL for acceptance to an unlined landfill, the maximum TCE concentration would be 0.5 mg/kg (500 ug/kg), compared to 14 mg/kg PRG number.	Refer to response to Comment No. 19.12.
	(19.14) WMC would like to request a 90-day timeline for the discharger to prepare a Waste Acceptance Plan.	Refer to our response to Comment No. 11.5 and 16.6. A change in the implementation schedule from 45 to 60 days after the adoption of the tentative Order, to be consistent with the stormwater monitoring program, was made to the tentative Order.

**B: REDLINE COPY OF REVISED TENTATIVE ORDER**

Note: For the following redline version of the tentative Order, deletions are in a bold-strikeout format, additions are in a bold-underline format.

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

ORDER NO. R4-2011-XXX

AMENDMENTS TO WASTE DISCHARGE REQUIREMENTS  
FOR DISPOSAL AND ONSITE USE OF NON-DESIGNATED / NON-HAZARDOUS  
CONTAMINATED SOILS AND RELATED WASTES  
AT MUNICIPAL SOLID WASTE LANDFILLS

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

1. On July 22, 1991, this Regional Board adopted Order No. 91-93; General Waste Discharge Requirements for Discharge of Non-Hazardous Contaminated Soils and Other Wastes in Los Angeles River and Santa Clara River Basins. Order No. 91-93 contains general waste discharge requirements (WDRs) to regulate the discharge of non-designated / non-hazardous contaminated<sup>1</sup> soils and other wastes in the Los Angeles Region.
2. Soils contaminated with moderate concentrations of total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), organochlorine pesticides, polychlorinated biphenyls (PCBs), and California Assessment Manual (CAM) metals, are wastes as defined in California Water Code (CWC) section 13050 and are required to be regulated under waste discharge requirements pursuant to CWC section 13263(a). The discharge of such wastes to land could affect the quality of the waters of the State state if not properly managed. This Order sets forth requirements to ensure ~~assure~~ that discharge of such wastes does not affect the quality of waters of the state.
3. Land disposal of contaminated soils to properly engineered and managed municipal solid waste (MSW or Class III) landfills is an efficient and economical means of controlling the effects of such discharge of waste. The threat to waters of the State is thereby eliminated or reduced to non-significant levels.
4. Each year this Regional Board receives a large number of requests for the disposal of contaminated soils and related wastes. For each such request, the Regional Board has to determine the concentration of the significant constituents of concern in the waste, the regulatory limits, if any, for these constituents, and the potential impact on the waters of the State from the disposal of the waste. Such requests are anticipated to continue and far exceed the capacity of the Regional Board to review and consider general WDRs for each applicant in a timely manner. These circumstances create the need for an expedited system for processing the numerous requests for the disposal of these moderately contaminated soils and related wastes without compromising water quality.
5. Increasingly, the generators of contaminated soils or landfill operators request approval for use of contaminated soils and related wastes at landfills within the Region, rather than disposal, as a

<sup>1</sup> As used in this Order, the phrase "contaminated soils" means soils that ~~contain any of the~~ are impacted by pollutants listed in this Order, but in low enough concentrations that the soil is not a designated or hazardous waste.

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component of environmental control systems. Most often the request is for use as cover materials<sup>2</sup>, more specifically for use as alternative daily cover.

6. MSW landfills in the Region are regulated pursuant to individual WDRs to receive municipal waste. Such WDRs generally do not include requirements for the disposal or reuse of contaminated soils and related wastes. Routinely, landfill operators are required to develop and implement "load-checking programs" to limit unacceptable wastes from being discharged. Due to the nature of contaminated soils, the waste constituents in the soils cannot readily be detected through load-checking programs. Thus, routine load-checking programs implemented through individual WDRs for operating MSW landfills in the Region are not adequate to regulate the discharge of contaminated soils.
7. The adoption of amendments to WDRs for disposal of contaminated soils, and reuse of contaminated soils; and related wastes, ~~disposal~~ would assist in:
  - a. Protecting groundwaters and surface waters of the State from pollution or contamination;
  - b. Clarifying requirements for contaminated soils disposal at Region MSW landfills; and
  - c. Reducing time expended by Regional Board staff on preparing and considering WDRs on a project specific basis.
8. Water quality protection requirements for cover materials at MSW landfills are contained in section 20705(e) of title 27 of the California Code of Regulations (27 CCR) as follows:

Limitations on Cover Materials — Except for reusable covers that are never incorporated into the landfill, daily and intermediate cover shall only consist of materials:

  - a. Match Landfill Classification — which meet the classification criteria for wastes that can be discharged to that landfill. Therefore, a material that would be classified as a designated waste cannot be utilized for daily or intermediate cover at a Class III landfill unless that material is approved for discharge (as a waste) to that landfill pursuant to 27 CCR, section 20200(a)(1); and
  - b. Composition — whose constituents (other than water) and foreseeable breakdown byproducts, under the chemical (including biochemical) and temperature conditions which it is likely to encounter within the landfill, either:
    - i. for non-composite lined portions of the landfill, are mobilizable only at concentrations which would not adversely affect beneficial uses of waters of the State, in the event of a release; or
    - ii. for composite-lined portions of the landfill, are listed as constituents of concern in the landfill's water quality protection standard, created pursuant to 27 CCR section 20395.

<sup>2</sup> Cover material is defined in 27 CCR, section 20164, to mean soils/earthen materials or alternative materials used in covering compacted solid wastes in a disposal site. Cover material may serve as daily, intermediate or final cover. Alternative daily cover means cover material other than at least six inches of earthen material, placed on the surface of the active face at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging.

9. Pursuant to 27 CCR, section 20686, beneficial reuse of solid wastes at MSW landfills shall include, but not be limited to, the following: alternative daily cover, alternative intermediate cover, final cover foundation layer, liner operations layer, leachate and landfill gas collection system, construction fill, road base, wet weather operations pads and access roads, and soil amendments for erosion control and landscaping. This Order specifies criteria for the various reuse of materials at landfills in the Los Angeles Region.
10. Pursuant to 27 CCR section 20690(b), all types of alternative daily cover must be approved by the local enforcement agency (LEA)<sup>3</sup> in writing to the California Integrated Waste Management Board, now the Department of Resources Recycling and Recovery (CalRecycle), prior to use at MSW landfills as consistent with 27 CCR, section 21570 through section 21686. Proposed uses of alternative daily cover materials potentially require site specific demonstration projects approved by the LEA with concurrence by CalRecycle to establish suitability as daily cover. However, site specific demonstration projects are not required for the following materials used as specified and in accordance with 27 CCR section 20690(a):
- Non-designated, non-hazardous contaminated sediment (or soils), dredge spoils, foundry sands, energy resource exploration and production wastes;
  - geosynthetic fabric or panel products (blankets);
  - foam products;
  - processed green material;
  - sludge and sludge-derived materials;
  - ash and cement kiln dust materials;
  - treated auto shredder waste;
  - compost materials;
  - processed construction and demolition wastes and materials;
  - shredded tires; and
  - spray applied cementitious products.
11. The alternative daily cover materials listed in Finding No. 10 above, as well as any other wastes that meet requirements in section 20690(b) of 27CCR for use as alternative daily cover, with mobilizable constituents, constitutes the related wastes subject to the requirements in this Order.
12. In addition to site specific WDRs, active MSW landfills in the Region are regulated under State Water Resources Control Board (State Water Board) Water Quality Order No. 97-03-DWQ (National Pollutant Discharge Elimination System [NPDES] General Permit No. CAS000001), Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities; General Industrial Permit). Monitoring requirements in the General Industrial Permit for municipal waste landfills are currently relatively limited, with only two stormwater sampling events required per year and benchmarks are established for only pH, total suspended solids (TSS), specific conductance, oil and grease or total organic carbon, and iron. Surface water monitoring results for landfills in the Region indicate that benchmark limits are commonly exceeded. Based on the 2008-2009 industrial

<sup>3</sup> Current LEAs in the Region for active landfills include the County of Los Angeles (Department of Health Services, Solid Waste Management Department), the City of Los Angeles (Environmental Affairs Department), and the County of Ventura (Environmental Health Division).

stormwater annual reports submitted for permitted landfills in the Region, TSS results ranged from 1,100 to 59,000 mg/L in stormwater samples, in comparison to the benchmark value of 100 mg/L for TSS.

13. Landfill disposal and onsite use of contaminated soils and related wastes may result in additional sediment or mobilized wastes released into surface water bodies if not properly managed. Sediment can be detrimental to aquatic life (primary producers, benthic invertebrates, and fish) in water bodies by interfering with photosynthesis, respiration, growth, reproduction, and oxygen exchange. In addition, sediment particles can transport other ~~contaminants~~ wastes that are attached to them, including nutrients, trace metals, and petroleum hydrocarbons. Sediment particles such as silts and clays are the primary components of turbidity, TSS, and suspended sediment concentration water quality analytical parameters. Sediment and other ~~contaminants~~ wastes, if present in higher than normal concentrations, can be toxic to marine biota and humans.
14. The issuance of this Order establishing WDRs for the landfilling and reuse of contaminated soils and related wastes, as described in Finding Nos. 11 and 12 above, is consistent with this Regional Board's goal to provide water resources protection, enhancement, and restoration, while balancing economic and environmental impacts as stated in the Strategic Plan of the State Water Resources Control Board and the Regional Boards, and in conformance with the Porter-Cologne Water Quality Control Act (CWC, section 13000, et seq.). The purpose of this Order is to develop consistent acceptance criteria for non-hazardous contaminated soil and related wastes at landfills in the Region.
15. This Order is applicable to all active MSW landfills in the Region, which currently include the Calabasas, Chiquita Canyon, Pebbly Beach, Puente Hills, Savage Canyon, Scholl Canyon, Simi Valley, Burbank, Sunshine Canyon, and Toland Road landfills, under File Nos. 60-118, 67-020, 72-030, 57-220, 63-082, 60-117, 69-090, 72-035, 58-076, 69-091, respectively.
16. These WDRs are not applicable to the onsite or offsite reuses, such as soil backfilling, of uncontaminated or slightly contaminated soil as defined in Section C of this Order.
17. These WDRs shall not be interpreted or applied in a manner that alters or supersedes any existing restrictions or working arrangements relating to cleanup cases regulated by any federal, state or local governmental agencies.
18. These WDRs are not intended to regulate the transport of contaminated soils to treatment facilities, the land-treatment of contaminated soils, or the discharge of soils to inert waste landfills, nor do they regulate the reuse of contaminated soils at site cleanup projects overseen by this Regional Board. These activities are regulated either by individual WDRs, cleanup and abatement orders, or other general WDRs adopted by this Regional Board.
19. The Regional Board adopted a revised Water Quality Control Plan for the Los Angeles Region (Basin Plan) on June 13, 1994. The Basin Plan contains beneficial uses (municipal and domestic supply, agricultural supply, industrial process supply, industrial service supply, groundwater recharge, and freshwater replenishment) and water quality objectives for groundwater in the Los Angeles Region. The requirements in this Order, as they are met, will be in conformance with the goals of the Basin Plan.



AMENDMENTS TO WASTE DISCHARGE REQUIREMENTS  
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20. Section 13263(e) of the CWC provides that the Regional Board shall periodically review and revise adopted WDRs.
21. All active MSW landfills in the Region are existing facilities and as such, the adoption of this Order is exempt from the provisions of the California Environmental Quality Act in accordance with 14 CCR, chapter 3, article 19, section 15301.
22. The Regional Board has notified interested parties of its intent to amend waste discharge requirements for all active MSW landfills in the Region.
23. The Regional Board, in a public meeting heard and considered all comments pertaining to the disposal of contaminated soils and related wastes at all active MSW landfills in the Region.
24. Any person aggrieved by this action of the Regional Board may petition the State Water Board to review the action in accordance with CWC section 13320 and 23 CCR, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of adoption of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or ~~State~~ 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/index.shtml](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml) or will be provided upon request.

**IT IS HEREBY ORDERED** that dischargers for active MSW landfills in the Region, which currently include the Calabasas, Chiquita Canyon, Pebbly Beach, Puente Hills, Savage Canyon, Scholl Canyon, Simi Valley, Burbank, Sunshine Canyon, and Toland Road landfills, shall comply with the following requirements pertaining to their corresponding landfill(s):

**A. APPLICABILITY**

1. This Order shall serve as WDRs for the disposal ~~and onsite use~~ of non-hazardous contaminated soils and the onsite use of non-designated / non-hazardous contaminated soils, or related wastes, at MSW landfills in the Region.
2. Contaminated soils concentration limits ~~for soils or related wastes~~ are established in Section C of this Order and may vary for each landfill cited in this Order, based onsite specific criteria, including existing environmental control systems (composite liners, leachate collection and removal systems, etc.), landfilling operations (i.e., best management practices, BMPs), and hydrogeologic setting.
3. A MSW landfill operator who accepts non-designated / non-hazardous contaminated soils for disposal, or related waste materials (as defined in Finding No. 11 of this Order) for onsite use, shall be subject to the requirements of the storm water program set forth in Section E of this Order.

**B. PROHIBITIONS**

1. The disposal of contaminated soils, or onsite use of contaminated soils or related wastes except in compliance with this ~~that are in violation of~~ the Order is prohibited.

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2. Contaminated soils or related wastes that are deemed to be hazardous waste, as defined in article 11, title 22 of California Code of Regulations (22 CCR), shall not be discharged at MSW landfills in the Region.
3. Contaminated soils or related wastes that are deemed to be designated waste, as defined in Section 13173 of CWC, shall not be discharged at MSW landfills in the Region.
4. Since 1987, it has been illegal in California to dispose of used or waste oil in sewers, drainage systems, surface water, ground waters, water courses, marine waters, or municipal waste, or onto land, or by domestic incineration. Soils contaminated with used oil are prohibited for disposal at MSW landfills in the Region pursuant to this Order.
5. The disposal or reuse of contaminated soils or related wastes at MSW landfills in the Region shall not violate requirements of the discharger's local air quality regulations ~~South Coast Air Quality Management District Rule 1150.1 for constituents listed in Table 1 (Carcinogenic and Toxic Air Contaminants).~~
6. The discharge of waste shall not:
  - a. Cause ground waters or surface waters to exceed the water quality objectives as established in the Basin Plan or other applicable State Water Board Water Quality Control Plans, or to cause surface water to exceed applicable California Toxic Rule or National Toxic Rule water quality criteria;
  - b. Cause pollution, contamination, or nuisance, or adversely affect beneficial uses of ground or surface waters as established in the Basin Plan;
  - c. Cause the occurrence of coliform or pathogenic organisms in waters pumped from a groundwater basin;
  - d. Cause the occurrence of objectionable tastes and odors in waters pumped from a groundwater basin;
  - e. Cause waters pumped from a groundwater basin to foam;
  - f. Cause the presence of toxic materials in groundwater; or
  - g. Cause the pH of waters pumped from a groundwater basin to fall below 6.0, or rise above 9.0.
7. Odors, vectors, and other nuisances of contaminated soils waste origin beyond the limits of the landfill are prohibited.
8. The discharge of contaminated soils or related wastes to surface drainage courses is prohibited.
9. Basin Plan prohibitions shall not be violated.

C. CONTAMINATED SOILS DISPOSAL CRITERIA

1. A landfill operator who accepts contaminated soils at an active MSW landfill shall develop a Waste Acceptance Program, for approval by the Executive Officer, to comply with disposal requirements of the Order, as discussed below.

1.2. Unrestricted Onsite Use of Contaminated Soils or Related Waste:

Clean and slightly contaminated soils, for which waste concentrations do not exceed the following threshold criteria may be disposed of, or used onsite, at any portion of an active MSW landfill without restriction.

- a. For petroleum hydrocarbon contaminated soils, the threshold concentration is a total petroleum hydrocarbon (TPH) concentration of 10 mg/kg in the gasoline (C4-C12) or diesel (C13-C22) carbon-chain range, or 500 mg/kg in the C23 or greater carbon-chain range.
- b. Threshold concentration levels for constituents other than petroleum hydrocarbons required to be profiled to comply with disposal requirements of monitored by this Order, that shall be considered during the development of the site-specific Waste Acceptance Program for soils shall include:
  - i. Soils with an average, contaminant-specific concentration that does not exceed a Preliminary Remediation Goal (PRG)<sup>4</sup> for residential industrial sites established by the U.S. Environmental Protection Agency (USEPA).
  - ii. Soils with an average, contaminant-specific concentration that does not exceed a California Human Health Screening Level (CHHSL)<sup>5</sup> for residential industrial sites established by the California Environmental Protection Agency (Cal-EPA).
  - iii. Soils for which a PRG or CHHSL has not been established with an average, contaminant-specific concentration that does not exceed, on a per weight basis<sup>6</sup>, a 100 times of maximum contaminant level (MCL) established by the United States Environmental Protection Agency (USEPA) or the State of California Department of Public Health Services.
  - iv. Constituents that naturally occur in soils may exceed the threshold concentration levels provided in Section C.1.b (e.g., metals). Average concentrations shall be considered for these naturally occurring constituents in the Region. A demonstration must be made that they are naturally occurring and that these levels will not result in exceedences of water quality standards in surface or groundwaters surrounding the landfill.

2.3. Criteria for Disposal of Contaminated Soils or Related Waste to Unlined Landfills:

<sup>4</sup>Reference information can be found in the 2004 version of the USEPA Region 9 PRG table at <http://www.epa.gov/region9/superfund/prg/index.shtml> at <http://www.swrweb.ca.gov/rwgeb2/esl.shtml>

<sup>5</sup>Reference information can be found at <http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf>

<sup>6</sup>For example, soil results reported in mg/Kg should be compared to an MCL in mg/L.

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Limits for disposal of contaminated soils ~~and related wastes~~ to **unlined, or unlined portions,** of MSW landfills in the Region:

- a. Soils contaminated with an average ~~TPH~~ concentration higher than 500 mg/kg in the C4-C12 carbon-chain range, or 1,000 mg/kg in the C13-C22 carbon-chain range, or **an average TPH concentration higher than 50,000 mg/kg in the C23 and greater carbon-chain range,** shall not be disposed of at unlined, or unlined portions of, MSW landfills.
- b. **Soils with an average, contaminant-specific concentration that does not exceed a PRG for industrial sites established by the USEPA.**
- c. **Soils with an average, contaminant-specific concentration that does not exceed a CHHSL for industrial sites established by the Cal-EPA.**
- ~~b-d.~~ Soils contaminated with VOCs, SVOCs, organochlorine pesticides, PCBs, or CAM metals shall not be disposed of at unlined, or unlined portions, of MSW landfills if the contaminant exceeds 100 times an established MCL, on a per-weight basis.

**3.4. Criteria for Disposal of Contaminated Soils ~~or Related Waste~~ to Lined Landfills:**

Soils contaminated with TPH, VOCs, SVOCs, organochlorine pesticides, PCBs, or CAM metals at concentrations greater than concentrations established for unlined landfills in provision C.2, above, but lower than the concentration listed in C.4 below, may be disposed of at a lined, or lined portion, of a Class III landfill in this Region if the corresponding discharger determines, pursuant to approval by the Executive Officer, that the contaminated soils are not classified as designated waste<sup>7</sup>. To satisfy this requirement, a discharger shall develop waste acceptance criteria, consistent with *The Designated Level Methodology for Waste Classification and Cleanup Level Determination*<sup>8</sup> or alternative methodology approved by the Executive Officer. Factors to be considered in developing waste acceptance criteria include:

- a. Water quality objectives – Consistent with the Basin Plan's ~~is~~ municipal and domestic supply beneficial use for groundwater resources in the Region, the Discharge shall use the most stringent Basin Plan objectives, **including MCLs for each contaminant, or comparable limit as approved by the Executive Officer,** as the water quality objective;
- b. A calculated leakage flow rate based on landfill-specific design criteria;
- c. A calculated groundwater flow rate based on landfill-specific hydro-geologic conditions;
- d. Equilibrium partitioning of ~~contaminants~~ **waste constituents** between leachate and soils; and

<sup>7</sup> Designated waste means nonhazardous waste that under ambient environmental conditions at a landfill, could be released in concentrations exceeding applicable water quality objectives or that could reasonably be expected to affect beneficial uses of the waters of the state.

<sup>8</sup> A report developed by the staff of the Central Valley Regional Water Board presenting a waste classification system from a water quality perspective. Reference information can be found at [http://www.swrcb.ca.gov/rwqcb5/plans\\_policies/guidance/dlm.pdf](http://www.swrcb.ca.gov/rwqcb5/plans_policies/guidance/dlm.pdf).

- e. Equilibrium partitioning of ~~contaminants~~ waste constituents between leachate and groundwater with consideration for dilution attenuation.

~~4.5.~~ Soils contaminated with an average ~~TPH~~ concentration higher than 1,000 mg/kg in the C4-C12 carbon-chain range, or 10,000 mg/kg in the C13-C22 carbon-chain range, or an average TPH concentration higher than 50,000 mg/kg in the C23 and greater carbon-chain range, shall not be discharged at any Class III landfill in this Region.

**D. BEST MANAGEMENT PRACTICES PERTINENT TO ONSITE USE OF CONTAMINATED SOILS AND RELATED WASTES**

**1. Soils contaminated in excess of the levels for disposal at unlined landfill cells established in provision C.2 of this Order shall not be reused onsite.**

~~1.2.~~ Pursuant to Finding No. 8(b)(i), above, for landfills where-in contaminated soils or related wastes are reused onsite as part of environmental control systems, the ~~contaminants wastes~~ shall not be mobilized at concentrations which would adversely affect beneficial uses of waters of the State in the event of a release. Given that 27 CCR requirements constitute minimum standards for the protection for groundwater and surface water from landfill sites, and the increased potential to surface water quality impacts from the onsite use of contaminated soils or related wastes in environmental control systems, for the purposes of this Order, protection of surface water quality beneficial uses means that surface waters shall be protected pursuant to requirement of a general industrial stormwater permit or a site-specific or regional general NPDES permit.

