

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

**ORDER NO. R4-2011-0052**

**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 if not properly managed. This Order sets forth requirements to ensure 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

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<sup>1</sup> As used in this Order, the phrase "contaminated soils" means soils that are impacted by 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 disposal of contaminated soils, and reuse of contaminated soils and related wastes, 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.

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<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-hazardous, non-designated 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 stormwater annual reports submitted for permitted landfills in the Region, TSS results ranged

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<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).

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 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 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. The Regional Board recognizes the benefits of recycling and reuse of waste materials consistent with AB 939 and 27 CCR. This Order is not intended to and does not conflict with AB939.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.

21. Section 13263(e) of the CWC provides that the Regional Board shall periodically review and revise adopted WDRs.
22. 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. The purpose of this Order is to amend existing individual waste discharge requirements for municipal landfills within the Los Angeles Region by setting forth criteria and monitoring that apply to the use of wastes for landfill cover to assure protection of surface and groundwater quality and public health consistent with 27 CCR. This Order does not amend the individual waste discharge requirements to allow the discharge of a larger volume or different wastes to the landfills than already allowed under the existing individual waste discharge requirements.
23. Nothing in this Order authorizes the discharge of waste in violation of applicable state or federal laws and regulations, including air quality laws, nor exempt any dischargers from applicable air quality laws or regulations.
24. The Regional Board has notified interested parties of its intent to amend waste discharge requirements for all active MSW landfills in the Region.
25. 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.
26. 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 of non-designated / non-hazardous contaminated soils and the onsite use of non-hazardous contaminated soils or related wastes, at MSW landfills in the Region.
2. Contaminated soils concentration limits 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 as 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 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 discharger's 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 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

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. 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 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 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 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 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>, 100 times of maximum contaminant level (MCL) established by the USEPA or the State of California Department of Public Health.
  - 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

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<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>

<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.

exceedences of water quality standards in surface or groundwaters surrounding the landfill.

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

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

- a. Soils contaminated with an average 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, 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.
- 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. Criteria for Disposal of Contaminated Soils 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 municipal and domestic supply beneficial use for groundwater resources in the Region, the Discharge shall use the most stringent Basin Plan objectives, 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;

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<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).



- d. Equilibrium partitioning of waste constituents between leachate and soils; and
  - e. Equilibrium partitioning of waste constituents between leachate and groundwater with consideration for dilution attenuation.
4. Soils contaminated with an average 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, 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.
- 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 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.
- 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, for onsite use, shall file a revised Stormwater Pollution and Prevention Plan (SWPPP) with this Regional Board within 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.
- 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.

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. STORMWATER MONITORING PROGRAM**

1. Within 60 days 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 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 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 in C.2 and C.3 above, or uses related wastes onsite, the discharger shall, no later than 60 days from Executive Officer approval of the updated list of COCs, implement stormwater monitoring procedures to sample all storm events and submit samples for analysis if the storms are qualifying 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

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<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> A qualifying storm event is one that: 1) Has produced a minimum of ¼ 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 ⅛ inch as measured by an onsite rainfall measurement device.

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 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 60 days of the test result(s), for assessing whether contaminated soils or related wastes are the source of the stormwater pollutants(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.
5. Revisions to the stormwater monitoring program, including increases in or reduction of monitoring constituents, sampling locations, or events, can 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, the discharger shall submit, within 60 days of the adoption of this Order, for approval of the Executive Officer, a Plan for implementing a Waste Acceptance Program (Program), as described in Section C, 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 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.
  - 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. 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.

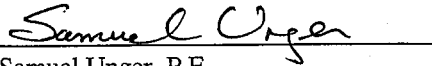
#### **H. NOTIFICATIONS**

- 1. The CWC provides that any person who violates any WDRs issued, reissued, or amended by this Regional Board is subject to administrative civil liability 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. 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.
- 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.

**AMENDMENTS TO WASTE DISCHARGE REQUIREMENTS  
ORDER NO. R4-2011-0052**

**FILE NO. 93-043**

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.

A handwritten signature in cursive script, reading "Samuel Unger", is written over a horizontal line.

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)

<b>Parameter</b>	<b>Benchmark Value</b>
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