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Los Angeles Regional Water Quality Control Board

November 28, 2012

Mr. Kenneth Bradbury  
Montebello Land and Water Company  
344 E. Madison Avenue  
Montebello, CA 90640

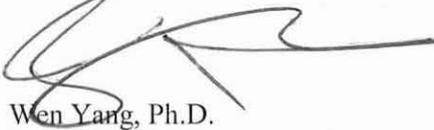
**WASTE DISCHARGE REQUIREMENTS - MONTEBELLO LAND AND WATER COMPANY  
INERT WASTE LANDFILL, MONTEBELLO, CA (FILE NO. 70-029, ORDER NO. 97-066, CI-  
5668, WDID 4B190327001)**

Dear Mr. Bradbury:

Reference is made to our letter dated July 19, 2012, that transmitted a tentative order for the Montebello Land and Water Company inert waste landfill (Landfill) in Montebello, California. Pursuant to Division 7 of the California Water Code, the Regional Board at a public hearing held on November 8, 2012, reviewed the tentative order, considered all factors in the case, and adopted Order No. R4-2012-0172 (copy attached) to regulate disposal activities at the site.

Should you have any questions, please contact Dr. Enrique Casas at (213) 620-2299 (ecasas@waterboards.ca.gov).

Sincerely,



Wen Yang, Ph.D.  
Senior Engineering Geologist  
Land Disposal Unit

Attachment: Order No. R4-2012-0172

cc: Ms. Leslie Graves, State Water Resources Control Board  
Ms. Cindy, Chen, Los Angeles County Department of Public Health

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

**ORDER NO. R4-2012-0172**

**WASTE DISCHARGE REQUIREMENTS  
FOR  
MONTEBELLO LAND AND WATER COMPANY  
(Montebello Land and Water Company Inert Waste Landfill)  
File No. 70-029**

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

1. The Montebello Land and Water Company (Discharger), a mutual water company serving domestic water to the residents of Montebello, California, operates an inert waste landfill (Landfill) located at 344 E. Madison Avenue, Montebello, California (Figure 1).
2. The Landfill encompasses approximately four acres on a bluff above the west bank of the Rio Hondo Channel. On average, approximately 175 cubic yards of inert wastes are discharged at the Landfill annually.
3. The Landfill is subject to waste discharge requirements (WDRs), Order No. 97-066 adopted on May 12, 1997, which allow for the discharge of uncontaminated roadway materials including dirt, asphalt, and concrete from excavations that the Discharger has made for repairs to water pipelines or to install new pipelines. The inert waste Landfill is used exclusively by the Discharger.
4. Section 20230(a) of title 27 of the California Code of Regulations (27 CCR), provides that "*Inert waste is that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste.*"
5. Inasmuch as inert waste does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste, liner and leachate collection and removal systems are not required at the Landfill.
6. The Landfill site is underlain by Recent-aged alluvium consisting of unconsolidated clay, silt, sand, and gravel. The Discharger's domestic water production Well No. 12 is located immediately adjacent to Landfill (Figure 1). Although the depth to groundwater is only approximately 50 feet below ground surface (bgs) the Well No. 12 is screened at depths between approximately 122 to 198 feet bgs for the purpose of domestic water supply.
7. The domestic water production well has been monitored on a regular basis since 1989 to comply with title 22 of the California Code of Regulation, as administered under the

jurisdiction of the California Department of Public Health Drinking Water Program. Review of this data indicates that there is no adverse impact to groundwater as a result of the Landfill operations.

8. A security fence is installed around the Landfill to prevent unauthorized dumping. The Landfill is carefully monitored by the Discharger as it overlies a drinking water production well field.
9. The Landfill is permitted by the City of Montebello under an agreement between the Discharger and the City dated November 28, 1966.
10. On June 13, 1994, this Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan). The Basin Plan (including its subsequent amendments) designates beneficial uses and water quality objectives for the area of the Landfill. The requirements in this Order, as they are met, are in conformance with the goals of the Basin Plan.
11. The Landfill overlies the Montebello Forebay area of the Central Groundwater Basin. Beneficial uses of groundwater include municipal and domestic supply, agricultural supply, industrial service and process supply.
12. California Water Code (CWC) section 13263(e) provides that all WDRs shall be reviewed periodically and, upon such review, may be revised by the Regional Board to comply with changing state or federal laws, regulations, policies, or guidelines.
13. Adoption of WDRs for the Landfill constitutes an existing project as defined in title 14 of the California Code of Regulations section 15301 and is therefore exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.).
14. The Regional Board has notified interested agencies and all known interested parties of its intent to issue requirements for waste disposal for the Sump. The Regional Board in a public meeting on November 8, 2012 heard and considered all comments pertaining to adoption of the WDRs.