~~2.3.~~ Dischargers who propose to accept contaminated soils, as defined in Section C.2 and C.3 of this Order, or who propose to accept related wastes as discussed in Finding 11 of the Order pursuant to 27 CCR, section 20690(b), for onsite use, shall file a revised Stormwater Pollution and Prevention Plan (SWPPP) with this Regional Board within ~~45~~ 60 days of the adoption of this Order. The revised SWPPP shall meet all requirements of the general industrial permit (Storm Water General Permit No. 97-03-DWQ) and shall incorporate facility-specific BMPs that limit constituents (other than water) in contaminated soils or related wastes and foreseeable breakdown byproducts from stormwater runoff. The revised SWPPP shall discuss the specific sediment and erosion control BMPs selected and implemented at the site to address requirements of this Order.

~~3.4.~~ Facility-specific BMPs shall include, but not be limited to:

- a. Procedures for limiting the use of contaminated soils or related wastes during periods of wet weather so that the contribution of waste constituents and foreseeable breakdown byproducts to surface water runoff is limited.
- b. Drainage diversion facilities that control surface water run-on and run-off to limit interaction with wastes exposed in landfill working areas.
- c. Drainage retention facilities to capture, or control, surface waters to not contribute to stormwater run-off.

- 4.5.** Dischargers shall implement an effective combination of erosion and sediment control BMPs<sup>9</sup> from the menu below to prevent erosion, sediment loss, or mobilized waste constituents that exceed benchmark values:

BMPs

- Fiber Rolls
- Gravel Bag Berm
- Properly Engineered Sediment Basin
- Check Dam
- Site Entrance Stabilization
- Scheduling
- Preserving Existing Vegetation
- Silt Fences
- Sand Bag Barrier
- Hydraulic Mulch
- Hydro seeding
- Soil Binders
- Straw Mulch
- Geotextile Mats
- Wood Mulching

**E. EXPANDED STORMWATER MONITORING PROGRAM**

1. Within ~~45~~ **60** days of the adoption of this Order, for any MSW landfill at which a discharger accepts contaminated soils, ~~or related wastes~~, pursuant to requirements in C.2 and C.3 above, or uses related wastes onsite, the discharger shall submit, for approval of the Executive Officer, an updated list of contaminants of concern (COC) for the landfill surface water monitoring program to meet requirements of the general NPDES permit. The updated COC list shall include all waste constituents appropriate to the contaminated soils or related wastes. At a minimum the COCs considered for monitoring ~~monitored~~ shall include pH, total suspended solids, specific conductance, oil and grease, volatile organic compounds, semi-volatile organic compounds, pesticides, polychlorinated biphenyls, CAM metals, total organic carbon, nitrate-nitrogen, nitrogen as total Kjeldahl, and total phosphorus.
2. For any MSW landfill for which a discharger accepts contaminated soils, ~~or related wastes~~, pursuant to requirements in C.2 and C.3 above, or uses related wastes onsite, the discharger shall, starting on the adoption date of this Order, ~~expand~~ **implement** stormwater monitoring procedures to sample all storm events and submit samples for analysis if the storms are qualifying ~~discrete~~ storm events<sup>10</sup> that results in runoff at stormwater sampling points established for the landfill. Stormwater samples shall be collected during normal working hours, as early as possible after the start of the storm. If the storm commences during working hours, the

<sup>9</sup> A detailed description of these BMPs can be found in the California BMP Handbook, Construction Manual, January 2003, and addenda, and updated November 2009, and the Caltrans Stormwater Quality Handbooks, Construction Site BMPs Manual, March 2003, and addenda.

<sup>10</sup> Discrete storm events are defined herein as stormwater generating rainfall events in between intervening dry periods (i.e. no or only trace rainfall as measured at an onsite weather station). A qualifying storm event is one that: 1) Has produced a minimum of 1/4 inch of rainfall as measured by an onsite rainfall measurement device, and; 2) Was preceded by two consecutive days of dry weather. Dry Weather shall be defined as two consecutive days of combined rainfall of less than 1/8 inch as measured by an onsite rainfall measurement device.

sample should be taken within the first 2 hours of the production of runoff. If the storm commences prior to working hours, a sample should be taken within 2 hours of landfill staff arriving at the site if discharge is still occurring.

3. For any landfill that accepts contaminated soils ~~or related wastes~~, pursuant to requirements in C.2 and C.3 above, or uses related wastes onsite, stormwater benchmark values are hereby established as in Table 1 attached to this Order. Exceedances of benchmark levels that are not controlled by effective implementation of stormwater BMPs could, pursuant to a directive by the Executive Officer, lead to the operator being required to obtain an individual NPDES permit or enroll in a general NPDES permit.

4. For any landfill that accepts contaminated soils or related wastes pursuant to requirements in C.2 and C.3 of the Order, for which there is an exceedance of a stormwater benchmark level(s), the discharger shall submit a plan, with 30 days of the test result(s), for assessing whether contaminated soils or related wastes are the source of the stormwater pollutant(s). Results of this assessment, in addition to the evaluation of the effectiveness of stormwater BMPs and any site-specific NPDES permit limits shall be the basis for the Executive Officer to consider terminating the use of any of the wastes identified in Finding No. 10 from reuse at the landfill.

- 4.5. Revisions to the ~~surface~~ stormwater monitoring program, including increases in or reduction of monitoring constituents, sampling locations, or events, can ~~only~~ be made pursuant to Executive Officer review and approval.

#### F. REPORTING REQUIREMENTS

1. In accordance with regulations in section 3890 et seq. of 23 CCR and division 3 of 27 CCR, adopted by the State Water Board in September 2004 regarding electronic submittal of information (ESI), dischargers shall submit all monitoring reports required under these, or site-specific, WDRs electronically to the State Water Board GeoTracker system. Dischargers are subject to any future revision to ESI requirements.
2. For any MSW landfill for which a discharger accepts contaminated soils, ~~or related wastes, the discharger shall submit~~, within ~~45~~ 60 days of the adoption of this Order, ~~the discharger shall submit~~, for approval of the Executive Officer, a Plan for implementing a Waste Acceptance Program (Program), as described in Section A.2, that complies with requirements of this Order. The Plan should identify personnel responsible for implementing the Program, procedures for approving soil profiling information including testing procedures for waste constituents accepted at the landfill, site-specific threshold levels for all appropriate wastes accepted for disposal or reuse, and any other technical information required by the Executive Officer. Subsequently, the Plan should be routinely updated by the discharger to accommodate any proposed revisions to the Program, or as directed by the Executive Officer. Dischargers can implement their Plan while it is under review by the Executive Officer.
3. Dischargers shall report all Program related activities in corresponding quarterly or semiannual monitoring reports, pursuant to the monitoring and reporting program in site-specific WDRs for the corresponding landfill. The report shall include a summary of the types, volumes, and disposal or onsite use for all wastes accepted pursuant to requirements of this Order. The report shall also compile all waste profiling information utilized by the discharger to implement

Program requirements, including all sampling, measurement, and analytical results, including: the date, exact place, and time of sampling or measurement; individual(s) who did the sampling or measurement; the date(s) analyses were done; analysis names; and analytical techniques or methods used to profile contaminated soils or wastes.

4. Dischargers shall submit all surface water test results in corresponding quarterly or semiannual monitoring reports pursuant to the monitoring and reporting program in site-specific WDRs for the corresponding landfill. Routine submittal of the surface water test results does not release Dischargers from summary annual reporting requirements of the general industrial stormwater permit. Dischargers shall submit a summary of all benchmark exceedances.
5. Dischargers shall furnish, within a reasonable time, any information which the Executive Officer may require to determine whether cause exists for modifying, revoking and reissuing, or terminating enrollment under this Order.
6. Where a discharger becomes aware of a failure to submit any relevant facts in a report to the Regional Board, the discharger shall promptly submit such facts or information.
7. Dischargers shall report any noncompliance of this Order. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the owner becomes aware of the circumstances. A written submission shall also be provided within seven days of the time the owner becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, or prevent recurrence of the noncompliance. The Executive Officer, ~~or an authorized representative,~~ may waive or modify the written report requirement on a case-by-case basis if the oral report has been received within 24 hours.
8. All applications, reports, or information required by the Executive Officer shall be signed and certified as follows:
  - a. Signing agent.
    - 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.
  - ~~a-b.~~ All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in part (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:



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- i. The authorization is made in writing by a person described in part (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.

~~b.c.~~ Any person signing a document under this section shall make the following certification:

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

9. Dischargers shall submit reports required under this Order and other information requested by the Executive Officer, to:

California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4th Street, Suite 200  
Los Angeles, California 90013  
ATTN: Information Technology Unit

**G. PROVISIONS**

1. Provisions in this Order supersede those in any site-specific order issued by this Regional Board that relate to contaminated soil or related waste, disposal or reuse requirements.

**H. NOTIFICATIONS**

1. The CWC provides that any person who ~~intentionally or negligently~~ violates any WDRs issued, reissued, or amended by this Regional Board is subject to administrative civil liability ~~of up to 10 dollars per gallon of waste discharged, or if no discharge occurs, up to \$1,000 per day of violation. The Superior Court may impose civil liability of up to \$10,000 per day of violation or, if a cleanup and abatement order has been issued, up to \$15,000 per day of violation in accordance with CWC section 13350 and/or 13385 of up to \$10,000 per day of violation or \$10 per gallon discharged depending on the nature of the violation.~~
2. The CWC section 13268 provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and may be subject to administrative civil liability of up to \$1,000 per day of violation.
3. The disposal of contaminated soils or related wastes may also be subject to regulations of CalRecycle, the California Department of Toxic Substances Control, the South Coast Air Management District, or the Ventura County Air Pollution Control District.

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4. The Regional Board may reopen this Order at its discretion, including to assure consistency with the State Water Board's general industrial stormwater permit, and revisions thereto.

I, Samuel Unger, Executive Officer, do 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 March 3, 2011.

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Samuel Unger, P.E.  
Executive Officer

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**TABLE 1: STORMWATER BENCHMARK VALUES**  
(Adopted from Table B of the U.S. Environmental Protection Agency multi-sector NPDES permit)

Parameter	Benchmark Value
Biochemical Oxygen Demand (5)	30 mg/L
Chemical Oxygen Demand	120 mg/L
Total Suspended Solids	100 mg/L
Oil and Grease	15 mg/L
Nitrate + Nitrite Nitrogen	0.68 mg/L
Total Phosphorus	2 mg/L
pH	6.0-9.0 s.u.
Acrylonitrile (c)	7.55 mg/L
Aluminum, Total (pH 6.5-9)	0.75 mg/L
Ammonia	19 mg/L
Antimony, Total	0.636 mg/L
Arsenic, Total (c)	0.16854 mg/L
Benzene	0.01 mg/L
Beryllium, Total (c)	0.13 mg/L
Butylbenzyl Phthalate	3 mg/L
Cadmium, total (H)	0.0159 mg/L
Chloride	860 mg/L
Copper, Total (H)	0.0636 mg/L
Dimethyl Phthalate	1.9 mg/L
Ethylbenzene	3.1 mg/L
Fluoranthene	0.042 mg/L
Fluoride	1.8 mg/L
Iron, Total	1.0 mg/L
Lead, Total (H)	0.0816 mg/L
Manganese	1.0 mg/L
Mercury, Total	0.0024 mg/L
Nickel, Total (H)	1.417 mg/L
PCB-1016 (c)	0.000127 mg/L
PCB-1221 (c)	0.10 mg/L
PCB-1232 (c)	0.000318 mg/L
PCB-1242 (c)	0.00020 mg/L
PCB-1248 (c)	0.002544 mg/L
PCB-1254 (c)	0.10 mg/L
PCB-1260 (c)	0.000477 mg/L
Phenols, Total	1.0 mg/L
Pyrene (PAH, c)	0.01 mg/L
Selenium, Total (*)	0.2385 mg/L
Silver, Total (H)	0.0318 mg/L
Toluene	10.0 mg/L
Trichloroethylene (c)	0.0027 mg/L
Zinc, Total (H)	0.117 mg/L

## **C: COMMENTS RECEIVED**

Note: Numbers marked on the right margin of the comment pages correspond to responses provided in the Response to Comments table.

**COMMENTS RECEIVED**

**FOR**

**AMENDMENT OF WASTE DISCHARGE REQUIREMENTS**

**FOR DISPOSAL/REUSE OF CONTAMINATED SOILS AND OTHER NONHAZARDOUS  
WASTES AT MUNICIPAL SOLID WASTE LANDFILLS (CALABASAS LANDFILL,  
CHIUQUITA CANYON LANDFILL, PEBBLY BEACH LANDFILL, PUENTE HILLS  
LANDFILL, SAVAGE CANYON LANDFILL, SCHOLL CANYON LANDFILL, SIMI VALLEY  
LANDFILL, BURBANK LANDFILL, SUNSHINE CANYON LANDFILL, AND TOLAND ROAD  
LANDFILL)**

**COMMENTS RECEIVED FROM:**

- 1) Mr. Wayne Fishback (comments received 12/16/2010)
- 2) Ms. Diana Henriouille, North Coast Regional Water Quality Control Board, (comments received 12/20/2010)
- 3) Ms. Cindy Chen, Los Angeles County Department of Public Health (comments received 1/10/2011)
- 4) Ms. Theresa Jordan (comments received 1/24/2011)
- 5) Ms. Sally Coleman, Ventura Regional Sanitation District (comments received 1/26/2011)
- 6) Mr. Gary Hillebrand, County of Los Angeles Department of Public Works, Watershed Management Division (comments received 1/27/2011)
- 7) Mr. Paul Ryan, Los Angeles County Waste Management Association (comments received 1/27/2011)
- 8) Ms. Beth Bax, County Sanitation Districts of Los Angeles County (comments received 2/1/2011)
- 9) Ms. Theresa Jordan (comments received 2/4/2011)
- 10) Mr. Dave Broadbent, Targhee (comments received 2/4/2011)
- 11) Mr. Ted Clark, R.T. Frankian & Associates, (comments received 2/4/2011)
- 12) Mr. Dean, Southern California Waste Connections, Inc. (comments received 2/4/2011)
- 13) Mr. Fall, Advantage Disposal & Recycling Services (comments received 2/4/2011)
- 14) Mr. Andy Hovey, Ventura Regional Sanitation District (comments received 2/4/2011)
- 15) Mr. John Richardson, Crown Disposal (comments received 2/4/2011)
- 16) Ms. Kristen Ruffell, County Sanitation Districts of Los Angeles County (comments received 2/4/2011)
- 17) Mr. Paul Ryan, Los Angeles County Waste Management Association (comments received 2/4/2011)
- 18) Ms. Bonnie Teaford, City of Burbank (comments received 2/4/2011)
- 19) Mr. Scott Tignac, Waste Management, (comments received 2/4/2011)

1)

Mr. Wayne Fishback  
(comments received 12/16/2010)

**Enrique Casas - Fw: Municipal Waste Landfills\_Tentative Amended WDR\_2010-12-15**

**From:** Wayne Fishback <waynefishback@yahoo.com>  
**To:** Enrique Casas <ecasas@waterboards.ca.gov>  
**Date:** 12/16/2010 5:44 AM  
**Subject:** Fw: Municipal Waste Landfills\_Tentative Amended WDR\_2010-12-15  
**CC:** Louis Pandolfi <geosci10@aol.com>, Wen Yang <WYANG@waterboards.ca.gov>  
**Attachments:** Municipal Waste Landfills\_Tentative Amended WDR\_2010-12-15.PDF

Enrique, How does all of this WDR business relate to what your doing related to tightening the NPDES Permit compliance. If you remember I made a complaint about the horrible runoff at SVLRC and you said there really wasn't any enforcement mechanism for the NPDES Permit. The Board then decided to hold a public meeting on putting teeth into this permit whereby violations could be issued for threshold exceedances. Bottom line, do these proposed WDRs reduce thresholds while you supposedly increase standards for the NPDES Permit? Finally, your proposed WDR Item 3 makes a huge assumption that by now you should know is ridiculous to make i.e. "properlyered and managed municiple solid waste landfills" at least at the SVLRC. I have done a years worth of research and taken hundreds of photographs at this facility under threat of violence against me. This information, that shows gross violations of solid waste laws, have been shared with multiple agencies, including yours, refuse to take any enforcement action. When there is already an enforcement problem why would the Board consider relaxing the WDR standards? Wayne [1.1] [1.2]

----- Forwarded Message -----

**From:** Rosie Villar <rvillar@waterboards.ca.gov>  
**To:** Enrique Casas <ecasas@waterboards.ca.gov>  
**Cc:** John Morris <enviroserv@aol.com>; Jim Mnoian <jmnoian@aol.com>; Wayde Hunter <whunter01@aol.com>; David Jones <djones@aqmd.gov>; Frank Kiesler <fkiesler@athensservices.com>; Tom Gardner <Tom.gardner@awin.com>; Tony Pelletier <Tony.Pelletier@awin.com>; Adam Burton <adam@belshire.com>; Larry Moothart <larry@belshire.com>; Kelly McGregor <Kelly@bkkf.com>; Jeff Hackett <jeff.hackett@calrecycle.ca.gov>; Scott Walker <scott.walker@calrecycle.ca.gov>; Susan Markie <susan.markie@calrecycle.ca.gov>; Tracy Jue <tjue@ceo.lacounty.gov>; Rich Hill <R.Hill@chevrontexaco.com>; Bonnie Teaford <bteaford@ci.burbank.ca.us>; Jake Amar <ramar@ci.glendale.ca.us>; Kwok Tam <ktam@ci.irwindale.ca.us>; Bernard Bingham <bernardbingham@comcast.net>; Bob Willis <bobw@cuc.claremont.edu>; Penny Nakashima <penny\_nakashima@dot.ca.gov>; Lani Alfonso <lalfonso@dpw.lacounty.gov>; Linda Lee <llee@dpw.lacounty.gov>; Martin Aiyetiwa <maiyet@dpw.lacounty.gov>; Thomas Cota <tcota@dtsc.ca.gov>; Arthur Vis <avander@dwp.lacounty.gov>; Don Sharp <dsharp@dwp.lacounty.gov>; Keith Tang <ktang@dwp.lacounty.gov>; Mark Lombs <mlombos@dwp.lacounty.gov>; Nick Bubalo <nb65@earthlink.net>; Dickran Sarkisan <dickran@foothillsoils.com>; Larie Richardson <northstarminerals@gmail.com>; John Dyck <john.dyck@hasnson.com>; Mark Gold <mgold@healthebay.org>; John Edwards <john@jdec.com>; John Hamilton <john.cobb.hamilton@lacity.org>; Gary Armstrong <garmstrong@lacsds.org>; Kristen Ruffell <kruffell@lacsds.org>; Linda Tsoi <ltsoi@lacsds.org>; Thomas Bellizia <TWBelliz@lasd.org>; Javier Pacheco <info@lbcgla.org>; Sandra Gonzalez <Sandra.Gonzalez@longbeach.gov>; Glen Watson <gwchandlers@msn.com>; Kenneth Bradbury <ken@mtblw.com>; John Locke <john.b.locke@navy.mil>; David Beckman <dbeckman@nrdc.org>; Cindy Chen <cchen@ph.lacounty.gov>; Pete Oda <poda@ph.lacounty.gov>; Candace Salway <csalway@pxp.com>; Jim Galvan <jgalvan@pxp.com>; Duane Stout <fstout@republicservices.com>; Kurt Bratton <kbratton@republicservices.com>; Rafael Garcia <rgarcia@republicservices.com>; Constantin Pano <constantin.pano@san.lacity.org>; Kelly Gharios <kelly.gharios@san.lacity.org>; Stephen Fortune <safortun@san.lacity.org>; Paul Ryan <enviropablo@sbcglobal.net>; Ted Clark <ted.clark@sbcglobal.net>; Ken Barker <kbarker@sully-miller.com>; Neal Holdridge <nholdridge@trammellcrow.com>; William Stratton <bill.stratton@ventura.org>; Darrell Siegrist <Darrell.Siegrist@ventura.org>; Gregory Millikan <grmillikan@verizon.net>; Charles John <stjohn@vmcmail.com>; Mark Lawler <marklawler@VRSD.COM>; Sally Coleman <SallyColeman@VRSD.COM>; Mike Dean <mikedede@wasteconnections.com>; Leslie Graves <lgraves@waterboards.ca.gov>; Rebecca Chou <Rchou@waterboards.ca.gov>; Wen Yang <WYANG@waterboards.ca.gov>; David Pelser

2)

Ms. Diana Henrioulle

North Coast Regional Water Quality Control Board  
(comments received 12/20/2010)



## Enrique Casas - Re: Seeking comments on draft WDR amendments for the disposal of contaminated soils

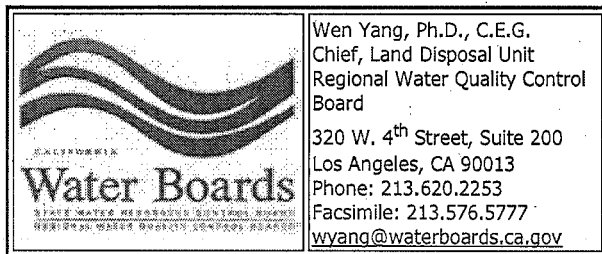
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**From:** Wen Yang  
**To:** Diana Henrioulle  
**Date:** 12/20/2010 2:46 PM  
**Subject:** Re: Seeking comments on draft WDR amendments for the disposal of contaminated soils  
**CC:** Enrique Casas

---

Hi, Diana,

Thank you very much for reviewing the draft order and getting back to me. If any metal concentration exceeds its TTLC, the contaminated soil would be classified as a hazardous waste and will be prohibited to be discharged at a Class III landfill under existing site-specific WDRs. We forgot to consider the scenario that the CHHSL of a pollutant could exceed its TTLC. That is one loophole that needs to be fixed when finalizing the document.



