

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

ORDER NO. R4-2010-XXXX

REVISED WASTE DISCHARGE REQUIREMENTS

**For
S.L.S. & N., INC.
Peck Road Gravel Pit and Inert Landfill
(File No. 82-17)**

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

1. S.L.S. & N., Inc. (Discharger) owns and operates the Peck Road Gravel Pit and Inert Landfill (Site), an active aggregate mining quarry that is concurrently operated as an inert solid waste landfill, at 128 E. Live Oak Avenue, Irwindale, California. The Site is bordered to the west by Peck Road, to the north by Live Oak Avenue and Arrow Highway, and to the south and east by the Hanson Aggregate Quarry that is owned and operated by Hanson Aggregate West (Figure 1).
2. The Site straddles the border between the cities of Monrovia and Irwindale and occupies a total of 86 acres of land, of which 46 acres are in the City of Monrovia and 42 acres are in the City of Irwindale (Figure 2).
3. The Site occupies part of a mining pit that has been created by aggregate mining activities since the 1920s. The bottom of the pit is currently approximately 100 feet below ground surface (bgs) and is partially filled with groundwater that has been exposed by mining activities. Exposed groundwater at the Site forms a pond that extends across the adjacent Hanson Aggregate Quarry.
4. The pre-mining natural ground surface at the Site is between approximately 340 feet above mean sea level (amsl) and 370 amsl. The Discharger is permitted by the City of Irwindale to mine the Site to a maximum depth of 200 feet bgs (approximately 160 feet amsl).
5. On the northern portion of the Site, there is an area of approximately 4.5 acres that is referred to as the former San Marino City Landfill, which was operated by the City of San Marino from 1961 to 1989 and received municipal solid waste (MSW) that consisted mainly of street maintenance materials including leaves, soil, concrete, and asphalt fragments. From 1984 to 1990, only inert waste including broken concrete and asphalt was disposed of at the area. The total volume of wastes discharged in the area during its operation is estimated to be approximately 30,000 to 57,000 cubic yards. In November 1995, the Discharger purchased the former San Marino City Landfill from the City of San Marino.

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6. This Regional Board adopted Resolution No. 61-37 on August 16, 1961, for the discharge of municipal solid wastes at the former San Marino City Landfill. Resolution No. 61-37 was subsequently revised by Order No. 95-101 adopted on July 12, 1995, that restricted the waste to be discharged at the area to inert wastes only. On November 22, 1982, the Regional Board adopted Order No. 82-80 for the discharge of inert solid waste at the Peck Road Gravel Pit. Order No. 82-80 was subsequently revised by Order No. 96-023 adopted on April 1, 1996. On January 27, 1997, the Regional Board adopted Order No. 97-008 that consolidated waste discharge requirements (WDRs) included in Orders 95-101 and 96-023. Pursuant to Section 13263 of California Water Code (CWC), the WDRs are hereby revised to reflect current site conditions and comply with changing State or Federal laws, regulations, policies, or guidelines.
7. On June 2, 2010, the Discharger submitted a *Revised Application/Report of Waste Discharge*, which includes updated characterization of the waste discharge at the Site, and requested revisions of the WDRs that would, among others, permit the discharge of inert solid wastes at the portion of the Site in the City of Irwindale.
8. 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.
9. To permit the mining of the underlying native sand and gravel, the Discharger has proposed to remove all waste discharged in the former San Marino City Landfill and has submitted to the Regional Board a *Clean Closure Plan* (dated February 2000), which was approved by Regional Board staff in a letter dated March 20, 2000. Wastes discharged in the area would be either shipped to a Class III Landfill in the Region (for MSW) or relocated within the Site (for inert wastes). However, clean closure of the former San Marino City Landfill has not been completed because the Site lacks the space to process and relocate the materials excavated. This Order requires the Discharger to submit a technical report to the Regional Board within 90 day of the adoption of the WDRs, that documents all clean closure activities that have been conducted at the Site and includes a time table, for the Executive Officer's approval, to complete clean closure of the former San Marino City Landfill.
10. The Discharger currently extracts an average of approximately 200,000 tons of sand and gravel from the Site per year. Mining activities include both "wet mining" that involves dredging under exposed groundwater and "dry mining" that involves excavating above groundwater.
11. Inert solid wastes discharged at the Site includes concrete, asphalt, and clean soil that are either processed for recycling or disposed of as part of the reclamation of the mining pit. The Site is currently permitted by the Los Angeles County Department of Public Health, who acts as the Local Enforcement Agency (LEA) for the California Department of Resources Recycling and Recovery (CalRecycle), to receive up to 1,210 tons of inert waste (CalRecycle Facility Permit Number 19-AA-0838).