Any person aggrieved by this action of the Regional Board may petition the California State Water Resources Control Board (State Water Board) to review the action in accordance with CWC section 13320 and title 23 of the California Code of Regulations section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., thirty days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

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

**A. Discharge Specifications**

1. Wastes discharged at the Landfill shall be limited to inert wastes as defined in 27 CCR, section 20230(a), including but not limited to: native geological materials (such as clay, silt, gravel, rock and soil), uncontaminated concrete, crushed glass, brick, ceramics, clay products, and fully cured asphalt.
2. The Discharger shall remove and relocate to a legal point of disposal any waste that is discharged in violation of these requirements. For the purpose of these requirements, a legal point of disposal is defined as one for which WDRs have been established by a California regional water quality control board, and is in full compliance therewith. For a legal point of disposal outside the State of California, the legal point of disposal means, a facility that is lawfully permitted under applicable state and federal laws to receive that type of waste.
3. The Discharger shall implement a waste load-checking program and take all necessary measures to prevent unauthorized wastes from being disposed of at the Landfill.

**B. Prohibitions**

1. No hazardous wastes, designated wastes, tires, or liquid wastes shall be deposited at the Landfill.
2. Non-hazardous solid wastes (decomposable organic refuse such as, but not necessarily limited to, ordinary household and commercial refuse, tin cans, metals, paper and paper products, plasterboard, cloth and clothing, wood and wood products, lawn clippings, sod, shrubbery, hair, hide, bones, dead animals, roofing paper, tar paper, unquenched ashes mixed with refuse, market refuse, garbage, etc.) shall not be deposited at the Landfill.
3. Materials of a toxic nature such as insecticides and poisons shall not be deposited at the Landfill.
4. No radioactive material as determined by a regulatory agency with jurisdictional authority shall be deposited at the Landfill.
5. No asbestos or asbestos products shall be deposited at the Landfill.
6. Wastes deposited at the Landfill shall be confined thereto, and shall not be permitted to enter drainage ditches or watercourses.
7. Erosion of deposited materials by surface flow shall be prevented.

8. Neither the discharge nor any treatment of wastes shall cause pollution or nuisance.
9. No chemical additives shall be used at the Landfill unless such use is approved by the Executive Officer in advance.

**C. Requirements for Reporting Scheduled Activities**

1. The Discharger shall comply with all reporting requirements included in the attached Monitoring and Reporting Program (M&RP No. CI-5668), which is incorporated into this Order by reference.
2. The Discharger shall notify Regional Board staff at least thirty days prior to any maintenance activities, for approval by the Executive Officer, which could alter existing surface drainage patterns or change existing slope configurations at the Landfill. These activities may include, but not be limited to, significant grading activities, the importation of fill material, the design and installation of soil borings or groundwater monitoring wells and other devices for Landfill investigation purposes.
3. The Discharger shall furnish, within a reasonable time, any information the Regional Board may require to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.
4. If the Discharger becomes aware that it failed to submit any relevant facts in any report to the Regional Board, it shall submit such facts or information within seven days of its discovery of the omission.
5. The Regional Board shall be notified of any incident resulting from Landfill operations that may endanger the environment, by telephone within 24 hours, and in writing within 14 days. The written notification shall fully describe the incident including what occurred, when it occurred, the duration of the incident, when correction occurred (or when correction will occur if it is a continuing incident), and the steps taken or planned to reduce, eliminate, and/or prevent recurrence. All instances of non-compliance with this Order shall also be reported to the Regional Board in the same manner as stated above, and included in the next scheduled monitoring report.
6. All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:
  - a. The applications, reports, or information shall be signed as follows:
    - i. For a corporation - by a principal executive officer of at least the level of vice-president.

- ii. For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
  - iii. For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.
  - iv. For a military installation - by the base commander or the person with overall responsibility for environmental matters in that branch of the military.
- b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph [a] of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:
- i. The authorization is made in writing by a person described in paragraph [a] of this provision;
  - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
  - iii. The written authorization is submitted to the Executive Officer.
- c. Any person signing a document under this section shall make the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violation."