>>> Diana Henrioulle 12/20/2010 1:21 PM >>>

How do you handle soils with metal concentrations that meet CHHSLs but exceed TTLCs?

] [2]

>>> Wen Yang 12/16/2010 7:56 AM >>>

Dear Land Disposal Program managers and colleagues,

As I mentioned at the November Roundtable Meeting, Region 4 staff is in the process of developing a blanket order to regulate the disposal of contaminated wastes and related wastes at Class III landfills. Attached is a tentative order that we have just released to interested parties that is scheduled to be heard at our March 3, 2010, Board meeting. We would like to have your comments on the draft. Any input, suggestions, and questions on the draft will be appreciated. Please contact either Dr. Enrique Casas (Project Manager) at 213-620-2299 or me at 213-620-2253 if you would like to discuss. To ensure that we have enough time to make revisions to the draft, we would appreciate it if you can provide your comments by January 30, 2010. Thank you in advance for any help you may provide on improving the proposed requirements.

Wen Yang, Ph.D., C.E.G., C.H.G.  
 Chief, Land Disposal Unit  
 RWQCB, Los Angeles Region  
 320 W. 4th Street, Suite 200

3)

Ms. Cindy Chen

Los Angeles County Department of Public Health  
(comments received 1/10/2011)

**Enrique Casas - Re: Municipal Waste Landfills\_Tentative Amended WDR\_2010-12-15**

---

**From:** Rosie Villar  
**To:** Casas, Enrique  
**Date:** 1/11/2011 7:47 AM  
**Subject:** Re: Municipal Waste Landfills\_Tentative Amended WDR\_2010-12-15

---

FYI....

>>> Cindy.chen <cchen@ph.lacounty.gov> 1/10/2011 4:52 PM >>>  
Hi,

I have a comment on p.3, down on the bottom, the footnote: Current LEAS in the Region for active landfills include the County of Los Angeles (Department of Health Services, Solid Waste Management Department) Please make the following correction: Current LEAS in the Region for active landfills include the County of Los Angeles (Department of Public Health, Environmental Health Services, Solid Waste Management Program.) Thank you.

[3]

Cindy

Cindy Chen, REHS  
Chief of Solid Waste Program  
Los Angeles County Department of Public Health  
5050 Commerce Drive  
Baldwin Park, CA 91706  
(626)430-5550  
Fax: (626)430-5695

>>> "Rosie Villar" <rvillar@waterboards.ca.gov> 12/15/2010 9:07 AM >>>

The California Regional Quality Control Board for the Los Angeles Region (Regional Board) provides copies of correspondence through e-mail. The attached is your copy of recent correspondence; only the addressee will receive a hard copy.

The letter is in Adobe Acrobat PDF format. You can obtain an Acrobat Reader free of charge at <http://www.adobe.com/products/acrobat/readstep2.html>.

Please contact the project manager, Dr. Enrique Casas, at 213 620-2299, if you have any questions.

Thank you,

Rosie Villar  
Staff Services Analyst  
California Environmental Protection Agency  
California Regional Water Quality Control Board  
Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

4)

Ms. Theresa Jordan  
(comments received 1/24/2011)



TERESA JORDAN  
3152 SHAD COURT  
SIMI VALLEY, CA 93063  
TELEPHONE NO. (805) 522-5016

TO: Mr. Enrique Casas  
LARWQCB  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

FAX NO.: (213) 576-6640

DATE: January 24, 2011

NO. OF PAGES: 9 (includes cover sheet)

RE: Tentative Amended Waste Discharge  
Requirements for Disposal/Reuse of Contaminated  
Soils and Other Nonhazardous Wastes at  
Municipal Solid Waste Landfills within the  
Los Angeles Region...

1

3152 Shad Court  
Simi Valley, CA 93063  
January 24, 2011

Mr. Enrique Casas  
LARWQCB  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

Re: TENTATIVE AMENDED WASTE DISCHARGE REQUIREMENTS FOR  
DISPOSAL/REUSE OF CONTAMINATED SOILS AND OTHER NONHAZARDOUS  
WASTES AT MUNICIPAL SOLID WASTE LANDFILLS WITHIN THE LOS  
ANGELES REGION (FILE NOS. 57-220, 58-076, 60-090, 60-117,  
60-118, 63-082, 67-020, 69-091, 72-030, 72-035).

Dear Mr. Casas:

The following are my comments on the aforementioned subject  
for the Regional Water Board's consideration.

#1 - I am opposed to allowing the disposal/reuse of  
contaminated soils. This change will allow the  
disposal/reuse of VOCs and SVOCs and other wastes  
generated from the cleanup of the Santa Susana Field  
Laboratory site (formerly Rocketdyne) at the Calabasas,  
and Simi Valley landfills. Because the Regional Water  
Board has not rescheduled the hearing on the  
groundwater issue in the Los Angeles Region since  
2009, and due to these WDRs changes, the Simi Valley  
City Council members and their constituents concerns  
over the Simi Valley Landfill expansion project's  
significant impacts to all of us are well founded.

[4.1]

#2 - I am opposed to terminating Los Angeles Regional Water  
Board's General Order No. 91-93. It is inexcusable  
that "since 1991" "the general order's disposal limits  
have not been evaluated" (Mr. Samuel Unger's September  
8, 2010 letter to "Interested Agencies and Persons")--  
"have not been updated" (October 6, 2010 Regional Water  
Board's Website Informational Workshop document).  
Because General Order No. 91-92 was "Issued to soil  
generators, not landfill operators" (October 6, 2010  
Informational Workshop document) in the Los Angeles  
River and Santa Clara River Basins (File No. 88-57, and

[4.2]

1

2.

possibly File No. 93-043), it is more "appropriate" (Mr. Unger's September 8, 2010 letter) for the Regional Water Board to issue a general WDRs order for MSW or Class III landfill operators within the Los Angeles Region due to the "Significant changes" being "proposed" (Mr. Unger's September 8, 2010 letter) than terminating General Order No. 91-93 due to findings such as "9. The Class III Landfill disposal is a one time, short term disposal, and is not anticipated to require in excess of 90 days to complete at which time these requirements will expire", and "10. The issuance of Waste Discharge Requirements for the discharges subject to these general requirements is exempt from the provisions of Chapter 3, (commencing with Section 21100) of Division 13, of the Public Resources Code pursuant to one or more of the following provisions: (a) The lead agency has prepared an Environmental Impact Report or a negative declaration based on findings pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15070 which show that there will be no significant impact on water quality; or (b) The project would affect a minor alteration to the condition of land, and is exempt in accordance with Title 14, Chapter 3, Section 15304, California Code of Regulations" (General Order No. 91-93, Page 2).

#3 - I am opposed to allowing the disposal/reuse of any contaminated soils at the 10 impacted MSW or Class III landfill sites. [4.3]

#4 - Even though Mr. Unger's September 8, 2010 letter states that "Significant changes proposed in individual WDRs include...Updated requirements for the protection of surface water quality for active MSW landfills that propose to reuse contaminated soils and related wastes...as part of landfill environmental control or operation systems", it is stated in Tentative Order No. R4-2011-XXX (Page 1, 5<sup>th</sup> finding) that "Increasingly, the generators of contaminated soils or landfill operators request approval for use of contaminated soils and related wastes at landfills within the Region, rather than disposal, as a component of environmental control systems. Most often the request is for use as cover materials, more specifically for use as alternative daily cover". [4.4]

2

3

- #5 - I am opposed to changing General Order No. 91-93's "contaminants/pollutants" (Page 1, 4<sup>th</sup> finding) to "constituents of concern". [4.5]
- #6 - Changing General Order No. 91-93's "mitigating" (Page 1, 3<sup>rd</sup> finding) to "controlling" will not guarantee that water quality will not be compromised. It is stated in Tentative Order No. R4-2011-xxx's 12<sup>th</sup> finding (Page 3) that "Surface water monitoring results for landfills in the Region indicate that benchmark limits are commonly exceeded". Thus, the General Industrial Permit's municipal waste landfills stormwater sampling events requirements are weak. [4.6]
- #7 - While Tentative Order No. R4-2011-XXX's 12<sup>th</sup> finding (Page 3) states that "In addition to site specific WDRs, active MSW landfills in the Region are regulated under State Water Resources Control Board Water Quality Order No. 97-03-DWQ (National Pollutant Discharge Elimination System [NPDES] General Permit No. CAS000001), Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities, General Industrial Permit)", it is stated under the 10<sup>th</sup> finding that "site specific demonstration projects are not required" for the listed "materials" to be "used" as alternative daily cover. [4.7]
- #8 - The word "GENERAL" has been deleted from TENTATIVE ORDER NO. R4-2011-XXX's title (Page 1). [4.8]
- #9 - I disagree that disposing contaminated soils to the 10 impacted MSW or Class III landfills will eliminate or reduce to non-significant levels the threat to State waters (Tentative Order No. R4-2011-XXX, Page 1, 3<sup>rd</sup> finding). The 2<sup>nd</sup> finding states "assure", not ensure, that discharges of the wastes do "not affect the quality of waters of the state". [4.9]
- #10 - Tentative Order No. R4-2011-XXX textual language inconsistency with regards to the word "State". Example: Page 1, the 2<sup>nd</sup> finding states "state", and the 3<sup>rd</sup> and 4<sup>th</sup> findings state "State". [4.10]
- #11 - Tentative Order No. R4-2011-XXX textual language inconsistency with regards to the words "MSW or Class III landfills". The 3<sup>rd</sup> finding (Page 1) states "(MSW [4.11]

3



or Class III) landfills". Findings 6 and 8 (Page 2), 10 and 12 (Page 3), 15 (Page 4), 21, 22, and 23 (Page 5), and Sections A.1, B.2 and B.3 (Page 5), B.4, B.5, and C.1 (Page 6), C.2 and C.2.a (Page 7), E.1 and E.2 (Page 9), and F.2 (Page 10) do not include the words "or Class III". Section C.3 (Page 7) does not include "MSW or" with "Class III". Section D.1 (Page 8) states only "landfills".

- #12 - Tentative Order No. R4-2011-XXX textual language inconsistency. The 22<sup>nd</sup> finding (Page 5) states "the Regional Board has notified interested parties..." The September 8, 2010 (Unger), December 15, 2010 (Yang), and January 12, 2011 (Yang) letters stated "To Interested Agencies and Persons". [4.12]
- #13 - Tentative Order No. R4-2011-XXX WDRs are inconsistent since the "Contaminated soils concentration limits" "may vary for each landfill cited in this Order, based on site specific criteria" (Section A.2, Page 5). [4.13]
- #14 - I am opposed to Tentative Order No. R4-2011-XXX's Section F.7 (Page 11) which states that "The Executive Officer or authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours". The written report must not be waived. [4.14]
- #15 - Page 11, Tentative Order No. R4-2011-XXX, Section F.8 contains an error. Section "a." is missing. [4.15]
- #16 - Page 11, Tentative Order No. R4-2011-XXX, Section F.8. (missing "a.").iii, delete "principal executive officer" as a municipality certifying signatory. For a City, the Mayor must sign, and for the County Board of Supervisors, the Chairperson must sign. [4.16]
- #17 - Page 12, Tentative Order No. R4-2011-XXX, change Section H to read "PENALTIES", and include Sections H.1 and H.2. Section H.3 include under a new section "I. NOTIFICATIONS", and change "H.3." to "I.1.". [4.17]
- #18 - Page 3, Tentative Order No. R4-2011-XXX, the 4<sup>th</sup> finding states "in writing to the California Integrated Waste Management Board, now the Department of Resources Recycling and Recovery (CalRecycle)". The statement must read "in writing to the Department of [4.18]

Resources Recycling and Recovery (CalRecycle; formerly the California Integrated Waste Management Board)".

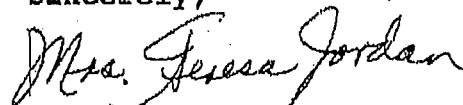
#19 - File No. 60-090, in the September 8, 2010 (Unger), December 15, 2010 (Yang), and January 12, 2011 (Yang) letters' subject title, is in error. The Simi Valley Landfill's File No. is 69-090. File No. 69-090 is not listed in the letters' subject title.

[4.19]

#20 - Only through the process of elimination, after extensive research, did I determine that 60-117 may be the File No. for the Scholl Canyon Landfill. The information on the FILE NOs and respective landfills should have been readily available on the Regional Water Board's Website.

[4.20]

Sincerely,



Mrs. Teresa Jordan

Enclosures:

January 23, 2011, Compiled List of LANDFILLS, LOCATIONS, and FILE NOs., Teresa Jordan.

December 4, 2003?, FILE NO. 69-090, Simi Valley Landfill and Recycling Center Waste Discharge Requirements, Los Angeles Regional Water Quality Control Board Order No. R4-2003-0152. (Pages 1 and 31)

TENTATIVE AMENDED WASTE DISCHARGE REQUIREMENTS FOR DISPOSAL/  
REUSE OF CONTAMINATED SOILS AND OTHER NONHAZARDOUS WASTES AT  
LANDFILLS WITHIN THE LOS ANGELES REGION

PUBLIC REVIEW AND COMMENT PERIOD

JANUARY 30, 2011 COMMENTS SUBMITTAL DEADLINE

<u>LANDFILLS</u>	<u>LOCATION</u>	<u>FILE NO.</u>
1. Calabasas	Agoura, CA	60-118
2. Chiquita Canyon	Valencia, CA	67-020
3. Pebbly Beach	Avalon, CA	72-030
4. Puente Hills	Whittier, CA	57-220
5. Savage Canyon	Whittier, CA	63-082
6. Scholl Canyon	Glendale, CA	60-117?
7. Simi Valley	Simi Valley, CA	69-090*
8. Burbank	Burbank, CA	72-035
9. Sunshine Canyon	Sylmar, CA	58-076
10. Toland Road	Santa Paula, CA	69-091

[NOTE: \* File No. 60-090 may be in error.]

[NOTE: List compiled by Teresa Jordan on January 23, 2011.]

5)

Ms. Sally Coleman  
Ventura Regional Sanitation District  
(comments received 1/26/2011)

# VENTURA REGIONAL SANITATION DISTRICT

1001 PARTRIDGE DRIVE, SUITE 150 • VENTURA, CA 93003-0704



January 26, 2011

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

## COMMENTS TO THE TENTATIVE AMENDED WASTE DISCHARGE REQUIREMENTS FOR DISPOSAL/REUSE OF CONTAMINATED SOILS AND OTHER NONHAZARDOUS WASTES AT MUNICIPAL SOLID WASTE LANDFILLS WITHIN THE LOS ANGELES REGION

The Ventura Regional Sanitation District (District) appreciates you giving us the opportunity to provide comments on the tentative amended Waste Discharge Requirements (WDRs). We understand that the California Regional Water Quality Control Board (RWQCB) developed the tentative WDRs to clarify and update the requirements for use of contaminated soils at their landfills in light of the increasing number of landfill operators requesting approval. The District has completed its review of the tentative WDRs and provides this comment letter.

The RWQCB states in item 3 on page 1, "*Land disposal of contaminated soils to properly engineered and managed municipal solid waste landfills is an efficient and economical means of controlling the effects of such discharge of waste [contaminated soils]. The threat to waters of the State is thereby eliminated or reduced to non-significant levels.*"

The Toland Road Landfill (Toland) is a fully engineered, lined landfill<sup>1</sup> located at the top of the watershed in a box canyon. This canyon is surrounded by ridges on three sides, effectively restricting inflow to the landfill. Surface water runoff from the landfill is controlled by channeled ditches, pipelines, drainage benches and drainage structures that are designed and maintained to accommodate flows from a 100 year frequency, 24 hour duration storm. Toland has been designed with all drainage facilities engineered to direct stormwater runoff away from the working face to the surrounding drainage facilities. The drainage facilities direct the runoff through an extensive series of best management practices (BMPs) to a detention/siltation basin at the base of the landfill site. Additionally, Toland has an approved gas collection, monitoring and control system, groundwater monitoring system, leachate collection system and leachate recirculation system. It is important to note, these facilities ARE the appropriate devices indicated in your draft WDR and DO effectively eliminate the threat to waters of the State that these contaminated soils may pose.

[5.1]

<sup>1</sup> Toland Landfill has a composite liner consisting of prepared subgrade, low permeability soil liner and a HDPE geomembrane liner conservatively designed to withstand a Maximum Credible Earthquake (MCE), typically reserved only for hazardous landfills. All construction was certified by a 3rd party Construction Quality Assurance (CQA) consultant with monitoring, conformance testing, and documentation submitted and approved by the RWB.

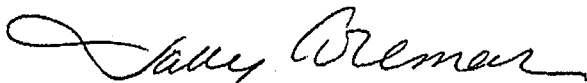
The District currently employs several BMPs as part of its stormwater runoff program. These include bonded fiber matrix (BFM) with hydroseeding (native plants and grasses), straw wattles, silt-fencing, swales (poly & sandbags), inlet and outlet drain protection, check dams in series, downspouts with energy dissipaters and V-Ditch velocity dissipaters that lead to a temporary detention basin and a 21 acre feet permanent detention/siltation basin with a filtration device on the outfall. Engineered drainages to divert surface water from the working face and into the drainage facilities, and use of the sedimentation basin to capture or control surface water, are also parts of the stormwater program.

In addition to the structural BMPs that the District currently utilizes, we are more than willing to implement new practices that will prevent the constituents in the contaminated soils from getting into the surface water runoff. These practices could include: 1) limiting the acceptance and use of contaminated soils during rain events that produce runoff and, 2) tarping the areas where the contaminated soils have been used as ADC prior to the rain event. Incorporating provisions such as these will ensure impacts to surface water are reduced or eliminated because they will be relatively easy to implement. Climatic conditions at Toland are semi-arid. Rainfall typically occurs between November and April with very little rainfall during the summer months. Average annual precipitation in the area is approximately 14.8 inches and this means we generally have 10 rain events per year to manage.

In Section C (page 6), the RWQCB provides limits of total petroleum hydrocarbon (TPH) for the incoming contaminated soils. In Table 1, the RWQCB provides limits for the stormwater runoff. *The District feels very strongly that the limits set for the incoming contaminated soils should not be equivalent or more restrictive than the limits set in Table 1.* If the landfill site is properly managed, and the stormwater runoff tests demonstrate that the COCs and TPH levels are within limits, then why set the limits of the incoming contaminated soils so low? The threshold limits for TPH currently set in the WDRs would severely limit the availability of contaminated materials to Class III landfills in the Los Angeles Region and prevent this from being a viable disposal option. It is our opinion that the RWQCB should focus on is how the site is managed and whether pollutants are discharged from the site. [5.2]

Item E.9. (page 9) states: "...expand stormwater monitoring procedures to sample all discrete storm events that results in runoff at stormwater sampling points established for the landfill." Please note that the minimum contaminants of concern (COC) required to be monitored by this tentative WDR has a laboratory cost of approximately \$1000 per event per sampling point. It seems excessive to monitor for all storm events considering the general NPDES industrial permit only requires two sampling events a year. We believe additional data is helpful and if the RWQCB would like more data and is willing to give landfill operators the chance to demonstrate this material can be effectively managed, it seems reasonable to consider if you really need to have every constituent proposed, tested for every rain event. We believe that testing the full range of pollutant parameters listed in the WDR is excessive. Testing for those pollutants which we would expect to be present in hydrocarbon contaminated soil (such as TPH) would be more reasonable. Another alternative would be to require all constituents proposed are tested one additional time per year. [5.3]

Thank you again for allowing us to review and comment on the tentative WDRs. If you have any questions or if you require additional information, please contact me at (805) 658-4674



SALLY COLEMAN – DIRECTOR OF OPERATIONS

6)

Mr. Gary Hillebrand

County of Los Angeles Department of Public Works, Watershed Management Division  
(comments received 1/27/2011)



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

January 26, 2011

IN REPLY PLEASE  
REFER TO FILE: WM-6

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013-2343

Attention Dr. Wen Yang

Dear Mr. Unger:

### REQUEST FOR EXEMPTION FROM AMENDMENTS TO WASTE DISCHARGE REQUIREMENTS FOR SOILS AND RELATED WASTES AT MUNICIPAL SOLID WASTE LANDFILLS

Thank you for the opportunity to review the Amendments to Waste Discharge Requirements for Disposal and On-Site Use of Non-Hazardous Contaminated Soils and Related Wastes at Municipal Solid Waste Landfills (Amended WDR).

The Los Angeles County Flood Control District (LACFCD) operates a vast flood protection and water-conservation system with many facilities strategically located at the mouths of canyons to capture runoff sediment and debris and mitigate flood risk to downstream communities. Debris and sediment from the largely undeveloped watersheds draining to these sites impact the operations of these facilities and, therefore, need to be removed. Most of the sediment removed from these facilities is currently transported to LACFCD-owned Sediment Placement Sites (SPSs), but some is also taken to local landfills for disposal or beneficial on-site use.