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12. Section 20230(a) of title 27, California Code of Regulations (27 CCR), provides that "*Inert waste is that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste.*"
13. The Site is underlain by highly permeable, unconsolidated sands, gravels, cobbles, and boulders and overlies an aquifer that is a major source of drinking water in the Main San Gabriel Basin in the Los Angeles-San Gabriel Hydrologic Area. The regional groundwater flow direction is from northeast to southwest. However, past groundwater monitoring data obtained at the Site indicate that the local groundwater flow direction at the Site is mainly from the southeast to northwest.
14. On June 13, 1994, this Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan). The Basin Plan (including its subsequent amendments) designates the following beneficial uses for groundwater within the Main San Gabriel Basin: municipal and domestic supply, agricultural supply, industrial process supply, and industrial service supply. The requirements in this Order, as they are met, are in conformance with the goals of the Basin Plan.
15. Ground water monitoring at the former San Marino Landfill started in 1990. A Solid Waste Assessment Test (SWAT) analysis for the former San Marino Landfill was completed in September 1990, and was approved by Regional Board staff on October 13, 1993. Groundwater monitoring was initiated at Peck Road Pit in 1996. Monitoring data obtained at the Site since 1990 do not indicate that waste discharge activities at the Site has adversely affected groundwater quality.
16. The current groundwater monitoring system at the Site includes two groundwater monitoring wells (MW-1 and MW-2) and a sampling point for exposed groundwater (Figure 2). This Order requires the Discharger to continue groundwater monitoring at the Site using the existing groundwater monitoring system.
17. The portion of the Site in the City of Irwindale is currently operated under Conditional Use Permit (CUP) No. 95-4 adopted by the City of Irwindale on September 14, 2000, based on an Environmental Impact Report (EIR No. 92-1, State Clearinghouse Number 198041131) prepared for the expansion of the Peck Road Gravel Pit into Irwindale under the California Environmental Quality Act (CEQA). The portion of the Site in the City of Monrovia is currently operated under CUP No. 87-24 that was adopted by the City of Monrovia on June 1, 1987.
18. The Site is subject to reclamation as required by the State Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code section 2710 et seq.) and the City of Irwindale Municipal Code, Chapter 17.63 (Mining Permits and Reclamation Plans), which implements

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SMARA. The Discharger has developed a reclamation plan for the Site (California Mine ID# 91-19-43) that was approved by the State Department of Conservation, Mining and Geology Board, on July 10, 1998.

19. The Discharger has developed an Inert Debris Engineered Fill Operation Plan for the Site in accordance with California Code of Regulations, Title 14 (14 CCR), Sections 13387 *et. seq.* (Articles 5.9 and 5.95, Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements) and 27 CCR, Sections 20510 *et. seq.* (Criteria for Landfills and Disposal Sites).
20. Pursuant to section 402 (p) of the Clean Water Act (33 USC §1342(p)) and title 40 of the Code of Federal Regulations (40 CFR) parts 122, 123, and 124, the California State Water Resources Control Board (State Board) adopted a National Pollutant Discharge Elimination System (NPDES) General Permit to regulate storm water discharges associated with industrial activities in California (State Board Order 97-03-DWQ). Storm water runoff from the Site is currently regulated under the general NPDES permit (WDID No. 4 19I015242, enrolled on November 20, 2000). The Discharger is implementing a Storm Water Pollution Prevention Plan (SWPPP) at the Site as required by the general NPDES permit.
21. Revision of the WDRs for the Site constitutes an existing project as defined in Section 15301 of 14 CCR and is therefore exempt from the provisions of the CEQA (Public Resources Code section 21000 *et. seq.*).