#### **D. Groundwater Monitoring and Water Quality Protection Standards**

Because of the small volume of inert wastes (approximately 175 cubic yards per year) that are disposed of at the Landfill and because all disposal activities are under the direct control of the Discharger, groundwater monitoring at the Landfill is not required.

#### **E. General Provisions**

1. The Discharger shall implement the attached M&RP and revisions thereto, in order to detect, at the earliest opportunity, any unauthorized discharge, of waste constituents or any unreasonable impairment of beneficial uses associated with (or caused by) discharges of waste at the Landfill.

2. At any time, the Discharger may file a written request, including appropriate supporting documents, with the Executive Officer, proposing modifications to the M&RP. The Discharger shall implement any changes in the amended M&RP approved by the Executive Officer upon receipt of a signed copy of the amended M&RP.
3. The Discharger shall furnish, under penalty of perjury, technical or monitoring program reports in accordance with CWC section 13267. Failure or refusal to furnish these reports or falsifying any information provided therein renders the Discharger guilty of a misdemeanor and subject to the penalties stated in CWC section 13268. Monitoring reports shall be submitted in accordance with the specifications contained in the M&RP, as directed by the Executive Officer. The M&RP is subject to periodic revisions as warranted and approved by the Executive Officer.
4. The Discharger shall maintain a copy of this Order at the Landfill so as to be available at all times to personnel operating the Landfill.
5. The Discharger shall file with this Regional Board a report of any material change or proposed change in the character, location, boundaries or quantity of this waste discharge at least 120 days prior to the date of such a proposed change.
6. Within thirty (30) days of any change in name of operator or in control or ownership of land or waste disposal facilities owned or controlled by the Discharger, the Discharger shall:
  - a. Notify this Regional Board in writing of such a change; and
  - b. Notify the succeeding owner or operator by letter, a copy of which shall be filed with this Regional Board, of the existence of this Order.
7. Ninety (90) days prior to cessation of disposal operations at the Landfill, the Discharger shall submit a technical report to the Regional Board describing the methods and controls to be used to assure protection of the quality of receiving waters during final operations and with any proposed subsequent use of the land. Such methods and controls shall comply with the foregoing technical report and the WDRs. The report shall be prepared under the direct supervision of a California Professional Civil Engineer or a California Professional Geologist.
8. This Regional Board considers the Discharger to have continuing responsibility for correcting any problems which may arise in the future as a result of this waste discharge or water applied to the Landfill during subsequent use of the land for other purposes.
9. These requirements do not exempt the Discharger from compliance with any other laws, regulations, or ordinances which may be applicable; they do not legalize this waste

disposal facility, and they leave unaffected any further restraint on the disposal of wastes at the Landfill which may be contained in other statutes or required by other agencies.

10. In accordance with CWC section 13263(g), these requirements shall not create a vested right to continue to discharge and are subject to rescission or modification. All discharges of waste into the waters of the State are privileges, not rights.
11. The Discharger shall comply with all conditions of this Order and any additional conditions prescribed by the Regional Board in addenda thereto. Noncompliance with this Order constitutes a violation of the CWC and is grounds for:
  - a. Enforcement action;
  - b. Termination, revocation and re-issuance, or modification of this Order;
  - c. Denial of an application for new or revised WDRs; or
  - d. Any combination of the foregoing.
12. Failure to comply with the terms and conditions of this Order may result in imposition of civil liability against the Discharger by this Regional Board, either by the Board or judicially by the Superior Court, in accordance with CWC section 13350 et seq. and/or referral to the Attorney General of the State of California for such legal action as may be deemed appropriate.
13. This Order includes the attached "Standard Provisions Applicable to Waste Discharge Requirements" (Standard Provisions), which are incorporated herein by reference. If there is any conflict between provisions stated herein and the Standard Provisions, those provisions attached herein prevail.
14. In accordance with CWC section 13263, these requirements are subject to periodic review and revision by this Regional Board.
15. The filing of a request by the Discharger for the modification, revocation and reissuance, or termination of this Order or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
16. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
17. This Order becomes effective on the date of adoption by this Regional Board.

**F. Termination**

1. Except for violation enforcement purposes, Regional Board Order No. 97-066, adopted May 12, 1997, is hereby terminated.

I, Samuel Unger, Executive Officer, 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 November 8, 2012.