Based on our meeting with your staff on October 26, 2010, the LACFCD completed the enclosed report analyzing soil samples at seven of our most active SPSs, located across the County of Los Angeles. The soil in these SPSs is representative of the sediment removed from our dams and debris basins as shown on the enclosed map. The analysis reveals that constituents in the soil samples are well below threshold levels for all contaminants specified in the Amended WDR.

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2011 JAN 27 AM 9  
CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD  
LOS ANGELES REGION

[6]



Mr. Samuel Unger  
January 26, 2011  
Page 2

Therefore, we respectfully request that soils removed from the LACFCD's dams and debris basins be exempt from further testing requirements pursuant to the Amended WDR.

If you have any questions, please contact Mr. Dan Sharp at (626) 458-4345 or [dsharp@dpw.lacounty.gov](mailto:dsharp@dpw.lacounty.gov).

Very of truly yours,

GAIL FARBER  
Director of Public Works



GARY HILDEBRAND  
Assistant Deputy Director  
Watershed Management Division

DBS:cp

P:\wmpub\Secretarial\2011 Documents\Letters\Request for Exemption from Amendments.doc\C11021

Enc.

7)

Mr. Paul Ryan

(comments received 1/27/2011)

State of California  
Environmental Protection Agency  
Water Resources Control Board  
Los Angeles Regional Water Quality Control Board

Public Workshop  
Proposed Amendment of Waste Discharge Requirements  
for Disposal/Reuse of  
Contaminated Soils and Other Nonhazardous Wastes  
SPEAKER REQUEST CARD

QUESTION / COMMENT:

1. Would spent biofilter wood mulch be allowed for use as a BHP? ] [7.1]

2. SCAPMD Rule series 1133.1 through 1133.3 should be included in the WDR ] [7.2]

Note: I will send additional comments via e-mail.

Name: Paul Ryan (951) 288-5049  
       Representing Self  
  X   Representing: LACWMA

8)

Ms. Beth Bax

County Sanitation Districts of Los Angeles County  
(comments received 2/1/2011)

**Enrique Casas - Language Suggestions on the Amended WDRs for Soils and Related Materials**

---

**From:** "Bax, Beth" <BBax@lacsds.org>  
**To:** "'Enrique Casas' (E-mail)" <ecasas@waterboards.ca.gov>  
**Date:** 2/1/2011 3:20 PM  
**Subject:** Language Suggestions on the Amended WDRs for Soils and Related Materials  
**CC:** "Ruffell, Kristen" <KRuffell@lacsds.org>, "Luo, Karen" <kluo@lacsds.org>  
**Attachments:** DMS-#1796376-v3-Tentative\_Contaminated\_Soils\_WDR\_PDF\_Redline.PDF

---

Enrique-

Thanks again for having the public workshop on these proposed WDRs last week. It further helped us understand the intent of the WDRs.

From our review, the goals and requirements of the proposed WDRs are not clear throughout the document. We have made suggested changes to reflect what we think is your intent of these WDRs. A key component of our suggested language is to state at the beginning of the waste acceptance criteria (Section C) that each discharger will prepare a site-specific Waste Acceptance Plan for accepting soils for reuse & disposal. [8.1]

We are also suggesting that the related wastes are not to be discussed in Section C and that this section apply just to soil. [8.2]

See what you think of our suggestions. As Kristen said last Thursday at the workshop, I hope we can discuss these suggestions and get your reaction to them before comments are due on Friday. Thank you for your efforts to work with us and answer all our questions about the proposed WDRs!

Beth Bax  
Supervising Engineer, Water Quality & Soils Section  
Technical Services Department  
(562) 908 4288, x 2440

<<DMS-#1796376-v3-Tentative\_Contaminated\_Soils\_WDR\_PDF\_Redline.PDF>>

9).

Ms. Theresa Jordan  
(comments received 2/4/2011)



TERESA JORDAN  
3152 SHAD COURT  
SIMI VALLEY, CA 93063  
TELEPHONE NO. (805) 522-5016

TO: Dr. Enrique Casas  
Dr. Wen Yang

LARWQCB

320 West 4th Street, Suite 200

Los Angeles, CA 90013

FAX NO.: (213) 576-6640

DATE: February 2, 2011

NO. OF PAGES: 3 (includes cover sheet)

RE: Extension of Deadline for Comments  
on WDRs for Disposal/Reuse of  
Contaminated Soils and Other Nonhaz  
Wastes at MSW Landfills within  
the Los Angeles Region.

3152 Shad Court  
Simi Valley, CA 93063  
February 2, 2011

Dr. Enrique Casas  
Dr. Wen Yang  
LARWQCB  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

Re: EXTENSION OF DEADLINE FOR SUBMITTING COMMENTS ON PROPOSED  
AMENDED WASTE DISCHARGE REQUIREMENTS FOR DISPOSAL/REUSE OF  
CONTAMINATED SOILS AND OTHER NONHAZARDOUS WASTES AT  
MUNICIPAL SOLID WASTE LANDFILLS WITHIN THE LOS ANGELES  
REGION (FILE NOS. 57-220, 58-076, 60-090, 60-117, 60-118,  
63-082, 67-020, 69-091, 72-030, 72-035).

Dear Drs. Casas and Yang:

Since the public comments deadline has been extended until  
February 4, 2011, I am submitting additional comments on the  
aforementioned subject. Please note that this letter is a  
follow-up to my January 24, 2011 letter for the Los Angeles  
Regional Water Quality Control Board's consideration.

#1 - Dr. Wen Yang's January 28, 2011 letter "To Interested  
Agencies and Persons" continues to list an erroneous  
File No. 60-090 for the Simi Valley Landfill. The  
Board's December 4, 2003 Simi Valley Landfill related  
Agenda item refers to File No. 69-090.

[9.1]

#2 - The WDR Amendments proposed expansion of the General  
Industrial Stormwater Permit requirements, and the  
submittal of revised SWPPPs with site-specific BMPs  
(January 27, 2011 Public Workshop) will be nullified  
if the recently released (January 28, 2011) State Water  
Resources Control Board's DRAFT STATEWIDE GENERAL  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(NPDES) PERMIT FOR THE DISCHARGE OF STORM WATER  
ASSOCIATED WITH INDUSTRIAL ACTIVITIES (INDUSTRIAL  
GENERAL PERMIT) for facilities covered under 40 Code  
of Federal Regulations (CFR) Part 445 (Landfills) become  
policy. Among the State Water Resources Control  
Board's "Major Changes/New Requirements in the Draft

[9.2]



Industrial General Permit" is the "Conditional Exclusion for Dischargers That Implement Green Storm Water Impact Reduction Technology(G-SIRT)" that impact the existing General Permit's "SWPPP and monitoring requirements"(Item #27, Page 5 of 5). This is a "significant regulatory relief"(Draft document, Page 10, Section M.60) provision, yet the State Water Board has to my knowledge not adopted "approved G-SIRT standards"(Item #27, Page 5 of 5) for dischargers to apply for this conditional exclusion. The State Water Board's Draft document's Attachment F - 303(d) Water Bodies - Requirements section states "To Be Developed". Also, of concern are the proposals for Conditional Exposure Requirements - No Exposure Certification(Item #25, Page 4 of 5), and Conditional Exclusion - No Discharge Certification(Item #26, Page 4 of 5). The State Water Board Draft document's Attachment B Conditional Exclusion No Discharge Certification Requirements" section states "To Be Developed". It is stated in the State Water Board's January 28, 2011 NOTICE OF PUBLIC HEARING on the Industrial General Permit that "When the final substantive changes are made, it will be recirculated to the public for review and another public hearing will be held". Without the pertinent information in Attachments F and B being made available beforehand, and if no public comments are deemed "substantive", there may not be "another public hearing".

Sincerely,

*Teresa Jordan*  
Teresa Jordan

10)

Mr. Dave Broadbent

Targhee

(comments received 2/4/2011)

**From:** Dave Broadbent <dbroadbent@targheelnc.com>  
**To:** <ecasas@waterboards.ca.gov>  
**Date:** 2/4/2011 1:03 PM  
**Subject:** Disposal/Reuse of Contaminated Soils Comments

The whole regulatory scheme revolves around the definition of contaminated soil. How is contaminated soil defined. Is it defined? Must all soil exported from a property be tested before placed on the land?

[10]

Thank you.

Dave

--

Dave Broadbent  
Director of Technical Services  
Targhee  
110 Pine Ave, Suite 925  
Long Beach, CA 90802  
562-435-8080  
562-590-8795 - Fax

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11)  
Mr. Ted Clark  
R.T. Frankian & Associates  
(comments received 2/4/2011)



February 4, 2011

California Regional Water Quality Control Board – Los Angeles Region  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013

Job No. 2004-001-090

Attention: Dr. Wen Yang, Ph.D., R.G., C.E.G., C.H.G.  
Senior Engineering Geologist, Land Disposal Unit

Subject: Proposed Amendment of Waste Discharge Requirements  
For Disposal/Reuse of Contaminated Soils and Other  
Nonhazardous Wastes  
Los Angeles Regional Water Quality Control Board

Gentlemen:

We have reviewed the tentative order to amend existing waste discharge requirements for municipal solid waste (MSW) landfills that RWQCB staff released for public comment on December 15, 2010, and have prepared the following comments. Our opinions are also based on information released by RWQCB staff at the public workshops held October 6, 2010 and January 27, 2011, in which we participated.

**Definition of Wastes and Applicability of Order (page 3, Findings 10 & 11)**

Finding No. 11 notes that the *“alternative daily cover materials listed in Finding No. 10 above, with mobilization constituents, constitute the wastes subject to the requirements of this Order.”* If an operator uses a blanket (geosynthetic fabric or panel product) for ADC, does this Order require testing and verification that no mobilization constituents are derived from the blanket during storm events, or can the blanket material be considered inert?

[11.1]

**Stormwater List of Contaminants of Concern (COCs) (page 9, E.1.)**

On page 9, E.1., we propose the following revision:

*“The updated COC list shall include all waste constituents appropriate to the contaminated soils or related wastes. At a minimum the COCs monitored shall ~~include~~ consider pH, total suspended solids, specific conductance, oil and grease, volatile organic compounds, semi-volatile organic compounds, pesticides, polychlorinated*

[11.2]

**R. T. FRANKIAN & ASSOCIATES**

1329 SCOTT ROAD BURBANK CALIFORNIA 91504  
TEL. (818) 531-1501 FAX (818) 531-1511 [WWW.RTFRANKIAN.COM](http://WWW.RTFRANKIAN.COM)

*biphenyls, CAM metals, total organic carbon, nitrate-nitrogen, nitrogen as total Kjeldahl, and total phosphorous."*

Our revision allows landfill operators to propose COCs for an expanded stormwater monitoring program that will be specific to the contaminated soils or related wastes accepted at the site. Additionally, operators will be able to develop site-specific programs that utilize the extensive chemical databases (including surface water, groundwater, leachate, and condensate) that have been developed since initiation of the Solid Waste Assessment Test (SWAT) monitoring in the 1980s and Subtitle D monitoring in the 1990s.

The "minimum" COC list in the Order is nearly equivalent to the Subtitle D Appendix II constituent of concern scans required every five-years for current MSW groundwater monitoring programs in the Region. The "minimum" COC list also includes numerous compounds that are likely past or current groundwater monitoring parameters. Note that many landfills have over 20 years of historical groundwater, leachate, and condensate data available. Therefore, an operator may be able to demonstrate that specific compounds are:

[11.3]

- not present in leachate or condensate – and do not appear to be waste constituents at the site; and/or
- not present (or not statistically significant) in groundwater downstream from the landfill – and are unlikely to be mobile stormwater COCs.

In both cases, such compounds should not be required stormwater COCs.

#### **Stormwater Monitoring Frequency (page 9, E.2.)**

The Order would require sampling of "*all discrete storm events that results in runoff ...*" therefore, a typical rain year might generate 15 stormwater sampling events, while the heavy rainfall in 2004/2005 generated over 30 sampling events. For a site with two discharge points, that typical year translates to laboratory fees of almost \$37,000, plus labor for sampling and reporting, and \$74,000 for lab fees during a year with heavy rains.

[11.4]

At the January 27, 2011 meeting, Dr. Enrique Casas stated the expanded stormwater monitoring program will be starting in a "data gathering phase" because little is known of stormwater chemistry and sampling events are too infrequent. If staff believes additional data are needed in order to develop appropriate stormwater monitoring programs, then we suggest allowing an initial time period for data gathering to assess water quality and sampling frequency needs at each site. Given that the Order may be adopted March 3, 2011, near the end of the 2010/2011 wet season, we propose using the 2011/2012 wet season for the data gathering phase. During this period, operators may

[11.5]



GEOTECHNICAL ENGINEERING & ENGINEERING GEOLOGY

conduct sampling and analysis of potential COCs (as listed in E.1.) in order to develop an appropriate COC list and sampling frequency for each site.

To accomplish this initial data gathering, we propose the following revisions to the Expanded Stormwater Monitoring Program on page 9, E.1. and E.2.:

*"1. By June 30, 2012, Within 45 days of the adoption of this Order, for any MSW landfill at which a discharger accepts contaminated soils, or related wastes pursuant to requirements in C.2 and C.3 above, the discharger shall submit a Stormwater Monitoring Plan, for approval of the Executive Officer, that includes an updated list of the contaminants of concern (COC) and proposed sampling frequency for the landfill surface water monitoring program to meet requirements of the general NPDES permit..."*

*"2. For any MSW landfill for which a discharger accepts contaminated soils, or related wastes, pursuant to requirements C.2 and C.3 of this Order, the discharger shall, starting on the adoption date of this Order, expand stormwater monitoring procedures to sample all discrete storm events as described in the approved Stormwater Monitoring Plan that results in runoff at stormwater sampling points established for the landfill..."*

The proposed schedule allows time for a complete season of expanded monitoring, assessment of the results, preparation of Expanded Stormwater Monitoring Program submittals, and several months for the RWQCB to review and approve plans prior to the start of the 2012/2013 wet season.

Please call Ted Clark at (661) 260-1691 if you have any questions.

Respectfully submitted,

R. T. FRANKIAN & ASSOCIATES



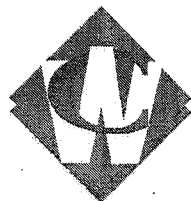
by: Theodore M. Clark, C.H.G., C.E.G.  
Principal Geologist

12)

Mr. Mike Dean

Southern California Waste Connections, Inc.  
(comments received 2/4/2011)





## CHIQUITA CANYON

*A Waste Connections Company*

February 4, 2011

Wen Yang, PhD, R.G., C.E.G., C.H.G.  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013

Attention: Wen Yang, PhD, R.G., C.E.G., C.H.G.

**RE: Tentative Order R4-2011-XXX**  
**Amendments to Waste Discharge Requirements for Disposal**  
**and On-Site Use of Non-Hazardous Contaminated Soils and**  
**Related Wastes at Municipal Solid Waste Landfills**

Thank you for the opportunity to comment on the Tentative Amended Waste Discharge Requirements for Disposal/Reuse of Contaminated Soils and Other Nonhazardous Wastes at Municipal Solid Waste Landfills within the Los Angeles Region (*Tentative Order*).

Finding 12 in the *Tentative Order* notes that active landfills in the Los Angeles Region are regulated under State Water Resources Control Board (SWRCB) Order No. 97-03-DWQ (NPDES General Permit No. CAS000001), Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (General Industrial Permit). Finding 12 also notes that the General Industrial Permit requires only limited monitoring, with two sampling events per year.

[12.1]

As you are probably aware, the SWRCB has issued a draft Order that would supersede Order No. 97-03-DWQ and create a new General Industrial Permit. The draft General Industrial Permit is much more stringent than the existing General Industrial Permit and requires preparation of a new SWPPP and increased monitoring and sampling. The draft General Industrial Permit establishes numeric action levels (NALs) for constituents as an indicator of whether existing BMPs are effective.



Many of the requirements of the draft General Industrial Permit are **duplicative** of the requirements of the *Tentative Order* and make requirements of the *Tentative Order* unnecessary.

The draft General Industrial Permit requires preparation of a new SWPPP. The new SWPPP will include a description of potential pollution sources, assessment of potential pollutant sources, minimum BMPs, and site-specific BMPs. The description of potential pollution sources and assessment of potential pollutant sources would include addressing contaminated soils and related wastes.

Sampling and analysis of the storm water discharge from the first storm event of each quarter is required. Additionally, because a landfill is considered to be a facility with significant land disturbance, sampling and analysis of the storm discharge from each additional day of the storm event is required. If NALs are exceeded, more frequent sampling and implementation of additional BMPs are required.

The minimum parameter list, included in the draft General Industrial Permit, is similar to the parameters identified in the *Tentative Order*. Additionally, the analysis is to include parameters indicating the presence of pollutants identified in the pollutant source assessment required for the SWPPP. This would allow a customized list of analytical parameters based on the specific contaminated soils and related waste accepted at the landfill, which would accomplish the same goal as the *Tentative Order*.

At the January 27, 2011 workshop Dr. Enrique Casas stated the expanded storm water monitoring program will be a "data gathering phase" because little is known of storm water chemistry and sampling events are too infrequent. If staff believes additional data are needed in order to develop appropriate storm water monitoring programs, then use the new General Order being developed by the State.

In summary many components of the *Tentative Order* are duplicative and most certainly contradictory to the pending State regulations. This will only add further confusion and additional cost to the regulated community. This *Tentative Order* as currently drafted is attempting to do too many things. Make the *Tentative Order* focused on *acceptance* and disposal to lined and unlined landfills of contaminated soils, and don't try to use this amendment to regulate storm water runoff.

Based on the previous paragraphs it is recommended that the *Tentative Order* be revised as described below:

[12.2]

- Address **only** contaminated soils and delete any reference to "related wastes". This is consistent with the existing 91-93 which only addresses soils.



- Delete the requirement for a revised SWPPP and rely upon the new SWPPP required by the new General Industrial Permit
- Delete BMPs and rely upon the new BMPs that will be part of the new SWPPP required by the new General Industrial Permit
- Delete specific sampling and analysis requirements and rely upon the new sampling and analysis requirements that will be part of the new General Industrial Permit.

[12.3]

Sincerely,  
Chiquita Canyon Landfill



Mike Dean  
Division Vice President

ucb:



13)

Mr. Chris Fall

Advantage Disposal & Recycling Services  
(comments received 2/4/2011)



February 3, 2010

California Regional Water Quality Control Board  
Los Angeles Region  
320 West 4<sup>th</sup> Street  
Los Angeles, California 90013

Attention: Wen Yang, PhD, R.G., C.E.G., C.H.G.

Subject: Tentative Order R4-2011-XXX  
Amendments to Waste Discharge Requirements for Disposal  
and On-Site Use of Non-Hazardous Contaminated Soils and  
Related Wastes at Municipal Solid Waste Landfills

We are writing to express our opposition to the Tentative Amended Waste Discharge Requirements for Disposal and On-Site Use of Contaminated Soils and Related Wastes at Municipal Solid Waste Landfills. This Tentative Order (TO) attempts to regulate a wide range of beneficial re-use materials, both for cover and other landfill on-site uses, contrary to the specifically allowed diversion uses under Title 27 CCR 20690(a).

The stated purpose of this TO is to replace Order 91-93, which dealt solely with contaminated soils. However in this TO, the Regional Board substantially broadens its regulatory reach by adding a significant list of new materials commonly accepted at landfills (listed in Findings 9 and 10). This TO appears to conflict with existing regulations that authorize and encourage the beneficial re-use of the materials. Beneficial re-use of these materials at landfills within the Region is a critical component of the waste diversion program for our city and for many other cities in the LA Region.

[13.1]

We believe that including the beneficial re-use materials listed in Finding 10 of the TO within the scope of these new regulations will ultimately significantly restrict the use of these materials. We cannot stress enough that as a stakeholder in this TO how important it is for regulatory policy to encourage re-use and recycling, not further regulate and restrict it. As a stakeholder we have been left out of the Board's TO process.

[13.2]

Cities and Counties throughout the Region and the State rely on the ability of facilities such as landfills to be able to beneficially re-use a wide variety of materials. We think the better and wiser course is for the Board to step back and

P.O.Box 802587 Valencia, CA 91380-2587 Office 661.252.0023 Fax 661.250.5308

Advantagedisposal.com Email: cfall@Advantagedisposal.com



Cities and Counties throughout the Region and the State rely on the ability of facilities such as landfills to be able to beneficially re-use a wide variety of materials. We think the better and wiser course is for the Board to step back and realize that its attempt to regulate in this fashion conflicts with existing laws and regulations. If the TO were adopted, it could significantly and adversely impact the ability of cities and counties to meet the AB 939 diversion mandate.

[13.3]

You may not be aware that AB 939 provides for penalties of up to \$10,000 per day for every day of non-compliance with the diversion mandates. The proposed TO will place cities and counties needlessly at risk for losing long-standing diversion credits and being penalized under AB 939. In this economy the city doesn't need any additional burden.

We strongly suggest that the Regional Board reconsider its current position in attempting to regulate beneficial re-use materials. At a minimum we suggest that the Regional Board re-consider its timeline for adopting this TO and allow for much more time for input from the real stakeholders in this TO.

[13.4]

We appreciate any and all consideration in advance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Fall".

Chris Fall  
CEO  
Advantage Disposal  
A Division of Rent-A-Bin

A handwritten signature in cursive script, appearing to read "Darrin Randall".