The Regional Board has notified the Discharger and interested agencies and persons of its intent to adopt revised WDRs for this disposal of waste at the Site, and has provided interested persons with an opportunity to submit their written views and recommendations.

The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and to the tentative requirements.

Any person aggrieved by this action of the Regional Board may petition the State Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Board must *receive* the petition by 5:00 p.m., 30 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 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 or will be provided upon request.

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IT IS HEREBY ORDERED, that the Discharger shall comply with the following at the Site:

A. Discharge Specifications:

1. Wastes discharged at the Site 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, etc.) generated by mining activities at the Site and materials that are acceptable at an Inert Debris Engineered Fill Operations as defined in Section 17380 of 14 CCR, including uncontaminated concrete, crushed glass, brick, ceramics, clay and clay products, rock and soil, and fully cured asphalt. Asphalt material shall not be dumped into standing water nor shall it be placed below the highest anticipated groundwater elevation, which is estimated to be at 280 feet amsl at the Site.
2. Materials that are received for the purpose of recycling at the Site are subject to all requirements of this Order, including the load checking program required in Section D. 1 below.
3. 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 the type of waste improperly disposed of at the Site.

B. Prohibitions:

1. No hazardous wastes, designated wastes, tires, or liquid wastes shall be deposited at the Site.
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 Site.
3. Materials of a toxic nature such as insecticides and poisons shall not be deposited at the Site.
4. No radioactive material as determined by a regulatory agency with jurisdictional authority shall be deposited at the Site.
5. No asbestos or asbestos products shall be deposited at the Site.

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6. Wastes deposited at the Site 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 Site unless such use is approved by the Executive Officer in advance.

C. Groundwater Monitoring and Water Quality Protection Standards

1. The Discharger shall monitor the quality of groundwater at the Site as required in the attached Monitoring and Reporting Program (M&RP No. CI 6650). The Executive Office may require additional groundwater monitoring points if additional groundwater monitoring points are necessary to monitor the change of groundwater quality that may be impacted by the discharge of wastes at the Site.
2. In accordance with 27 CCR section 20390, the water quality protection standards (WQPSs) for the Site are established as the natural background groundwater quality, which is set to either the statistically predicted value (if the constituent naturally exists) or the laboratory detection limit (if the constituent does not naturally exist in the water). Water quality standards at the Site shall not exceed the applicable water quality objectives specified in the Basin Plan for drinking water, unless the Discharger can demonstrate to the satisfaction of the Executive Officer that such exceedance is not caused by activities at the Site.
3. Within 90 days of the adoption of this Order, the Discharger shall submit a technical report to this Regional Board, for the approval of the Executive Officer, establishing updated WQPSs for all constituents of concern at the Site. The WQPSs shall be calculated with a statistical method acceptable to the Executive Officer and shall be updated at least every five years based on concurrent monitoring data.
4. WQPSs may be modified by the Regional Board based on more recent and/or more complete groundwater monitoring data, changes in background water quality, or for any other valid reason. The down-gradient groundwater monitoring points established in accordance with the attached Monitoring and Reporting Program (M&RP No. CI 6650) shall serve as the compliance points for purposes of these WQPSs.
5. Based on historic land use, the existing and proposed activities at the Site, and the beneficial uses of local groundwater, the current constituents of concern (COCs) for the Site are specified in Section II.C. of M&RP No. CI 6650. Additional COCs may be added if future monitoring data indicate that such constituents exist in groundwater as contaminants.