Samuel Unger, P.E.  
Executive Officer



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

**MONITORING AND REPORTING PROGRAM (NO. CI-5668)**

**FOR  
MONTEBELLO LAND AND WATER COMPANY  
INERT WASTE LANDFILL  
(File No. 70-029)**

**A. GENERAL**

1. Monitoring responsibilities of the Montebello Land and Water Company (Discharger) for the Montebello Land and Water Company Inert Landfill (Landfill) are specified in California Water Code (CWC) section 13225(a), section 13267(b), and section 13387(b). This self-monitoring program is issued pursuant to California Regional Water Quality Control Board, Los Angeles Region (Regional Board) Order No. R4-2012-0172 (Order). The principal purposes of a self-monitoring program by a discharger are:
  - a. To document compliance with discharge requirements and prohibitions established by the Regional Board; and
  - b. To facilitate self-policing by the Discharger in the prevention and abatement of pollution arising from waste discharge.
2. The Discharger shall implement this monitoring and reporting program (M&RP) at the Landfill starting the first monitoring period immediately following adoption of this Order.
3. The Discharger shall submit all scheduled reports required in the Order and this M&RP electronically to the State Water Resources Control Board GeoTracker database in accordance with section 3890 et seq. of the 23 CCR, division 3 or as directed by the Executive Officer.

**B. REPORTING**

1. Monitoring report shall be submitted by the dates in the following schedule:

<u>Reporting Period</u>	<u>Report Due</u>
January – June	July 15
July – December	January 15

Semi-annual reports shall include waste disposal information as required in Section C of this M&RP.

2. A letter transmitting the essential points shall accompany each report. The letter shall include

a discussion of any violations found since the last such report was submitted, and shall describe actions taken or planned for correcting those violations. If the Discharger has previously submitted a time schedule for correcting said violations, a reference to the correspondence transmitting such schedule will be satisfactory. If no violations have occurred since the last submittal, this shall be stated in the transmittal letter. Monitoring reports and the letter transmitting the monitoring reports shall be signed and certified in accordance with Section C.6 of the Order.

3. In accordance with Section C.5 of the Order, the Discharger shall arrange the data in tabular form so that the specified information is readily discernible. The data shall be summarized in a manner as to clearly illustrate whether the facility is operating in compliance with the Order.
4. In the event that hazardous or other unacceptable wastes are detected, the Regional Board shall be notified by telephone, email, or facsimile within 24 hours and by writing within seven days. The type, source, and final disposition of those wastes shall also be reported.
5. The Discharger may submit additional data to the Regional Board that are not required by this M&RP in order to simplify reporting to other agencies.
6. The Discharger shall retain records of all monitoring information and copies of all data submitted to regulatory agencies, for a period of at least five years. This period may be extended by request of the Regional Board at any time, and shall be extended during the course of any unresolved litigation regarding all or any part of the entire Landfill.
7. The Discharger shall submit all scheduled reports required in the Order and this M&RP electronically, in accordance with section 3890 et. seq. of the 23 CCR, division 3 or as directed by the Executive Officer. Until directed otherwise by the Executive Officer, all reports shall be submitted to the State Board GeoTracker data system in searchable PDF format. Documents that cannot be conveniently reviewed in electronic format, such as large maps or drawings, shall be submitted as hard copies to the Regional Board office at:

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

### **C. WASTE DISPOSAL REPORTING**

1. All semi-annual reports to the Regional Board shall include the following information:
  - a. A map showing the areas at the Landfill where wastes were deposited during the monitoring period. If filling has started in a new area, the report shall include another map of the disposal site, indicating the new areas being filled and any recently completed areas.

- b. A tabular list of the estimated average monthly quantities (in cubic yards) and types of materials deposited each month. If no wastes were deposited during the period, the report shall so state.
  - c. An estimate of the remaining life of the Landfill in years and months.
  - d. A certification that all wastes deposited were in compliance with the Regional Board's requirements, and that no wastes were deposited outside of the boundaries of the Landfill as specified in the Regional Board's requirements.
2. These records and reports are public documents and shall be made available for inspection during normal business hours at the office of the Regional Board.