Darrin Randall  
CFO  
Rent-A-Bin

14)

Mr. Andy Hovey

Ventura Regional Sanitation District  
(comments received 2/4/2011)

**Enrique Casas - FW: Comments to draft Non-Hazardous Contaminated Soils Permit**

---

**From:** Andy Hovey <AndyHovey@VRSD.COM>  
**To:** "ecasas@waterboards.ca.gov" <ecasas@waterboards.ca.gov>  
**Date:** 2/4/2011 3:41 PM  
**Subject:** FW: Comments to draft Non-Hazardous Contaminated Soils Permit  
**Attachments:** VRSD Contaminated Soils WDR comments.pdf

---

---

**From:** Andy Hovey  
**Sent:** Friday, February 04, 2011 3:31 PM  
**To:** Enrique Casas (ecasas@rb4.swrcb.ca.gov)  
**Cc:** Jason Siebert; Sally Coleman  
**Subject:** Comments to draft Non-Hazardous Contaminated Soils Permit

Hello Henry,

[14]

Attached is the draft WDR with comments / modifications in a "tracked changes" format. A hardcopy will also be sent by mail.

Andy

---

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**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

**ORDER NO. R4-2011-XXX**

**AMENDMENTS TO WASTE DISCHARGE REQUIREMENTS  
FOR DISPOSAL AND ON-SITE USE OF NON-HAZARDOUS CONTAMINATED SOILS  
AND RELATED WASTES  
AT MUNICIPAL SOLID WASTE LANDFILLS**

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

1. On July 22, 1991, this Regional Board adopted Order No. 91-93; General Waste Discharge Requirements for Discharge of Non-Hazardous Contaminated Soils and Other Wastes in Los Angeles River and Santa Clara River Basins. Order No. 91-93 contains general waste discharge requirements (WDRs) to regulate the discharge of non-hazardous contaminated<sup>1</sup> soils and other wastes in the Los Angeles Region.
2. Soils contaminated with moderate concentrations to total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), organochlorine pesticides, polychlorinated biphenyls (PCBs), and California Assessment Manual (CAM) metals, are wastes as defined in California Water Code (CWC) section 13050 and are required to be regulated under waste discharge requirements pursuant to CWC section 13263(a). The discharge of such wastes to land could affect the quality of the waters of the state if not properly managed. This Order sets forth requirements to assure that discharge of such wastes does not affect the quality of waters of the state.
3. Land disposal of contaminated soils to properly engineered and managed municipal solid waste (MSW or Class III) landfills is an efficient and economical means of controlling the effects of such discharge of waste. The threat to waters of the State is thereby eliminated or reduced to non-significant levels.
4. Each year this Regional Board receives a large number of requests for the disposal of contaminated soils and related wastes. For each such request, the Regional Board has to determine the concentration of the significant constituents of concern in the waste, the regulatory limits, if any, for these constituents, and the potential impact on the waters of the State from the disposal of the waste. Such requests are anticipated to continue and far exceed the capacity of the Regional Board to review and consider general WDRs for each applicant in a timely manner. These circumstances create the need for an expedited system for processing the numerous requests for the disposal of these moderately contaminated soils and related wastes without compromising water quality.

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<sup>1</sup> As used in this Order, the phrase "contaminated soils" means soils that contain any of the pollutants listed in this Order, but in low enough concentrations that the soil is not a designated or hazardous waste.

5. Increasingly, the generators of contaminated soils or landfill operators request approval for use of contaminated soils and related wastes at landfills within the Region, rather than disposal, as a component of environmental controls systems. Most often the request is for use as cover materials<sup>2</sup>, more specifically for use as alternative daily cover.
6. MSW landfills in the Region are regulated pursuant to individual WDRs to receive municipal waste. Such WDRs generally do not include requirements for the disposal or reuse of contaminated soils and related wastes. Routinely, landfill operators are required to develop and implement "load-checking programs" to limit unacceptable wastes from being discharged. Due to the nature of contaminated soils, the waste constituents in the soils cannot readily be detected through load-checking programs. Thus, routine load-checking programs implemented through individual WDRs for operating MSW landfills in the Region are not adequate to regulate the discharge of contaminated soils.
7. The adoption of amendments to WDRs for disposal and reuse of contaminated soils and related wastes disposal would assist in:
  - a. Protecting groundwaters and surface waters of the State from pollution or contaminations;
  - b. Clarifying requirements for contaminated soils disposal at Region MSW landfills; and
  - c. Reducing time expended by Regional Board staff on preparing and considering WDRs on a project specific basis.
8. Water quality protection requirements for cover materials at MSW landfills are contained in section 20705(e) of title 27 of the California Code of Regulations (27 CCR) as follows:

Limitations on Cover Materials – Except for reusable covers that are never incorporated into the landfill, daily and intermediate cover shall only consist of materials:

- a. Match Landfill Classification – which meet the classification criteria for wastes that can be discharged to that landfill. Therefore, a material that would be classified as a designated waste cannot be utilized for daily or intermediate cover at a Class III landfill unless that material is approved for discharge (as a waste) to that landfill pursuant to 27 CCR, section 20200(a)(1); and
- b. Composition – whose constituents (other than water) and foreseeable breakdown byproducts, under the chemical (including biochemical) and temperature conditions which it is likely to encounter within the landfill, either:

<sup>2</sup> Cover material is defined in 27 CCR, section 20164, to mean soils/earthen materials or alternative materials used in covering compacted solid wastes in a disposal site. Cover material may serve as daily, intermediate or final cover. Alternative daily cover means cover material other than at least six inches of earthen material, placed on the surface of the active face at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging.

- i. for non-composite lined portions of the landfill, are mobilizable only at concentrations which would not adversely affect beneficial uses of waters of the State, in the event of a release; or
  - ii. for composite-lined portions of the landfill, are listed as constituents of concern in the landfill's water quality protection standard, created pursuant to 27 CCR section 20395.
9. Pursuant to 27 CCR, section 20686, beneficial reuse of solid wastes at MSW landfills shall include, but not be limited to, the following: alternative daily cover, alternative intermediate cover, final cover foundation layer, liner operations layer, leachate and landfill gas collection system, construction fill, road base, wet weather operations pads and access roads, and soil amendments for erosion control and landscaping. This Order specifies criteria for the various reuse of materials at landfills in the Los Angeles Region.
10. Pursuant to 27 CCR section 20690(b), all types of alternative daily cover must be approved by local enforcement agency (LEA)<sup>3</sup> in writing to the California Integrated Waste Management Board, now the Department of Resources Recycling and Recovery (CalRecycle), prior to use at MSW landfills as consistent with 27 CCR, section 21570 through section 21686. Proposed uses of alternative daily cover materials potentially require site specific demonstration projects approved by the LEA with concurrence by CalRecycle to establish suitability as daily cover. However, site specific demonstration projects are not required for the following materials used as specified and in accordance with 27 CCR section 20690(a):
- contaminated sediment (or soils), dredge spoils, foundry sands, energy resource exploration and production wastes;
  - geosynthetic fabric or panel products (blankets);
  - foam products;
  - processed green material;
  - sludge and sludge-derived materials;
  - ash and cement kiln dust materials;
  - treated auto shredder waste;
  - compost materials;
  - processed construction and demolition wastes and materials;
  - shredded tires; and
  - spray applied cementitious products.
11. Both the beneficial reuse of solid wastes as discussed in Finding 9 and the specific types of alternative daily cover materials listed in Finding 10 with mobilizable constituents, constitute the related wastes subject to the requirements of this Order.

Deleted: The alternative daily cover materials listed in Finding No. 10 above.

<sup>3</sup> Current LEAs in the Region for active landfills include the County of Los Angeles (Department of Health Services, Solid Waste Management Department), the City of Los Angeles (Environmental Affairs Department), and the County of Ventura (Environmental Health Division).

12. In addition to site specific WDRs, active MSW landfills in the Region are regulated under State Water Resources Control Board Water Quality Control Order No. 97-03-DWQ (National Pollutant Discharge Elimination System [NPDES] General Permit No. CAS000001), Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities; General Industrial Permit). Monitoring requirements in the General Industrial Permit for municipal waste landfills are currently relatively limited, with only two stormwater sampling events required per year and benchmarks are established for only pH, total suspended solids (TSS), specific conductance, oil and grease or total organic carbon, and iron. Surface water monitoring results for landfills in the Region indicate that benchmark limits are commonly exceeded. Based on the 2008-2009 industrial stormwater annual reports submitted for permitted landfills in the Region, TSS results ranged from 1,100 to 59,000 mg/L in stormwater samples, in comparison to the benchmark value of 100 mg/L for TSS.
13. Landfill disposal and on-site use of contaminated soils and related wastes may result in additional sediment or mobilized wastes released into surface water bodies if not properly managed. Sediment can be detrimental to aquatic life (primary producers, benthic invertebrates, and fish) in water bodies by interfering with photosynthesis, respiration, growth, reproduction, and oxygen exchange. In addition, sediment particles can transport other contaminants that are attached to them, including nutrients, trace metals, and petroleum hydrocarbons. Sediment particles such as silts and clays are the primary components of turbidity, TSS, and suspended sediment concentration water quality analytical parameters. Sediment and other contaminants, if present in higher than normal concentrations, can be toxic to marine biota and humans.
14. The issuance of this Order establishing WDRs for the landfilling and reuse of contaminated soils and related wastes, as described in Finding Nos. 11 and 12 above, is consistent with this Regional Board's goal to provide water resources protection, enhancement, and restoration, while balancing economic and environmental impacts as stated in the Strategic Plan of the State Water Resources Control Board and the Regional Boards, and in conformance with the Porter-Cologne Water Quality Control Act (CWC, section 13000, et seq.). The purpose of this Order is to develop consistent acceptance criteria for non-hazardous contaminated soil and related wastes at landfills in the Region.
15. This order is applicable to all active MSW landfills in the Region, which currently include the Calabasas, Chiquita Canyon, Pebbly Beach, Puente Hills, Savage Canyon, Scholl Canyon, Simi Valley, Burbank, Sunshine Canyon, and Toland Road landfills, under File Nos. 60-118, 67-020, 72-030, 57-220, 63-082, 60-117, 69-090, 72-035, 58-076, 69-091, respectively.
16. These WDRs are not applicable to the onsite or offsite reuses, such as soil backfilling, of uncontaminated or slightly contaminates soil as defined in Section C of this Order.
17. These WDRs shall not be interpreted or applied in a manner that alters or supersedes any existing restrictions or working arrangements relating to cleanup cases regulated by any federal, state or local governmental agencies.

18. These WDRs are not intended to regulate the transport of contaminated soils to treatment facilities, the land-treatment of contaminated soils, or the discharge of soils to inert waste landfills, not do they regulate the reuse contaminated soils at site cleanup projects overseen by this Regional Board. These activities are regulated either by individual WDRs, cleanup and abatement orders, or other general WDRs adopted by this Regional Board.
19. The Regional Board adopted a revised Water Quality Control Plan for the Los Angeles Regional (Basin Plan) on June 13, 1994. The Basin Plan contains beneficial uses (municipal and domestic supply, agricultural supply, industrial process supply, industrial service supply, groundwater recharge, and freshwater replenishment) and water quality objectives for groundwater in the Los Angeles Region. The requirements in this Order, as they are met, will be in conformance with the goals of the Basin Plan.
20. Section 13263(e) of the CWC provides that the Regional Board shall periodically review and revise adopted WDRs.
21. All active MSW landfills in the Region are existing facilities and as such, the adoption of this Order is exempt from the provisions of the California Environmental Quality Act in accordance with 14 CCR, chapter 3, article 19, section 15301.
22. The Regional Board has notified interested parties of its intent to amend waste discharge requirements for all active MSW landfills in the Region.
23. The Regional Board, in a public meeting heard and considered all comments pertaining to the disposal of contaminated soils and related wastes at all active MSW landfills in the Region.
24. Any person aggrieved by this action of the Regional Board may petition the State Water Board to review the action in accordance with CWC section 13320 and 23 CCR, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of adoption 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/index.shtml](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml) or will be provided upon request.

**IT IS HEREBY ORDERED** that dischargers for active MSW landfills in the Region, which currently include the Calabasas, Chiquita Canyon, Pebbly Beach, Puente Hills, Savage Canyon, Scholl Canyon, Simi Valley, Burbank, Sunshine Canyon, and Toland Road landfills, shall comply with the following requirements pertaining to their corresponding landfill(s):

**A. APPLICABILITY**

1. This order shall serve as WDRs for the disposal and on-site use of non-hazardous contaminated soils at MSW landfills in the Region.

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2. Contaminated soils concentration limits are established in Section C of this Order and may vary for each landfill cited in this Order, based on site specific criteria, including existing environmental control systems (composite liners, leachate collection and removal systems, etc.), landfilling operations (i.e., best management practices, BMPs), and hydrogeologic setting.

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3. A MSW landfill operator in the Region who accepts non-hazardous contaminated soils and related waste materials as defined in Finding No. 11 of the Order shall be subject to the requirements of the expanded stormwater program as discussed in Section E of this Order.

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## B. PROHIBITIONS

1. The disposal or on-site use of contaminated soils that are in violation of the Order is prohibited.
2. Contaminated soils or related wastes that are deemed to be hazardous waste, as defined in article 11, title 22 of California Code of Regulations (22 CCR), shall not be discharged at MSW landfills in the Region.
3. Contaminated soils or related wastes that are deemed to be designated waste, as defined in Section 13173 of CWC, shall not be discharged at MSW landfills in the Region.
4. Since 1987, it has been illegal in California to dispose of used or waste oil in sewers, drainage systems surface water, ground waters, water courses, marine waters, or municipal waste, or onto land, or by domestic incineration. Soils contaminated with used oil are prohibited for disposal at MSW landfills in the Region pursuant to this Order.
5. The disposal or reuse of contaminated soils or related wastes at MSW landfills in the Region shall not violate requirements of the dischargers local air quality regulations.
6. The discharge of waste shall not:
  - a. Cause ground waters or surface waters to exceed the water quality objectives as established in the Basin Plan;
  - b. Cause pollution, contamination, or nuisance, or adversely affect beneficial uses of ground or surface waters as established in the Basin Plan;
  - c. Cause the occurrence of coliform or pathogenic organisms in waters pumped from a groundwater basin.

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- d. Cause the occurrence of objectionable tastes and odors in waters pumped from a groundwater basin;
  - e. Cause waters pumped from a groundwater basin to foam;
  - f. Cause the presence of toxic materials in groundwater; or
  - g. Cause the pH of waters pumped from a groundwater basin to fall below 6.0, or rise above 9.0.
7. Odors, vectors, and other nuisances of contaminated soils waste origin beyond the limits of the landfill are prohibited.
  8. The discharge of contaminated or related wastes to surface drainage courses is prohibited.
  9. Basin Plan prohibitions shall not be violated.

**C. CONTAMINATED SOILS CRITERIA**

A landfill operator who accepts soils at a MSW landfill shall develop a Waste Acceptance Program to determine the suitability of onsite reuse or disposal of the soils described in Section F2 of this Order. Due to the fact that concentration limits for soils may vary for each landfill as described in Section A.2 of this order, onsite reuse and disposal criteria provided in this section shall serve as guidelines for developing applicable acceptance criteria for soils in the site-specific Waste Acceptance Program.

**1. Unrestricted Onsite Use of Contaminated Soils:**

Clean and slightly contaminated soils, for which waste concentrations do not exceed the following threshold criteria may be disposed of, or used on-site, at any portion of an active MSW landfill without restriction.

- a. .
- b. Threshold concentration levels for constituents that shall be considered for monitoring during the development of the site-specific Waste Acceptance Program for soils shall include by this Order:

- For petroleum hydrocarbon contaminated soils, the threshold concentration is a total petroleum hydrocarbon (TPH) concentration of 10 mg/kg in the gasoline (C4-C12) or diesel (C13-C22) carbon-chain range, or 500 mg/kg in the C23 or greater carbon-chain range.

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- i. Preliminary Remediation Goal (PRG)<sup>4</sup> for industrial sites established by the U. S. Environmental Protection Agency.
- ii. California Human Health Screening Level (CHHSL)<sup>5</sup> for industrial sites established by the California Environmental Protection Agency.
- iii. Maximum contaminant concentrations established in Title 22 of California Code of Regulations.
- iv. Maximum-contaminant level (MCL) established by the United States Environmental Protection Agency or the State of California Department of Health Services for which a PRG or CHHSL has not been established.

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2. Criteria for Disposal of Contaminated Soils at Unlined Landfills:

Limits for disposal of contaminated soils at unlined, or unlined portions, of MSW landfills in the Region:

- a. Soils contaminated with an average TPH concentration higher than 500 mg/kg in the C4-C12 carbon-chain range, or 1,000 mg/kg in the C13-C22 carbon-chain range, or 10,000 mg/kg in the C23 or greater carbon-chain range.
- b. Threshold concentration levels to be considered for monitoring during the development of the site-specific Waste Acceptance Program for the disposal of soils at unlined landfills shall include the following:
  - i. 100 times an established MCL, or a per-weight basis or,
  - ii. Threshold concentration levels established in Section C.2 when 100 times the MCL is more stringent than threshold levels established for unrestricted onsite use.

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3. Criteria for Disposal of Contaminated Soils at Lined Landfills:

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Soils concentrations greater than those established for unlined landfills in provision C.2, above, but lower than the concentration listed in C.4 below, may be disposed of at a lined, or lined portion, of a Class III landfill in this Region if the corresponding discharger determines, pursuant to approval by the Executive Officer, that the

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<sup>4</sup> Reference information can be found at <http://www.swrcb.ca.gov/rwqcb2/esl.shtml>

<sup>5</sup> Reference information can be found at <http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf>

<sup>6</sup> Designated waste means nonhazardous waste that under ambient environmental conditions at a landfill, could be released in concentrations exceeding applicable water quality objectives or that could reasonably be expected to affect beneficial uses of the waters of the state.



contaminated soils are not classified as designated waste<sup>7</sup>. To satisfy this requirement, a discharger shall develop waste acceptance criteria, as discussed in the beginning of this section and further described in Section F.2 of this Order consistent with The Designated Level Methodology for Waste Classification and Cleanup Level Determinations<sup>8</sup> or alternative methodology approved by the Executive Officer. Factors to be considered in developing waste acceptance criteria include:

- a. Water quality objectives – Consistent with the Basin Plan is municipal and domestic supply beneficial use for groundwater resources in the Region, the Discharge shall use the most stringent Basin Plan objectives, including MCLs for each contaminant, or comparable limit as approved by the Executive Officer, as the water quality objective;
  - b. A calculated leakage flow rate based on landfill-specific design criteria;
  - c. A calculated groundwater flow based on landfill-specific hydro-geologic conditions;
  - d. Equilibrium partitioning of contaminants between leachate and soils; and
  - e. Equilibrium partitioning of contaminants between leachate and groundwater with consideration for dilution attenuation.
4. Soils contaminated with an average TPH concentration higher than 1,000 mg/kg in the C4-C12 carbon-chain range, or 10,000 mg/kg in the C13-C22 carbon-chain range, or 50,000 mg/kg in the C23 and greater carbon-chain range, shall not be discharged at any Class III landfill in this Region.

**D. BEST MANAGEMENT PRACTICES PERTINENT TO ONSITE USE OF CONTAMINATED SOILS AND RELATED WASTES**

- I. Pursuant to Finding No. 8(b)(i), above, for landfills where-in contaminated soils are reused on-site as part of environmental control systems, the contaminants shall not be mobilized at concentrations which would adversely affect beneficial uses of waters of the State in the event of a release. Given that 27 CCR requirements constitute minimum standards for the protection for groundwater and surface water from landfill sites, and the increased potential to surface water quality impacts from the on-site use of contaminated soils or related wastes in environmental control systems, for the purpose of this Order, protection of surface water quality beneficial uses means that surface waters shall be protected pursuant to requirement of a general industrial stormwater permit or a site-specific or regional general NPDES permit.

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<sup>7</sup> A report developed by the staff of the Central Valley Regional Water Board presenting a waste classification system from a water quality perspective. Reference information can be found at [http://www.swrcb.ca.gov/rwqcb3/plans\\_policies/guidance/dlm/pdf](http://www.swrcb.ca.gov/rwqcb3/plans_policies/guidance/dlm/pdf).

2. Dischargers who propose to accept contaminated soils, as defined in Section C.2 and C.3 of this Order, or who propose to accept related wastes pursuant to ~~as described in Finding 11~~, for on-site use, shall file a revised Stormwater Pollution and Prevention Plan (SWPPP) with this Regional Board within ~~six months of the adoption of this~~ Order. The revised SWPPP shall meet all requirements of the general industrial permit (Storm Water General Permit No. 97-03-DWQ) and shall incorporate facility-specific BMPs that limit constituents (other than water) in contaminated soils or related wastes and foreseeable breakdown byproducts from stormwater runoff. The revised SWPPP shall discuss the specific sediment and erosion control BMPs selected and implemented at the site to address requirements of this Order.

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3. Facility-specific BMPs ~~may include, but not be limited to:~~

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- a. Procedures for limiting the use of soils during periods of wet weather so that the contribution of waste constituents and foreseeable breakdown byproducts to surface water runoff is limited.
- b. Drainage diversion facilities that control surface water run-on and run-off to limit interaction with wastes exposed in landfill working areas.
- c. Drainage retention facilities to capture, or control, surface waters to not contribute to stormwater run-off.