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D. Provisions:

1. The Discharger shall take any and all necessary measures to prevent unauthorized disposal of wastes at the Site by instituting a load-checking program. Within 90 days of the adoption of this Order, the Discharger shall submit an updated load-checking program to the Regional Board for the approval of the Executive Officer. As a minimum, the load-checking program shall include the following:
 - a. A computerized waste-tracking system that, for each load of waste, records at least the following information: the hauler's name, type of material, the source where the waste was generated, whether the load of material is for recycling or discharger, and, if for discharger, the general area at the Site where the waste is disposed of;
 - b. A surveillance system that includes visual and instrumental inspections of each load of waste and questioning the hauler if necessary;
 - c. A training and education program for all Site employees concerning acceptable and unacceptable materials as provided in this Order; and
 - d. In addition to regular load-checking activities at the Site, for any project that involves the generation of more than 1,000 cubic yards of wastes from a single site during one calendar year, the Discharger shall require the generator and/or hauler of the wastes, before discharge the wastes to the Site, to provide background information, including laboratory analytical data and environmental assessment reports (if available), to ensure that the wastes are not contaminated. Such information shall be documented and included in the quarterly reports required in the M&RP.
2. Within 90 day of the adoption of this Order, the Discharger shall submit a progress report, for the Executive Officer's approval, that documents all clean closure activities that have been conducted at the Site and a time table to complete clean closure of the former San Marino City Landfill.
3. The Discharger shall implement the attached M&RP, which is incorporated herein by reference 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 Site.
4. 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.

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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. Additionally, monitoring reports shall be prepared and signed by a California professional civil engineer or professional geologist. The M&RP is subject to periodic revisions as warranted and approved by the Executive Officer.
4. The Discharger shall use the statistical procedures contained in 27 CCR section 20415(e)(7), to determine if there is a statistically significant increase for any background indicator parameter. Upon approval of the Executive Officer, alternative statistical procedures may be used.
5. In the event that a statistically significant increase is observed for any background indicator parameter, the Discharger shall establish an evaluation program in accordance with 27 CCR section 20425, unless such a program has already been submitted.
6. If evaluation monitoring determines that there is a statistically significant increase of any background indicator parameter that is resulted by the discharge of waste at the Site, then the Discharger shall institute a corrective action monitoring program in accordance with 27 CCR section 20430.
7. The Discharger shall maintain copies of this Order at the Site so as to be available at all times to personnel operating the Site.
8. 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.
9. 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.
10. Ninety (90) days prior to cessation of disposal operations at this Site, 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

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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.

11. 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 Site during subsequent use of the land for other purposes.
12. 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 Site which may be contained in other statutes or required by other agencies.
13. 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.
14. 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.
16. Failure to comply with the terms and conditions of this Order may result in imposition of civil liability against the Discharger by this Regional Board, either by the Board or judicially by the Superior Court, in accordance with CWC section 13350 et. seq. and/or referral to the Attorney General of the State of California for such legal action as may be deemed appropriate.
17. This Order includes the attached "Standard Provisions Applicable to Waste Discharge Requirements" (Attachment "W"), which is incorporated herein by references. If there is any conflict between provisions stated hereinbefore and the attached "Standard Provisions Applicable to Waste Discharge Requirements", those provisions attached herein prevail.
18. In accordance with CWC section 13263, these requirements are subject to periodic review and revision by this Regional Board.

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19. The filing of a request by the Discharger for the modification, revocation and re-issuance, or termination of this Order or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
20. 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.
21. This Order becomes effective on the date of adoption by this Regional Board.

E. TERMINATION

1. Except for violation enforcement purposes, Regional Board Order No. 97-008, adopted January 27, 1997, is hereby terminated.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region on November 4, 2010.