ORDERED BY: Samuel Unger  
Samuel Unger, P.E.  
Executive Officer

DATE: November 8, 2012

STANDARD PROVISIONS  
APPLICABLE TO WASTE DISCHARGE REQUIREMENTS

1. DUTY TO COMPLY

The discharger must comply with all conditions of these waste discharge requirements. A responsible party has been designated in the Order for this project, and is legally bound to maintain the monitoring program and permit. Violations may result in enforcement actions, including Regional Board orders or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Board. [CWC Section 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350]

2. GENERAL PROHIBITION

Neither the treatment nor the discharge of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code (CWC). [H&SC Section 5411, CWC Section 13263]

3. AVAILABILITY

A copy of these waste discharge requirements shall be maintained at the discharge facility and be available at all times to operating personnel. [CWC Section 13263]

4. CHANGE IN OWNERSHIP

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

5. CHANGE IN DISCHARGE

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

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

November 7, 1990  
WDR

Standard Provisions Applicable to  
Waste Discharge Requirements

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

6. REVISION

These waste discharge requirements are subject to review and revision by the Regional Board. [CCR Section 13263]

7. TERMINATION

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

8. VESTED RIGHTS

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

9. SEVERABILITY

Provisions of these waste discharge requirements are severable. If any provision of these requirements are found invalid, the remainder of the requirements shall not be affected. [CWC Section 921]

Standard Provisions Applicable to  
Waste Discharge Requirements

10. OPERATION AND MAINTENANCE

The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order. [CWC Section 13263(f)]

11. HAZARDOUS RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of Section 13271 of the Water Code unless the discharger is in violation of a prohibition in the applicable Water Quality Control plan. [CWC Section 1327(a)]

12. PETROLEUM RELEASES

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

Standard Provisions Applicable to  
Waste Discharge Requirements

13. ENTRY AND INSPECTION

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

- (a) Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the California Water Code, any substances or parameters at any location. [CWC Section 13267]

14. MONITORING PROGRAM AND DEVICES

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

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

Unless otherwise permitted by the Regional Board Executive officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. The Regional Board Executive Officer may allow use of an uncertified laboratory under exceptional circumstances, such as when the closest laboratory to the monitoring location is outside the State boundaries and therefore not subject to certification. All analyses shall be required to be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" [40CFR Part 136] promulgated by the U.S. Environmental Protection Agency. [CCR Title 23, Section 2230]

Standard Provisions Applicable to  
Waste Discharge Requirements

15. TREATMENT FAILURE

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

16. DISCHARGE TO NAVIGABLE WATERS

Any person discharging or proposing to discharge to navigable waters from a point source (except for discharge of dredged or fill material subject to Section 404 of the Clean Water Act and discharge subject to a general NPDES permit) must file an NPDES permit application with the Regional Board. [CCR Title 2 Section 22357]

17. ENDANGERMENT TO HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Office within 24 hours:

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

18. MAINTENANCE OF RECORDS

The discharger shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and record of all data used

Standard Provisions Applicable to  
Waste Discharge Requirements

to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurement;
  - (b) The individual(s) who performed the sampling or measurement;
  - (c) The date(s) analyses were performed;
  - (d) The individual(s) who performed the analyses;
  - (e) The analytical techniques or method used; and
  - (f) The results of such analyses.
19. (a) All application reports or information to be submitted to the Executive Office shall be signed and certified as follows:
- (1) For a corporation – by a principal executive officer or at least the level of vice president.
  - (2) For a partnership or sole proprietorship – by a general partner or the proprietor, respectively.
  - (3) For a municipality, state, federal, or other public agency – by either a principal executive officer or ranking elected official.
- (b) A duly authorized representative of a person designated in paragraph (a) of this provision may sign documents if:
- (1) The authorization is made in writing by a person described in paragraph (a) of this provision.
  - (2) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity; and
  - (3) The written authorization is submitted to the Executive Officer.

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

Standard Provisions Applicable to  
Waste Discharge Requirements

"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. [CWC Sections 13263, 13267, and 13268]"

20. OPERATOR CERTIFICATION

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

Each plan shall be operated and maintained in accordance with the operation and maintenance manual prepared by the municipality through the Clean Water Grant Program [CWC Title 23, Section 2233(d)]

ADDITIONAL PROVISIONS APPLICABLE TO  
PUBLICLY OWNED TREATMENT WORKS' ADEQUATE CAPACITY

21. Whenever a publicly owned wastewater treatment plant will reach capacity within four years the discharger shall notify the Regional Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies and the press. The discharger must demonstrate that adequate steps are being taken to address the capacity problem. The discharger shall submit a technical report to the Regional Board showing flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Board, or within 120 days after receipt of notification from the Regional Board, of a finding that the treatment plant will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Board itself. [CCR Title 23, Section 2232]