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4. Dischargers shall implement an effective combination of erosion and sediment control BMPs<sup>9</sup> from the menu below to ~~limit erosion, sediment loss, or mobilized~~ waste constituents that exceed benchmark values:

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BMPs

- Fiber Rolls
- Gravel Bag Berm
- Properly Engineered Sediment Basin
- Check Dam
- Site Entrance Stabilization
- Scheduling
- Preserving Existing Vegetation
- Silt Fences
- Sand Bag Barrier
- Hydraulic Mulch
- Hydro seeding
- Soil Binders
- Straw Mulch
- Geotextile Mats

<sup>9</sup> A detailed description of these BMPs can be found in the California BMP Handbook, Construction Manual, January 2003, and addenda, and updated November 2009, and the Caltrans Stormwater quality Handbooks, Construction Site BMPs Manual, March 2003, and addenda.

- Wood Mulching

**E. EXPANDED STORMWATER MONITORING PROGRAM**

1. Within ~~six months~~ of the adoption of this Order, for any MSW landfill at which a discharger accepts contaminated soils, pursuant to requirements in C.2 and C.3 above, ~~or related waste as defined in Finding 11~~ the discharger shall submit, for approval of the Executive Officer, an updated list of contaminants of concern (COC) for the landfill surface water monitoring program to meet requirements of the general NPDES permit. The updated COC list shall include all waste constituents appropriate to the contaminated soils. ~~At a minimum the COCs considered for monitoring shall include pH, total suspended solids, specific conductance, oil and grease, volatile organic compounds, semi-volatile organic compounds, pesticides, polychlorinated biphenyls, CAM metals, total organic carbon, nitrate-nitrogen, nitrogen as total Kjeldahl, and total phosphorus.~~
2. For any MSW landfill for which a discharger accepts contaminated soils, pursuant to requirements C.2 and C.3 ~~or related waste as defined in Finding 11~~ of this Order, the discharger shall, starting on the adoption date of this Order, expand stormwater monitoring procedures to sample all discrete storm events<sup>10</sup> that results in runoff at stormwater sampling points established for the landfill. Stormwater samples shall be collected during normal working hours, as early as possible after the start of the storm. If the storm commences during working hours, the sample should be taken within the first 2 hours of the production of runoff. If the storm commences prior to working hours, a sample should be taken within 2 hours of landfill staff arriving ~~on-site if the discharge is still occurring.~~
3. For any landfill that accepts contaminated soils or related wastes pursuant to requirements in C.2 and C.3 of the Order, stormwater benchmark values are hereby established as in Table 1 attached to this Order. Exceedances of benchmark levels that are not controlled by effective implementation of stormwater BMPs could, pursuant to a directive by the Executive Officer, lead to the operator being required to obtain an individual NPDES permit or enroll in a general NPDES permit.
4. Revisions to the surface water monitoring program, including reduction of monitoring constituents, sampling locations, or events, can only be made pursuant to Executive Officer review and approval.

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**F. REPORTING REQUIREMENTS**

1. In accordance with regulations in section 3890 et seq. of 23 CCR and division 3 of 27 CCR, adopted by the State Water Board in September 2004 regarding electronic submittal of information (ESI), dischargers shall submit all monitoring reports required under these, or site-specific, WDRs electronically to the State Water Board

<sup>10</sup> Discrete storm events are defined herein as stormwater generating rainfall events in between intervening dry periods (i.e., no, rainfall as measured at stormwater sampling locations for 3 days or 72 hours).

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GeoTracker system. Dischargers are subject to any future revision to ESI requirements.

2. For any MSW landfill for which a discharger accepts contaminated soils, or related wastes as defined in Finding 11, the discharger shall submit within six months of the adoption of this Order, for approval of the Executive Officer, a Plan for implementing a Waste Acceptance Program (Program) that complies with requirements of this Order. The discharger will be able to implement their Plan while under review by the Regional Board. The Plan should identify personnel responsible for implementing the Program, procedures for approving soil profiling information including testing procedures for waste constituents accepted at the landfill, site-specific threshold levels for all appropriate wastes accepted for disposal or reuse, and any other technical information required by the Executive Officer. Subsequently, the Plan should be routinely updated by the discharger to accommodate any proposed revisions to the Program, or as directed by the Executive Officer.
3. Dischargers shall report all Program related activities in corresponding quarterly or semiannual monitoring reports, pursuant to the monitoring and reporting program in site-specific WDRs for the corresponding landfill. The report shall include a summary of the types, volumes, and disposal or on-site use for all wastes accepted pursuant to requirements of this Order. The report shall also compile all waste profiling information utilized by the discharger to implement Program requirements, including all sampling, measurement, and analytical results, including: the date, exact place, and time of sampling or measurement; individual(s) who did the sampling or measurement; the date(s) analyses were done; analysis names; and analytical techniques or methods used to profile contaminated soils or wastes.
4. Dischargers shall submit all surface water test results in corresponding quarterly or semiannual monitoring reports pursuant to the monitoring and reporting program in site-specific WDRs for the corresponding landfill. Routine submittal of the surface water test results does not release Dischargers from summary annual reporting requirements of the general industrial stormwater permit. Dischargers shall submit a summary of all benchmark exceedances.
5. Dischargers shall furnish, within a reasonable time, any information which the Executive Officer may require to determine whether cause exists for modifying, revoking and reissuing, or terminating enrollment under this Order.
6. Where a discharger becomes aware of a failure to submit any relevant facts in a report to the Regional Board, the discharger shall promptly submit such facts or information.
7. Dischargers shall report any noncompliance of this Order. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the owner becomes aware of the circumstances. A written submission shall also be provided within seven days of the time the owner becomes aware of the circumstances. The written submission shall contain a description of the

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noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, or prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

8. All applications, reports, or information required by the Executive Officer shall be signed and certified 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 part (a) of 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 part (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 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."

9. Dischargers shall submit reports required under this Order and other information requested by the Executive Officer, to:

California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013  
ATTN: Information Technology Unit

**G. PROVISIONS**

1. Provisions in this Order supersede those in any site-specific order issued by this Regional Board that relate to contaminated soil, or related waste, disposal or reuse requirements.

**H. NOTIFICATIONS**

1. The CWC provides that any person who intentionally or negligently violates any WDRs issued, reissued, or amended by this Regional Board is subject to administrative civil liability of up to 10 dollars per gallon of waste discharged, or if no discharge occurs up to \$1,000 per day of violation. The Superior Court may impose civil liability of up to \$10,000 per day of violation or, if a cleanup and abatement order has been issued, up to \$15,000 per day of violation.
2. The CWC provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and may be subject to administrative civil liability of up to \$1,000 per day of violation.
3. The disposal of contaminated soils or related wastes may also be subject to regulations of CalRecycle, California Department of Toxic Substances Control, the South Coast Air Management District, or the Ventura County Air Pollution Control District.

I, Samuel Unger, Executive Officer, do 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 March 3, 2011.

---

Samuel Unger, P.E.  
Executive Officer

TABLE 1: STORMWATER BENCHMARK VALUES

(Adopted from Table B of the U.S. Environmental Protection Agency multi-sector NPDES permit)

Parameter	Benchmark Value
Biochemical Oxygen Demand(5)	30 mg/L
Chemical Oxygen Demand	120 mg/L
Total Suspended Solids	100 mg/L
Oil and Grease	15 mg/L
Nitrate + Nitrite Nitrogen	0.68 mg/L
Total Phosphorus	2 mg/L
pH	6.0-9.0 mg/L
Acrylonitrile (c)	7.55 mg/L
Aluminum, Total (pH 6.5-9)	0.75 mg/L
Ammonia	19 mg/L
Antimony, Total	0.636 mg/L
Arsenic, Total (c)	0.16854 mg/L
Benzene	0.01 mg/L
Beryllium, Total (c)	0.13 mg/L
Butylbenzyl Phthalate	3 mg/L
Cadmium, total (H)	0.0159 mg/L
Chloride	860 mg/L
Copper, Total (H)	0.0636 mg/L
Dimethyl Phthalate	1.9 mg/L
Ethylbenzene	3.1 mg/L
Fluoranthene	0.042 mg/L
Fluoride	1.8 mg/L
Iron, Total	1.0 mg/L
Lead, Total (H)	0.0816 mg/L
Manganese	1.0 mg/L
Mercury, Total	0.0024 mg/L
Nickel, Total(H)	1.417 mg/L
PCB-1016 (c)	0.000127 mg/L
PCB-1221 (c)	0.10 mg/L
PCB-1232 (c)	0.000318 mg/L
PCB-1242 (c)	0.00020 mg/L
PBC-1248(c)	0.002544 mg/L
PCB-1254(c)	0.10 mg/L
PCB-1260(c)	0.000477 mg/L
Phenols, Total	1.0 mg/L
Pyrene (PAH,c)	0.01 mg/L
Selenium, Total (*)	0.2385 mg/L
Silver, Total (H)	0.0318 mg/L
Toluene	10.0 mg/L
Trichloroethylene (c)	0.0027 mg/L
Zinc, Total (H)	0.117 mg/L

15)

Mr. John Richardson  
Crown Disposal  
(comments received 2/4/2011)





February 3, 2010

California Regional Water Quality Control Board  
Los Angeles Region  
320 West 4<sup>th</sup> Street  
Los Angeles, California 90013

Attention: Dr. Enrique Casas

Subject: **Tentative Order R4-2011-XXX**  
**Amendments to Waste Discharge Requirements for Disposal**  
**and On-Site Use of Non-Hazardous Contaminated Soils and**  
**Related Wastes at Municipal Solid Waste Landfills**

We are writing to express our strong opposition to the Tentative Amended Waste Discharge Requirements for Disposal and On-Site Use of Contaminated Soils and Related Wastes at Municipal Solid Waste Landfills. This Tentative Order (TO) attempts to now regulate a wide range of beneficial re-use materials, both for cover and other landfill on-site uses, contrary to the specifically allowed diversion uses under Title 27 CCR 20690(a).

The stated purpose of this TO is to replace Order 91-93, which dealt solely with contaminated soils. However in this TO, the Regional Board substantially broadens its regulatory reach by adding a significant list of new materials commonly accepted at landfills (listed in Findings 9 and 10). This TO appears to conflict with existing regulations that authorize and encourage the beneficial re-use of the materials. Beneficial re-use of these materials at landfills within the Region is a critical component of the waste diversion program for our city and for many other cities in the LA Region.

[15]

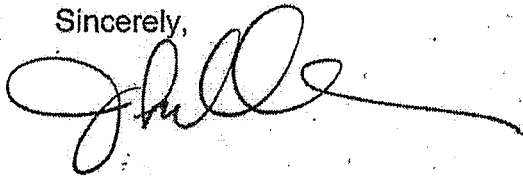
We believe that including the beneficial re-use materials listed in Finding 10 of the TO within the scope of these new regulations will ultimately significantly restrict the use of these materials. We cannot stress enough that as a stakeholder in this TO how important it is for regulatory policy to encourage re-use and recycling, not further regulate and restrict it. As a stakeholder we have been left out of the Board's TO process.

Cities and Counties throughout the Region and the State rely on the ability of facilities such as landfills to be able to beneficially re-use a wide variety of materials. We think the better and wiser course is for the Board to step back and realize that its attempt to regulate in this fashion conflicts with existing laws and regulations. If the TO were adopted, it could significantly and adversely impact the ability of cities and counties to meet the AB 939 diversion mandate.

You may not be aware that AB 939 provides for penalties of up to \$10,000 per day for every day of non-compliance with the diversion mandates. The proposed TO will place cities and counties needlessly at risk for losing long-standing diversion credits and being penalized under AB 939. In this economy the city doesn't need any additional burden.

We strongly suggest that the Regional Board reconsider its current position in attempting to regulate beneficial re-use materials. At a minimum we suggest that the Regional Board re-consider its timeline for adopting this TO and allow much more time for input from the real stakeholders in this TO.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Richardson', with a long horizontal flourish extending to the right.

John Richardson  
Vice President

16)

Ms. Kristen Ruffell

County Sanitation Districts of Los Angeles County  
(comments received 2/4/2011)



## COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400  
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998  
Telephone: (562) 699-7411, FAX: (562) 699-5422  
www.lacsd.org

STEPHEN R. MAGUIN  
Chief Engineer and General Manager

February 4, 2011  
File: 31-370.40.4A

California Regional Water Quality Control Board  
Los Angeles Region  
Groundwater Permitting and Landfills Unit  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

Attention: Mr. Enrique Casas

**Comments on Tentative Order R4-2011-XXX  
Amendments to Waste Discharge Requirements  
for Disposal and On-site Use of Non-Hazardous Contaminated Soils  
and Related Wastes at Municipal Solid Waste Landfills**

The Sanitation Districts of Los Angeles County (Sanitation Districts) operate a comprehensive solid waste management system that serves the needs of a large portion of Los Angeles County. This system includes three active municipal solid waste landfills that currently accept non-hazardous soils as well as other materials for beneficial reuse: Calabasas Landfill, Puente Hills Landfill, and Scholl Canyon Landfill. The Sanitation Districts appreciate the opportunity to comment on Tentative Order No. R4-2011-XXX, dated December 5, 2010, for "*Amendments to Waste Discharge Requirements for Disposal and On-Site Use of Non-Hazardous Contaminated Soils and Related Wastes at Municipal Solid Waste Landfills*" (Tentative Order).

First of all, the Sanitation Districts appreciate the efforts of the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) in holding a second Public Workshop to discuss the Tentative Order. The Sanitation Districts support the Regional Board's effort to ensure that contaminated soils are properly managed and understand the Regional Board's desire for additional stormwater monitoring at landfills that reuse materials for cover. However, as written, there are acceptance criteria in the Tentative Order that would make it onerous, if not impossible, for the Sanitation Districts to continue accepting clean dirt, greenwaste, and treated ash at our facilities. The Sanitation Districts rely on the beneficial reuse of these materials for daily cover, alternative daily cover, and/or wet-weather road base and our customers rely on our reuse of these materials to meet state-mandated recycling goals.

[16.1]

However, recent discussions with Regional Board staff and the public workshop held on January 27, 2011, clarified that it is not the intent of the Tentative Order to restrict the reuse of these materials. Regional Board staff indicated that the Tentative Order is only intended to 1) establish more effective reuse and disposal criteria solely for non-hazardous contaminated soils and 2) to expand the

stormwater monitoring program for municipal solid waste landfills that reuse materials identified in the Tentative Order. Regional Board staff further indicated that these goals are intended to be implemented through site-specific plans that consider regional and site-specific information and propose site-specific soil acceptance and stormwater monitoring programs with each of these plans being subject to Executive Officer approval. The Sanitation Districts support this approach.

In order to reconcile the differences between the amendments as proposed in the Tentative Order and the intentions of the Regional Board, the Sanitation Districts suggest the Tentative Order be clarified regarding the waste acceptance criteria and the proposed stormwater monitoring. Our suggested revisions give more deference to the Regional Board staff and the Executive Officer to approve plans which meet the goals of the WDRs. Our suggestions are shown as edits on the Portable Document Format (PDF) file of the Tentative Order in Enclosure 1. We have also provided a more detailed discussion on the rationale behind some of our key suggestions below.

### *Detailed Suggestions*

**Suggestion 1:** Please clarify that the reuse and disposal criteria established in Section C of the Tentative Order are intended solely for soils and are not applicable to the list of "related waste" materials identified in Finding Nos. 9 and 10 of the Tentative Order.

Discussion: Finding Nos. 9 and 10 of the Tentative Order describe the beneficial reuse of solid wastes at Class III landfills and identify a list of materials that are exempt from site-specific demonstration projects approved by the local enforcement agency to establish suitability as daily cover. Finding No. 11 further states "alternative daily cover materials listed in Finding No. 10 above, with mobilizable constituents, constitute the wastes subject to the requirements of this Order". Because the intent of this Tentative Order is to establish onsite use and disposal criteria for soils only, we request modifying Finding No. 11 and Section A of the Tentative Order to clarify that the acceptance of "related waste" is subject to requirements of the expanded stormwater monitoring program but is not subject to the disposal criteria established specifically for soils.

[16.2]

**Suggestion 2:** The intermixed uses of "disposal" versus "reuse" and "soils" versus "soils or related wastes" have created conflicting interpretations and confusion in determining the applicability of the waste discharge requirements in the Tentative Order.

Discussion: As written, the waste discharge requirements in the Tentative Order can be interpreted as applicable to the disposal and reuse of both "soils" and "related waste materials" due to consistent and interchangeable uses of "disposal" versus "disposal and onsite use" and "soils" versus "soils or related wastes" throughout the proposed amendments. In order to determine applicability of waste discharge requirements and reflect the intent of the Tentative Order as we understand from the Regional Board, we request modifying Sections A and C to remove "or related wastes" from all references that are intended for reuse or disposal of soils only.

[16.3]

**Suggestion 3:** Please clarify the threshold limit concentrations provided in the Contaminated Soils Disposal Criteria 1.b.(i), (ii), and (iii) in Section C of the Tentative Order.

Discussion: Contaminated Soils Disposal Criterion 1.b.(i) in Section C requires "clean and slightly contaminated soils" not to exceed Preliminary Remediation Goal (PRG) for industrial sites that consists of threshold limits for over 600 constituents established by the U.S.

[16.4]

Environmental Protection Agency. Because the PRG table contains a set of Soil Screening Levels (SSLs) for over 100 constituents that may also be relevant to this Tentative Order, we request clarification from the Regional Board on which set of threshold limits (PRGs for Industrial Soils or SSLs in the PRG table) are applicable for determining reuse and discharge criteria for soils. Furthermore, the latest version of the PRGs was replaced by Regional Screening Levels (RSLs) in 2004, which contain approximately 5,600 threshold limit concentrations. The RSLs have established eight different screening levels for 700 constituents (established for Ingestion, Dermal, Inhalation, and Carcinogenic screening levels under the Carcinogenic Target Risk and separately under the Noncancer Hazard Index). Thus, the requirement to test for PRGs in the Tentative Order could be interpreted as a requirement to perform comparison of 5,600 threshold levels (700 constituents/index x 4 thresholds/constituent x 2 indices). Because we believe it is not the intent of this Tentative Order to test all constituents identified on these lists in Section C (PRGs, SSLs, RSLs, MCLs, and California Human Health Screening Levels or CHHSLs), we request that the Regional Board require each landfill operator develop a site-specific Waste Acceptance Program for the purposes of Sections C.1. and C.2. as well as C.3. (where it is currently required in the Tentative Order) to determine the appropriate threshold limits for each constituent.

In addition, Contaminated Soils Disposal Criteria 1.b.(i), (ii), (iii) and 2.b. in Section C all contain threshold limit concentrations for California Assessment Manual (CAM) metals. Threshold concentration limits for PRGs and CHHSLs are provided in units on a per-weight basis (e.g., mg/kg). Because metals are often naturally-occurring in geologic materials, using a total solid-based method or the Total Threshold Limit Concentrations (TTLC in mg/kg) to assess contaminant levels of metals is generally not regarded as representative of toxicity. The Sanitation Districts have traditionally used Waste Extraction Test (WET) procedures or the Soluble Threshold Limit Concentration (STLC in mg/L) to evaluate soluble metals in soils that can adversely affect beneficial uses of ground or surface waters. As a result, the Sanitation Districts recommend modifying Sections C.1. and C.2. to specify WET as the testing procedure for CAM metals in the development of the site-specific Waste Acceptance Program. The Sanitation Districts also request that the Regional Board allow landfill operators to evaluate site-specific conditions and determine the appropriate concentration limits for naturally occurring constituents (e.g., metals) that can often exceed threshold levels listed in Section C.1. of this Tentative Order.

**Suggestion 4:** Clarification is needed on the list of contaminants of concern and a definition for "discrete" storm events to comply with the expanded stormwater monitoring program and the associated benchmark values established in Section E of the Tentative Order.

Discussion: Section E.1. of the Tentative Order established a list of contaminants of concern (COC) for the Expanded Stormwater Monitoring Program, at a minimum, to include pH, total suspended solids, specific conductance, oil and grease, VOCs, SVOCs, pesticides, PCBs, CAM metals, total organic carbon, nitrate-nitrogen, nitrogen as total kjeldahl, and total phosphorus. Regional Board staff have indicated that it is not the intent of the Tentative Order to require testing of every constituent in each of those categories at every storm event. Rather the intent is to consider the constituents in those categories during development of the stormwater sampling program. We request modification to Section E.1. to reflect that intent as shown in Enclosure 1. [16.5]

Section E.2. also established the requirement to sample all discrete storm events that result in runoff at stormwater sampling points. The definition of "discrete" storm event was discussed in Footnote No. 10 of the Tentative Order as "no, or only trace" rainfall. In order to establish

sampling collection procedures for the expanded stormwater monitoring program, we require a more comprehensive definition of "discrete" or "trace" that can be translated into a unit of time. The current General Stormwater Permit for Industrial Activities requires sample collection to be preceded by no stormwater discharge for three working days. We request the Regional Board use the same definition for "discrete" storm events.

**Suggestion 5:** The development of a site-specific Waste Acceptance Program, an Implementation Plan, and an updated list of COCs for the expanded stormwater monitoring program is anticipated to require a longer timeframe than proposed in the Tentative Order.

Discussion: Section F.2. under Reporting Requirements in the Tentative Order proposes a 45-day period for the development of a Waste Acceptance Program, a Plan for implementation, and an updated list of COCs for the expanded stormwater monitoring program. Because the development of a comprehensive Waste Acceptance Program to fully comply with requirements of this Tentative Order entails characterization of soils from different sources and evaluation of potential impacts associated with considerations identified in Section C (water quality objectives, leakage flow rate, hydrogeologic conditions, dilution attenuation, etc.), the 45-day period proposed in the Tentative Order will not be afford us sufficient time to complete a well thought-out plan for implementation. In addition, to the extent that the adopted Order changes the soil acceptance criteria at the landfills we operate, we will need to notify our customers of this change. Hundreds of haulers may need to be notified and change their practices before we will be successful in implementing the WDRs. As a result, we request consideration from the Regional Board to allow for a six-month timeframe after the adoption of this Order for the development of a Waste Acceptance Program, the Plan for implementation, and the updated list of COCs for the expanded stormwater monitoring program.

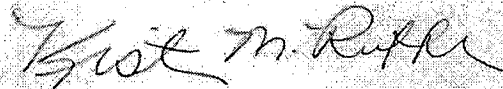
[16.6]

In almost every instance, our suggested language is a reflection of what we have understood as the intent of these WDRs from discussions with Regional Board staff. We believe with the clarifications and revisions shown in Enclosure 1, the Tentative Order can offer greater flexibility while meeting the goals established by the Regional Board. A clarified Tentative Order will provide a more comprehensive approach to effectively manage onsite use of non-hazardous soils without impacting the beneficial reuse of related waste materials at Class III landfills in the region.

The Sanitation Districts thank you in advance for your careful consideration of our comments. If you have any questions concerning this letter or need additional information, please contact me at (562) 908-4288, extension 2826.

Very truly yours,

Stephen R. Maguin



Kristen M. Ruffell

Section Head

Water Quality and Soils Engineering

KMR:BCB:KYL:dhs  
Enclosure

# **Enclosure 1**



STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

ORDER NO. R4-2011-XXX

AMENDMENTS TO WASTE DISCHARGE REQUIREMENTS  
FOR DISPOSAL AND ON-SITE USE OF NON-HAZARDOUS CONTAMINATED SOILS  
AND RELATED WASTES  
AT MUNICIPAL SOLID WASTE LANDFILLS

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

1. On July 22, 1991, this Regional Board adopted Order No. 91-93; General Waste Discharge Requirements for Discharge of Non-Hazardous Contaminated Soils and Other Wastes in Los Angeles River and Santa Clara River Basins. Order No. 91-93 contains general waste discharge requirements (WDRs) to regulate the discharge of non-hazardous contaminated<sup>1</sup> soils and other wastes in the Los Angeles Region.
2. Soils contaminated with moderate concentrations of total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), organochlorine pesticides, polychlorinated biphenyls (PCBs), and California Assessment Manual (CAM) metals, are wastes as defined in California Water Code (CWC) section 13050 and are required to be regulated under waste discharge requirements pursuant to CWC section 13263(a). The discharge of such wastes to land could affect the quality of the waters of the state if not properly managed. This Order sets forth requirements to assure that discharge of such wastes does not affect the quality of waters of the state.
3. Land disposal of contaminated soils to properly engineered and managed municipal solid waste (MSW or Class III) landfills is an efficient and economical means of controlling the effects of such discharge of waste. The threat to waters of the State is thereby eliminated or reduced to non-significant levels.
4. Each year this Regional Board receives a large number of requests for the disposal of contaminated soils and related wastes. For each such request, the Regional Board has to determine the concentration of the significant constituents of concern in the waste, the regulatory limits, if any, for these constituents, and the potential impact on the waters of the State from the disposal of the waste. Such requests are anticipated to continue and far exceed the capacity of the Regional Board to review and consider general WDRs for each applicant in a timely manner. These circumstances create the need for an expedited system for processing the numerous requests for the disposal of these moderately contaminated soils and related wastes without compromising water quality.
5. Increasingly, the generators of contaminated soils or landfill operators request approval for use of contaminated soils and related wastes at landfills within the Region, rather than disposal, as a

<sup>1</sup> As used in this Order, the phrase "contaminated soils" means soils that contain any of the pollutants listed in this Order, but in low enough concentrations that the soil is not a designated or hazardous waste.

component of environmental control systems. Most often the request is for use as cover materials<sup>2</sup>, more specifically for use as alternative daily cover.

6. MSW landfills in the Region are regulated pursuant to individual WDRs to receive municipal waste. Such WDRs generally do not include requirements for the disposal or reuse of contaminated soils and related wastes. Routinely, landfill operators are required to develop and implement "load-checking programs" to limit unacceptable wastes from being discharged. Due to the nature of contaminated soils, the waste constituents in the soils cannot readily be detected through load-checking programs. Thus, routine load-checking programs implemented through individual WDRs for operating MSW landfills in the Region are not adequate to regulate the discharge of contaminated soils.

7. The adoption of amendments to WDRs for contaminated soils, and related wastes, disposal would assist in: disposal and reuse of

- a. Protecting groundwaters and surface waters of the State from pollution or contamination;
- b. Clarifying requirements for contaminated soils disposal at Region MSW landfills; and
- c. Reducing time expended by Regional Board staff on preparing and considering WDRs on a project specific basis.

8. Water quality protection requirements for cover materials at MSW landfills are contained in section 20705(e) of title 27 of the California Code of Regulations (27 CCR) as follows:

Limitations on Cover Materials — Except for reusable covers that are never incorporated into the landfill, daily and intermediate cover shall only consist of materials:

- a. Match Landfill Classification — which meet the classification criteria for wastes that can be discharged to that landfill. Therefore, a material that would be classified as a designated waste cannot be utilized for daily or intermediate cover at a Class III landfill unless that material is approved for discharge (as a waste) to that landfill pursuant to 27 CCR, section 20200(a)(1); and
- b. Composition — whose constituents (other than water) and foreseeable breakdown byproducts, under the chemical (including biochemical) and temperature conditions which it is likely to encounter within the landfill, either:
  - i. for non-composite lined portions of the landfill, are mobilizable only at concentrations which would not adversely affect beneficial uses of waters of the State, in the event of a release; or
  - ii. for composite-lined portions of the landfill, are listed as constituents of concern in the landfill's water quality protection standard, created pursuant to 27 CCR section 20395.

<sup>2</sup> Cover material is defined in 27 CCR, section 20164, to mean soils/earthen materials or alternative materials used in covering compacted solid wastes in a disposal site. Cover material may serve as daily, intermediate or final cover. Alternative daily cover means cover material other than at least six inches of earthen material, placed on the surface of the active face at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging.

AMENDMENTS TO WASTE DISCHARGE REQUIREMENTS  
ORDER NO. R4-2011-XXX

FILE NO. 93-043

9. Pursuant to 27 CCR, section 20686, beneficial reuse of solid wastes at MSW landfills shall include, but not be limited to, the following: alternative daily cover, alternative intermediate cover, final cover foundation layer, liner operations layer, leachate and landfill gas collection system, construction fill, road base, wet weather operations pads and access roads, and soil amendments for erosion control and landscaping. This Order specifies criteria for the various reuse of materials at landfills in the Los Angeles Region.
10. Pursuant to 27 CCR section 20690(b), all types of alternative daily cover must be approved by the local enforcement agency (LEA)<sup>3</sup> in writing to the California Integrated Waste Management Board, now the Department of Resources Recycling and Recovery (CalRecycle), prior to use at MSW landfills as consistent with 27 CCR, section 21570 through section 21686. Proposed uses of alternative daily cover materials potentially require site specific demonstration projects approved by the LEA with concurrence by CalRecycle to establish suitability as daily cover. However, site specific demonstration projects are not required for the following materials used as specified and in accordance with 27 CCR section 20690(a):

- contaminated sediment (or soils), dredge spoils, foundry sands, energy resource exploration and production wastes;
- geosynthetic fabric or panel products (blankets);
- foam products;
- processed green material;
- sludge and sludge-derived materials;
- ash and cement kiln dust materials;
- treated auto shredder waste;
- compost materials;
- processed construction and demolition wastes and materials;
- shredded tires; and
- spray applied cementitious products.

Both the beneficial reuse of solid wastes as discussed in Finding 9 and the specific types of alternative daily cover materials listed in Finding 10

11. ~~The alternative daily cover materials listed in Finding No. 10 above, with mobilizable constituents, constitute the wastes subject to the requirements in this Order.~~
12. In addition to site specific WDRs, active MSW landfills in the Region are regulated under State Water Resources Control Board Water Quality Order No. 97-03-DWQ (National Pollutant Discharge Elimination System [NPDES] General Permit No. CAS000001), Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities; General Industrial Permit). Monitoring requirements in the General Industrial Permit for municipal waste landfills are currently relatively limited, with only two stormwater sampling events required per year and benchmarks are established for only pH, total suspended solids (TSS), specific conductance, oil and grease or total organic carbon, and iron. Surface water monitoring results for landfills in the Region indicate that benchmark limits are commonly exceeded. Based on the 2008-2009 industrial stormwater annual reports submitted for permitted landfills in the Region, TSS results ranged from 1,100 to 59,000 mg/L in stormwater samples, in comparison to the benchmark value of 100 mg/L for TSS.

<sup>3</sup> Current LEAs in the Region for active landfills include the County of Los Angeles (Department of Health Services, Solid Waste Management Department), the City of Los Angeles (Environmental Affairs Department), and the County of Ventura (Environmental Health Division).

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13. Landfill disposal and on-site use of contaminated soils and related wastes may result in additional sediment or mobilized wastes released into surface water bodies if not properly managed. Sediment can be detrimental to aquatic life (primary producers, benthic invertebrates, and fish) in water bodies by interfering with photosynthesis, respiration, growth, reproduction, and oxygen exchange. In addition, sediment particles can transport other contaminants that are attached to them, including nutrients, trace metals, and petroleum hydrocarbons. Sediment particles such as silts and clays are the primary components of turbidity, TSS, and suspended sediment concentration water quality analytical parameters. Sediment and other contaminants, if present in higher than normal concentrations, can be toxic to marine biota and humans.
14. The issuance of this Order establishing WDRs for the landfilling and reuse of contaminated soils and related wastes, as described in Finding Nos. 11 and 12 above, is consistent with this Regional Board's goal to provide water resources protection, enhancement, and restoration, while balancing economic and environmental impacts as stated in the Strategic Plan of the State Water Resources Control Board and the Regional Boards, and in conformance with the Porter-Cologne Water Quality Control Act (CWC, section 13000, et seq.). The purpose of this Order is to develop consistent acceptance criteria for non-hazardous contaminated soil and related wastes at landfills in the Region.
15. This Order is applicable to all active MSW landfills in the Region, which currently include the Calabasas, Chiquita Canyon, Pebbly Beach, Puente Hills, Savage Canyon, Scholl Canyon, Simi Valley, Burbank, Sunshine Canyon, and Toland Road landfills, under File Nos. 60-118, 67-020, 72-030, 57-220, 63-082, 60-117, 69-090, 72-035, 58-076, 69-091, respectively.
16. These WDRs are not applicable to the onsite or offsite reuses, such as soil backfilling, of uncontaminated or slightly contaminated soil as defined in Section C of this Order.
17. These WDRs shall not be interpreted or applied in a manner that alters or supersedes any existing restrictions or working arrangements relating to cleanup cases regulated by any federal, state or local governmental agencies.
18. These WDRs are not intended to regulate the transport of contaminated soils to treatment facilities, the land-treatment of contaminated soils, or the discharge of soils to inert waste landfills, nor do they regulate the reuse of contaminated soils at site cleanup projects overseen by this Regional Board. These activities are regulated either by individual WDRs, cleanup and abatement orders, or other general WDRs adopted by this Regional Board.
19. The Regional Board adopted a revised Water Quality Control Plan for the Los Angeles Region (Basin Plan) on June 13, 1994. The Basin Plan contains beneficial uses (municipal and domestic supply, agricultural supply, industrial process supply, industrial service supply, groundwater recharge, and freshwater replenishment) and water quality objectives for groundwater in the Los Angeles Region. The requirements in this Order, as they are met, will be in conformance with the goals of the Basin Plan.
20. Section 13263(e) of the CWC provides that the Regional Board shall periodically review and revise adopted WDRs.

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AMENDMENTS TO WASTE DISCHARGE REQUIREMENTS  
ORDER NO. R4-2011-XXX

FILE NO. 93-043

21. All active MSW landfills in the Region are existing facilities and as such, the adoption of this Order is exempt from the provisions of the California Environmental Quality Act in accordance with 14 CCR, chapter 3, article 19, section 15301.
22. The Regional Board has notified interested parties of its intent to amend waste discharge requirements for all active MSW landfills in the Region.
23. The Regional Board, in a public meeting heard and considered all comments pertaining to the disposal of contaminated soils and related wastes at all active MSW landfills in the Region.
24. Any person aggrieved by this action of the Regional Board may petition the State Water Board to review the action in accordance with CWC section 13320 and 23 CCR, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of adoption 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/index.shtml](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml) or will be provided upon request.

IT IS HEREBY ORDERED that dischargers for active MSW landfills in the Region, which currently include the Calabasas, Chiquita Canyon, Pebbly Beach, Puente Hills, Savage Canyon, Scholl Canyon, Simi Valley, Burbank, Sunshine Canyon, and Toland Road landfills, shall comply with the following requirements pertaining to their corresponding landfill(s):

**A. APPLICABILITY**

1. This Order shall serve as WDRs for the disposal and on-site use of non-hazardous contaminated soils, ~~or related wastes~~, at MSW landfills in the Region.
2. Contaminated soils concentration limits ~~for soils or related wastes~~ are established in Section C of this Order and may vary for each landfill cited in this Order, based on site specific criteria, including existing environmental control systems (composite liners, leachate collection and removal systems, etc.), landfilling operations (i.e., best management practices, BMPs), and hydrogeologic setting.

**B. PROHIBITIONS**

1. The disposal or on-site use of contaminated soils ~~or related wastes~~ that are in violation of the Order is prohibited.
2. Contaminated soils or related wastes that are deemed to be hazardous waste, as defined in article 11, title 22 of California Code of Regulations (22 CCR), shall not be discharged at MSW landfills in the Region.
3. Contaminated soils or related wastes that are deemed to be designated waste, as defined in Section 13173 of CWC, shall not be discharged at MSW landfills in the Region.
4. Since 1987, it has been illegal in California to dispose of used or waste oil in sewers, drainage systems, surface water, ground waters, water courses, marine waters, or municipal waste, or onto

3. A MSW landfill operator in the Region who accepts non-hazardous contaminated soils and the related waste materials as defined in Finding No. 11 of this Order shall be subject to the requirements of the expanded stormwater program as discussed in Section E of this Order.

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AMENDMENTS TO WASTE DISCHARGE REQUIREMENTS  
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land, or by domestic incineration. Soils contaminated with used oil are prohibited for disposal at MSW landfills in the Region pursuant to this Order.

5. The disposal or reuse of contaminated soils or related wastes at MSW landfills in the Region shall not violate requirements of the South Coast Air Quality Management District Rule 1150.1 for constituents listed in Table 1 (Carcinogenic and Toxic Air Contaminants).
6. The discharge of waste shall not:
  - a. Cause ground waters or surface waters to exceed the water quality objectives as established in the Basin Plan;
  - b. Cause pollution, contamination, or nuisance, or adversely affect beneficial uses of ground or surface waters as established in the Basin Plan;
  - c. Cause the occurrence of coliform or pathogenic organisms in waters pumped from a groundwater basin;
  - d. Cause the occurrence of objectionable tastes and odors in waters pumped from a groundwater basin;
  - e. Cause waters pumped from a groundwater basin to foam;
  - f. Cause the presence of toxic materials in groundwater; or
  - g. Cause the pH of waters pumped from a groundwater basin to fall below 6.0, or rise above 9.0.
7. Odors, vectors, and other nuisances of contaminated soils waste origin beyond the limits of the landfill are prohibited.
8. The discharge of contaminated soils or related wastes
9. Basin Plan prohibitions shall not be violated.

**C. CONTAMINATED SOILS DISPOSAL CRITERIA**

**1. Unrestricted Onsite Use of Contaminated Soils or Related Waste:**

Clean and slightly contaminated soils, for which waste concentrations do not exceed the following threshold criteria may be disposed of, or used on-site, at any portion of an active MSW landfill without restriction.

- a. For petroleum hydrocarbon contaminated soils, the threshold concentration is a total petroleum hydrocarbon (TPH) concentration of 10 mg/kg in the gasoline (C4-C12) or diesel (C13-C22) carbon-chain range, or 500 mg/kg in the C23 or greater carbon-chain range.
- b. Threshold concentration levels for constituents other than petroleum hydrocarbons required to be monitored by this Order:

that shall be considered for monitoring during the development of the site-specific Waste Acceptance Program for soils shall include:

A landfill operator who accepts soils at a MSW landfill shall develop a Waste Acceptance Program to determine the suitability of onsite reuse or disposal of the soils as discussed in Section F.2 of this Order. Because concentration limits for soils may vary for each landfill as described in Section A.2 under Applicability, onsite reuse and disposal criteria provided in this section, with the exception of threshold limits for petroleum hydrocarbons, shall serve as guidelines for developing applicable acceptance criteria for soils in the site-specific Waste Acceptance Program.



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iii. Maximum contaminant concentrations established in Title 22 of California Code of Regulations.

c. Analyses of CAM metals shall be conducted using Waste Extraction Test (WET) procedures.

d. Constituents that naturally occur in soils may exceed the threshold concentration levels provided in Section C.1.b (e.g., metals). Consideration shall be taken in the development of the Waste Acceptance Program to determine the appropriate concentration limits for these naturally occurring constituents.

i. Soils with an average, contaminant-specific concentration that does not exceed a Preliminary Remediation Goal (PRG)<sup>4</sup> for industrial sites established by the U.S. Environmental Protection Agency. (USEPA)

ii. Soils with an average, contaminant-specific concentration that does not exceed a California Human Health Screening Level (CHHSL)<sup>5</sup> for industrial sites established by the California Environmental Protection Agency.

iii. Soils for which a PRG or CHHSL has not been established with an average, contaminant-specific concentration that does not exceed, on a per weight basis<sup>6</sup>, a maximum contaminant level (MCL) established by the United States Environmental Protection Agency (USEPA) or the State of California Department of Health Services. (iv. M) for which a PRG or CHHSL has not been established

2. Criteria for Disposal of Contaminated Soils or Related Waste to Unlined Landfills:

Limits for disposal of contaminated soils and related wastes to unlined, or unlined portions, of MSW landfills in the Region:

Threshold concentration levels for constituents other than petroleum hydrocarbons to be considered for monitoring during the development of the site-specific Waste Acceptance Program for the disposal of soils at unlined landfills shall include the following:

a. Soils contaminated with an average TPH concentration higher than 500 mg/kg in the C4-C12 carbon-chain range, or 1,000 mg/kg in the C13-C22 carbon-chain range, or 10,000 mg/kg in the C23 or greater carbon-chain range, shall not be disposed of at unlined, or unlined portions of, MSW landfills. ii. Threshold concentration levels established in Section C.1 when 100 times the MCL is more stringent than threshold levels established for unrestricted onsite use.

b. Soils contaminated with VOCs, SVOCs, organochlorine pesticides, PCBs, or CAM metals shall not be disposed of at unlined, or unlined portions, of MSW landfills if the contaminant exceeds 100 times an established MCL, on a per-weight basis. (i.) or (ii.) at

3. Criteria for Disposal of Contaminated Soils or Related Waste to Lined Landfills:

with contaminant-specific

Soils contaminated with TPH, VOCs, SVOCs, organochlorine pesticides, PCBs, or CAM metals at concentrations greater than concentrations established for unlined landfills in provision C.2, above, but lower than the concentration listed in C.4 below, may be disposed of at a lined, or lined portion, of a Class III landfill in this Region if the corresponding discharger determines, pursuant to approval by the Executive Officer, that the contaminated soils are not classified as designated waste<sup>7</sup>. To satisfy this requirement, a discharger shall develop waste acceptance criteria, consistent with *The Designated Level Methodology for Waste Classification and Cleanup Level Determination*<sup>8</sup> or alternative methodology approved by the Executive Officer. Factors to be considered in developing waste acceptance criteria include:

as discussed in the beginning of this section and further described in Section F.2 of this Order

in the 2004 version of the Region 9 PRG table at <http://www.epa.gov/region9/superfund/prg/index.html>.

<sup>4</sup> Reference information can be found at <http://www.swrcb.ca.gov/rwqcb2/esl.shtml>

<sup>5</sup> Reference information can be found at <http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf>

<sup>6</sup> For example, soil results reported in mg/Kg should be compared to an MCL in mg/L.

<sup>7</sup> Designated waste means nonhazardous waste that under ambient environmental conditions at a landfill, could be released in concentrations exceeding applicable water quality objectives or that could reasonably be expected to affect beneficial uses of the waters of the state.

<sup>8</sup> A report developed by the staff of the Central Valley Regional Water Board presenting a waste classification system from a water quality perspective. Reference information can be found at [http://www.swrcb.ca.gov/rwqcb5/plans\\_policies/guidance/dlm.pdf](http://www.swrcb.ca.gov/rwqcb5/plans_policies/guidance/dlm.pdf).

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- is
- a. Water quality objectives – Consistent with the Basin Plan ~~is~~ municipal and domestic supply beneficial use for groundwater resources in the Region, the Discharge shall use the most stringent Basin Plan objectives, including MCLs for each contaminant, or comparable limit as approved by the Executive Officer, as the water quality objective;
  - b. A calculated leakage flow rate based on landfill-specific design criteria;
  - c. A calculated groundwater flow rate based on landfill-specific hydro-geologic conditions;
  - d. Equilibrium partitioning of contaminants between leachate and soils; and
  - e. Equilibrium partitioning of contaminants between leachate and groundwater with consideration for dilution attenuation.
4. Soils contaminated with an average TPH concentration higher than 1,000 mg/kg in the C4-C12 carbon-chain range, or 10,000 mg/kg in the C13-C22 carbon-chain range, or 50,000 mg/kg in the C23 and greater carbon-chain range, shall not be discharged at any Class III landfill in this Region.

D. BEST MANAGEMENT PRACTICES PERTINENT TO ONSITE USE OF CONTAMINATED SOILS AND RELATED WASTES

1. Pursuant to Finding No. 8(b)(i), above, for landfills where-in contaminated soils are reused on-site as part of environmental control systems, the contaminants shall not be mobilized at concentrations which would adversely affect beneficial uses of waters of the State in the event of a release. Given that 27 CCR requirements constitute minimum standards for the protection for groundwater and surface water from landfill sites, and the increased potential to surface water quality impacts from the on-site use of contaminated soils or related wastes in environmental control systems, for the purposes of this Order, protection of surface water quality beneficial uses means that surface waters shall be protected pursuant to requirement of a general industrial stormwater permit or a site-specific or regional general NPDES permit.

six months

as described in  
Finding 11

2. Dischargers who propose to accept contaminated soils, as defined in Section C.2 and C.3 of this Order, or who propose to accept related wastes pursuant to 27 CCR, section 20690(b), for on-site use, shall file a revised Stormwater Pollution and Prevention Plan (SWPPP) with this Regional Board within ~~45-day~~ of the adoption of this Order. The revised SWPPP shall meet all requirements of the general industrial permit (Storm Water General Permit No. 97-03-DWQ) and shall incorporate facility-specific BMPs that limit constituents (other than water) in contaminated soils or related wastes and foreseeable breakdown byproducts from stormwater runoff. The revised SWPPP shall discuss the specific sediment and erosion control BMPs selected and implemented at the site to address requirements of this Order.

may

3. Facility-specific BMPs ~~shall~~ include, but not be limited to:

soils

- a. Procedures for limiting the use of ~~wastes~~ during periods of wet weather so that the contribution of waste constituents and foreseeable breakdown byproducts to surface water runoff is limited.

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- b. Drainage diversion facilities that control surface water run-on and run-off to limit interaction with wastes exposed in landfill working areas.
- c. Drainage retention facilities to capture, or control, surface waters to not contribute to stormwater run-off. attempt to
4. Dischargers shall implement an effective combination of erosion and sediment control BMPS<sup>9</sup> from the menu below to prevent erosion, sediment loss, or mobilized waste constituents that exceed benchmark values:

BMPS

- Fiber Rolls
- Gravel Bag Berm
- Properly Engineered Sediment Basin
- Check Dam
- Site Entrance Stabilization
- Scheduling
- Preserving Existing Vegetation
- Silt Fences
- Sand Bag Barrier
- Hydraulic Mulch
- Hydro seeding
- Soil Binders
- Straw Mulch
- Geotextile Mats
- Wood Mulching

E. EXPANDED STORMWATER MONITORING PROGRAM

1. Within six months ~~45 days of the adoption of this Order~~, for any MSW landfill at which a discharger accepts contaminated soils, ~~or related wastes~~ pursuant to requirements in C.2 and C.3 above, the discharger shall submit, for approval of the Executive Officer, an updated list of contaminants of concern (COC) for the landfill surface water monitoring program to meet requirements of the general NPDES permit. The updated COC list shall include all waste constituents appropriate to the contaminated soils or related wastes. At a minimum the COCs ~~monitored~~ shall include pH, total suspended solids, specific conductance, oil and grease, volatile organic compounds, semi-volatile organic compounds, pesticides, polychlorinated biphenyls, CAM metals, total organic carbon, nitrate-nitrogen, nitrogen as total Kjeldahl, and total phosphorus. or related waste as defined in Finding 11
2. For any MSW landfill for which a ~~discharger accepts~~ contaminated soils, ~~or related wastes~~, pursuant to requirements C.2 and C.3 of this Order, the discharger shall, starting on the adoption date of this Order, expand stormwater monitoring procedures to sample all discrete storm events<sup>10</sup> that results in runoff at stormwater sampling points established for the landfill. Stormwater samples shall be collected during normal working hours, as early as possible after the discharge of stormwater sampling locations for three working days. [matches current General Industrial Permit]

<sup>9</sup> A detailed description of these BMPs can be found in the California BMP Handbook, Construction Manual, January 2003, and addenda, and updated November 2009, and the Caltrans Stormwater Quality Handbooks, Construction Site BMPs Manual, March 2003, and addenda.

<sup>10</sup> Discrete storm events are defined herein as stormwater generating rainfall events in between intervening dry periods (i.e. no, or only trace, rainfall as measured at an onsite weather station).

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if discharge is  
still occurring

or related waste  
as defined in  
Finding 11

start of the storm. If the storm commences during working hours, the sample should be taken within the first 2 hours of the production of runoff. If the storm commences prior to working hours, a sample should be taken within 2 hours of landfill staff arriving at the site.

3. For any landfill that accepts contaminated soils ~~or related wastes~~ pursuant to requirements in C.2 and C.3 of the Order, stormwater benchmark values are hereby established as in Table 1 attached to this Order. Exceedances of benchmark levels that are not controlled by effective implementation of stormwater BMPs could, pursuant to a directive by the Executive Officer, lead to the operator being required to obtain an individual NPDES permit ~~or enroll in a general NPDES permit~~.
4. Revisions to the surface water monitoring program, including reduction of monitoring constituents, sampling locations, or events, can only be made pursuant to Executive Officer review and approval.

F. REPORTING REQUIREMENTS

1. In accordance with regulations in section 3890 et seq. of 23 CCR and division 3 of 27 CCR, adopted by the State Water Board in September 2004 regarding electronic submittal of information (ESI), dischargers shall submit all monitoring reports required under these, or site-specific, WDRs electronically to the State Water Board GeoTracker system. Dischargers are subject to any future revision to ESI requirements.

six months

as described in Section A.2. of this Order.

the discharger  
shall submit

2. For any MSW landfill for which a discharger accepts contaminated soils, or related wastes, within ~~45 days~~ of the adoption of this Order, ~~the discharger shall submit~~, for approval of the Executive Officer, a Plan for implementing a Waste Acceptance Program (Program) that complies with requirements of this Order. The Plan should identify personnel responsible for implementing the Program, procedures for approving soil profiling information including testing procedures for waste constituents accepted at the landfill, site-specific threshold levels for all appropriate wastes accepted for disposal or reuse, and any other technical information required by the Executive Officer. Subsequently, the Plan should be routinely updated by the discharger to accommodate any proposed revisions to the Program, or as directed by the Executive Officer.

the

3. Dischargers shall report all Program related activities in corresponding quarterly or semiannual monitoring reports, pursuant to the monitoring and reporting program in site-specific WDRs for the corresponding landfill. The report shall include a summary of the types, volumes, and disposal or on-site use for all wastes accepted pursuant to requirements of this Order. The report shall also compile all waste profiling information utilized by the discharger to implement Program requirements, including all sampling, measurement, and analytical results, including: the date, exact place, and time of sampling or measurement; individual(s) who did the sampling or measurement; the date(s) analyses were done; analysis names; and analytical techniques or methods used to profile contaminated soils or wastes.
4. Dischargers shall submit all surface water test results in corresponding quarterly or semiannual monitoring reports pursuant to the monitoring and reporting program in site-specific WDRs for the corresponding landfill. Routine submittal of the surface water test results does not release Dischargers from summary annual reporting requirements of the general industrial stormwater permit. Dischargers shall submit a summary of all benchmark exceedances.

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5. Dischargers shall furnish, within a reasonable time, any information which the Executive Officer may require to determine whether cause exists for modifying, revoking and reissuing, or terminating enrollment under this Order.
6. Where a discharger becomes aware of a failure to submit any relevant facts in a report to the Regional Board, the discharger shall promptly submit such facts or information.
7. Dischargers shall report any noncompliance of this Order. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the owner becomes aware of the circumstances. A written submission shall also be provided within seven days of the time the owner becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, or prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
8. All applications, reports, or information required by the Executive Officer shall be signed and certified 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 part (a) of 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 part (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 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

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significant penalties for submitting false information, including the possibility of fine and imprisonment."

9. Dischargers shall submit reports required under this Order and other information requested by the Executive Officer, to:

California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4th Street, Suite 200  
Los Angeles, California 90013  
ATTN: Information Technology Unit

G. PROVISIONS

1. Provisions in this Order supersede those in any site-specific order issued by this Regional Board that relate to contaminated soil, or related waste, disposal or reuse requirements.

H. NOTIFICATIONS

1. The CWC provides that any person who intentionally or negligently violates any WDRs issued, reissued, or amended by this Regional Board is subject to administrative civil liability of up to 10 dollars per gallon of waste discharged, or if no discharge occurs, up to \$1,000 per day of violation. The Superior Court may impose civil liability of up to \$10,000 per day of violation or, if a cleanup and abatement order has been issued, up to \$15,000 per day of violation.
2. The CWC provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and may be subject to administrative civil liability of up to \$1,000 per day of violation.
3. The disposal of contaminated soils or related wastes may also be subject to regulations of CalRecycle, the California Department of Toxic Substances Control, the South Coast Air Management District, or the Ventura County Air Pollution Control District.

I, Samuel Unger, Executive Officer, do 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 March 3, 2011.

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Samuel Unger, P.E.  
Executive Officer

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**TABLE 1: STORMWATER BENCHMARK VALUES**  
(Adopted from Table B of the U.S. Environmental Protection Agency multi-sector NPDES permit)

Parameter	Benchmark Value
Biochemical Oxygen Demand (5)	30 mg/L
Chemical Oxygen Demand	120 mg/L
Total Suspended Solids	100 mg/L
Oil and Grease	15 mg/L
Nitrate + Nitrite Nitrogen	0.68 mg/L
Total Phosphorus	2 mg/L
pH	6.0-9.0 s.u.
Acrylonitrile (c)	7.55 mg/L
Aluminum, Total (pH 6.5-9)	0.75 mg/L
Ammonia	19 mg/L
Antimony, Total	0.636 mg/L
Arsenic, Total (c)	0.16854 mg/L
Benzene	0.01 mg/L
Beryllium, Total (c)	0.13 mg/L
Butylbenzyl Phthalate	3 mg/L
Cadmium, total (H)	0.0159 mg/L
Chloride	860 mg/L
Copper, Total (H)	0.0636 mg/L
Dimethyl Phthalate	1.9 mg/L
Ethylbenzene	3.1 mg/L
Fluoranthene	0.042 mg/L
Fluoride	1.8 mg/L
Iron, Total	1.0 mg/L
Lead, Total (H)	0.0816 mg/L
Manganese	1.0 mg/L
Mercury, Total	0.0024 mg/L
Nickel, Total (H)	1.417 mg/L
PCB-1016 (c)	0.000127 mg/L
PCB-1221 (c)	0.10 mg/L
PCB-1232 (c)	0.000318 mg/L
PCB-1242 (c)	0.00020 mg/L
PCB-1248 (c)	0.002544 mg/L
PCB-1254 (c)	0.10 mg/L
PCB-1260 (c)	0.000477 mg/L
Phenols, Total	1.0 mg/L
Pyrene (PAH, c)	0.01 mg/L
Selenium, Total (*)	0.2385 mg/L
Silver, Total (H)	0.0318 mg/L
Toluene	10.0 mg/L
Trichloroethylene (c)	0.0027 mg/L
Zinc, Total (H)	0.117 mg/L

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Mr. Paul Ryan

Los Angeles County Waste Management Association  
(comments received 2/4/2011)

**Enrique Casas - Comments on Tentative Order No. R4-2011-XXX – Amendments to WDRs for Disposal and On-Site Use of Non-Hazardous Contaminated Soils and Related Wastes at MSW Landfills**

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**From:** Paul Ryan <enviropablo@sbcglobal.net>  
**To:** Enrique Casas <ecasas@waterboards.ca.gov>  
**Date:** 2/4/2011 11:40 AM  
**Subject:** Comments on Tentative Order No. R4-2011-XXX – Amendments to WDRs for Disposal and On-Site Use of Non-Hazardous Contaminated Soils and Related Wastes at MSW Landfills  
**CC:** David Fahrion <davidf@crrmail.com>, Kelly Astor <jka@astor-kingsland.com...

---

Dear Dr. Casas:

The following comments are forwarded as follow up to my verbal comments at the January 27, 2011 workshop and presentation of the tentative order regarding proposed amendments to waste discharge requirements for disposal/reuse of contaminated soils and other non-hazardous wastes at municipal solid waste landfills within the Los Angeles Region.

My comments are focused on the waste discharge requirements for the on-site use and reuse of green waste and wood waste used as alternate daily cover (ADC), composts, mulches, erosion control products and other soil amendments noted as related wastes in the Tentative Order. In general, the Tentative Order does not delineate the constituents of concern that may impact water quality or when these wastes can be used as BMPs to prevent erosion, sediment loss, or immobilize or reduce constituents that exceed benchmark contaminant values. [17.1]

As noted by several January 27, 2011 workshop participants, it seem appropriate to revise your Tentative Order adoption schedule to allow additional time to meet with industry stakeholders to discuss amendments to the Tentative Order to address issues brought about by the requirements for the expanded stormwater monitoring program requirements. Additionally, it is not clear how the aforementioned wastes should be handled in load-check programs, plans for waste acceptance, and wet weather conditions. [17.2]

Members of the Los Angeles County Waste Management Association (LACWMA) are willing to meet with Regional Board staff to discuss our issues and concerns regarding the adoption of the proposed amendments to WDRs for disposal and on-site use and reuse of non-hazardous contaminated soils and related wastes at MSW landfills. [17.3]

We feel that is necessary to establish clearly understandable guidance and methodologies to assure that water quality is protected through the appropriate use and reuse of green waste and wood waste feedstocks and finished products at MSW landfills. [17.4]

We hope that we will have the opportunity to meet with you and other members of the Regional Board staff to listen to our thoughts and suggestions prior to the public hearing presently scheduled for March 3, 2011.

Sincerely,

Paul Ryan, Regulatory Affairs Consultant  
Los Angeles County Waste Management Association

18)

Ms. Bonnie Teaford

City of Burbank

(comments received 2/4/2011)





PUBLIC WORKS  
DEPARTMENT

CITY OF BURBANK  
275 EAST OLIVE AVENUE, P.O. BOX 6459, BURBANK, CALIFORNIA 91510-6459  
[www.ci.burbank.ca.us](http://www.ci.burbank.ca.us)

February 4, 2010

Dr. Wen Yang, Ph.D., R.G., C.E.G., C.H.G.  
Senior Engineering Geologist  
Land Disposal Unit  
Los Angeles Regional Water Quality Control Board  
320 W. 4<sup>th</sup> St., Suite 200  
Los Angeles, CA 90013

**RE: Tentative Amended Waste Discharge Requirements for Disposal/Reuse of Contaminated Soils and Other Nonhazardous Wastes at Municipal Solid Waste Landfills within the Los Angeles Region**

Dear Dr. Yang:

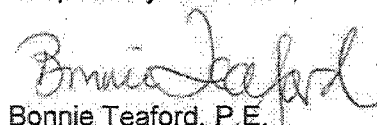
Thank you for the opportunity to comment on the subject document. We request clarification of some of the language and intent in the tentative requirements.

The City of Burbank operates the Burbank Landfill, which has not and does not intend to accept contaminated soil. We do, from time-to-time, accept clean soil from City project sites that have no history of industrial use that would suggest contamination could be an issue. We also use fabric tarps for alternative daily cover. We do not use any other type of alternative daily cover. [18.1]

Based on these operating parameters, we believe that our operations would fall under criterion C.1. Unrestricted Onsite Use of Contaminated Soils or Related Waste, and that the Burbank Landfill would not be expected to develop a waste acceptance criteria document referenced in section C.3, nor implement the items detailed in sections D, E, or F of the tentative amended waste discharge requirements as long as we do not accept contaminated soils or related wastes. Furthermore, we believe that we would not need to analyze samples from incoming loads of clean soil for the constituents referenced in sections C.1.a, C.1.b.i, ii, and iii. [18.2]

Please let us know if you do not concur with our understanding.

Respectfully submitted,

  
Bonnie Teaford, P.E.  
Public Works Director  
City of Burbank

19)

Mr. Scott Tignac  
Waste Management  
(comments received 2/4/2011)



**SIMI VALLEY LANDFILL  
AND RECYCLING CENTER**

2801 Madera Road  
Simi Valley, California 93065  
(805) 579-7267  
(805) 579-7482 Fax

February 4, 2011

VIA ELECTRONIC & REGULAR MAIL  
ecasas@waterboards.ca.gov

Dr. Enrique Casas  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

**SUBJECT: Comments to Tentative Amended Waste Discharge Requirements for Disposal/Reuse of Contaminated Soils and other Nonhazardous Wastes**

Dear Dr. Casas:

Waste Management of California, Inc. (WMC), owner/operator of the Simi Valley Landfill and Recycling Center appreciates the opportunity to provide comments on the subject Waste Discharge Requirements for Disposal/Reuse of Contaminated Soils and Other Nonhazardous Wastes.

WMC appreciates the efforts of the water board staff in preparing this document and provides the following comments:

- Page 3 - Item 10 - says that all approved ADC under 27 CCR 20690(b) is subject to this order, but no additional discussion of TASW, tires, processed C&D, etc. Are there plans to reevaluate the declassification of TASW? [19.3]
- Page 3 - Item 11: Does this refer to only the 'bulleted' items in Finding # 10 or any approved daily cover material with mobilizable constituents? [19.2]
- Page 5 - Item B.4.: Perhaps should read, 'Soils knowingly contaminated with used oil...' [19.3]
- Page 7 - Item C.2.b.: This item only references 100X MCL (on a per weight basis), but not PRG or CHHSL? [19.4]
- Page 7 - Item C.2: mobile and non-mobile parameters are lumped together under a 100X multiplier. Other Regions have used different Dilution Attenuation Factors (DAF) for mobile vs. non-mobile constituent. This approach may warrant staff's consideration. [19.5]

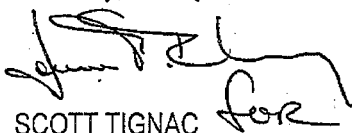
- Page 8 – Items C.4: What criteria were used to establish the maximum TPH concentrations for disposal in Class III landfills? Why not permit the use of site-specific limits as discussed in C.3? [19.6]
- Page 8 – Item D: How does the landfill make the determination that “the contaminants shall not be mobilized at concentrations that would adversely affect beneficial uses of waters of the State in the event of a release”? Which leaching procedure should be utilized? Would de-ionized water be a suitable leachate? [19.7]
- Page 9 – Item E: The expanded storm water requirements are very onerous (both parameters and frequency) and appear to disregard solid waste regulations regarding containment of contact water and storm water regulations. The Solid Waste Facility Permit, Landfill WDR and the Industrial Storm Water General Permit address the management of materials used for alternative daily cover and should be used as the regulatory mechanism. It seems unnecessary that a separate WDR aimed at controlling the use of alternative daily cover at 10 facilities in the LA area is required when other regulations should be used to manage this material. [19.8]
- Section A.7 of the Waste Discharge Requirements (WDRs) for Discharges of Storm Water associated with Industrial Activities states that the owner summarize the areas of the facility that are likely sources of pollutants and the corresponding pollutants that are likely to be present. This Permit requires facility operators to develop and implement additional BMPs as appropriate and necessary to prevent or reduce pollutants associated with each source and to monitor the storm water for those pollutants. This seems to be the appropriate regulatory framework to ensure storm water management at landfill sources, especially considering that there are only 10 facilities impacted by this order. Additionally, the recently issued Draft Industrial General Permit requires, in part, the discharger to analyze for parameters required by the Regional Water Board. This would allow the Water Board to require the Landfills that accept contaminated soil as ADC to monitor for additional parameters. We recommend that the storm water section of this proposed WDR be eliminated. [19.9]
- The analytical cost for the identified storm water parameters can be upward of \$1,100.00 per sample. Many sites have 3-5 discharge locations. Without limitation to the number of storm water samples, the cost could be significant. [19.10]
- WMC would like to request that board staff reconsider the approach of using MCLs (on a “per weight basis”) for comparison to soil levels. [19.11]
- The unrestricted use section is problematic. Using PRGs/CHHSLs will produce threshold levels significantly higher than an MCL comparison. For example, the PRG for TCE in industrial soil is 14 mg/kg and the CHHSL for DDT is 9 mg/kg. If TCE were instead restricted based on MCL using the comparison criteria, the soil concentration for unrestricted use would be 0.005 mg/kg (5 ug/kg, equivalent to 5 ug/L). [19.12]

- Using the rule of 100x the MCL for acceptance to an unlined landfill, the maximum TCE concentration would be 0.5 mg/kg (500 ug/kg), compared to 14 mg/kg PRG number. [19.13]

- WMC would like to request a 90-day timeline for the discharger to prepare a Waste Acceptance Plan. [19.14]

Again, we appreciate the opportunity to provide comments on the Tentative Waste Discharge Requirements. If we can provide further clarification, please contact Mr. Jim Riley at (805) 579-7479 or Ms. Laura Keener at 248-760-0068.

Sincerely,



SCOTT TIGNAC  
District Manager

cc:

Laura Keener, WMC

Jim Riley, WMC

Mark Verwiel