Samuel Unger, P.E.
Executive Officer

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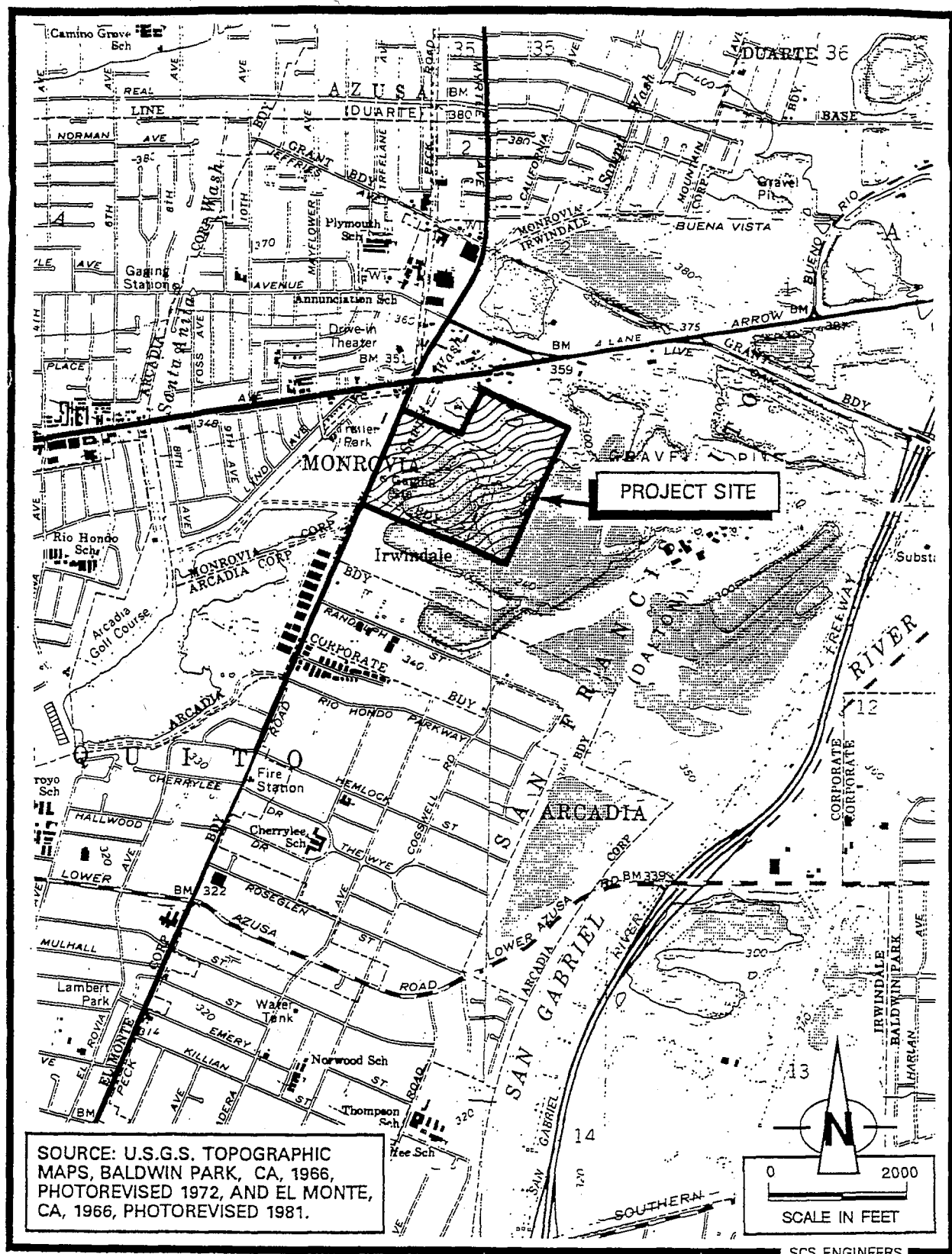


Figure 1. Map Showing Location of Project Site.

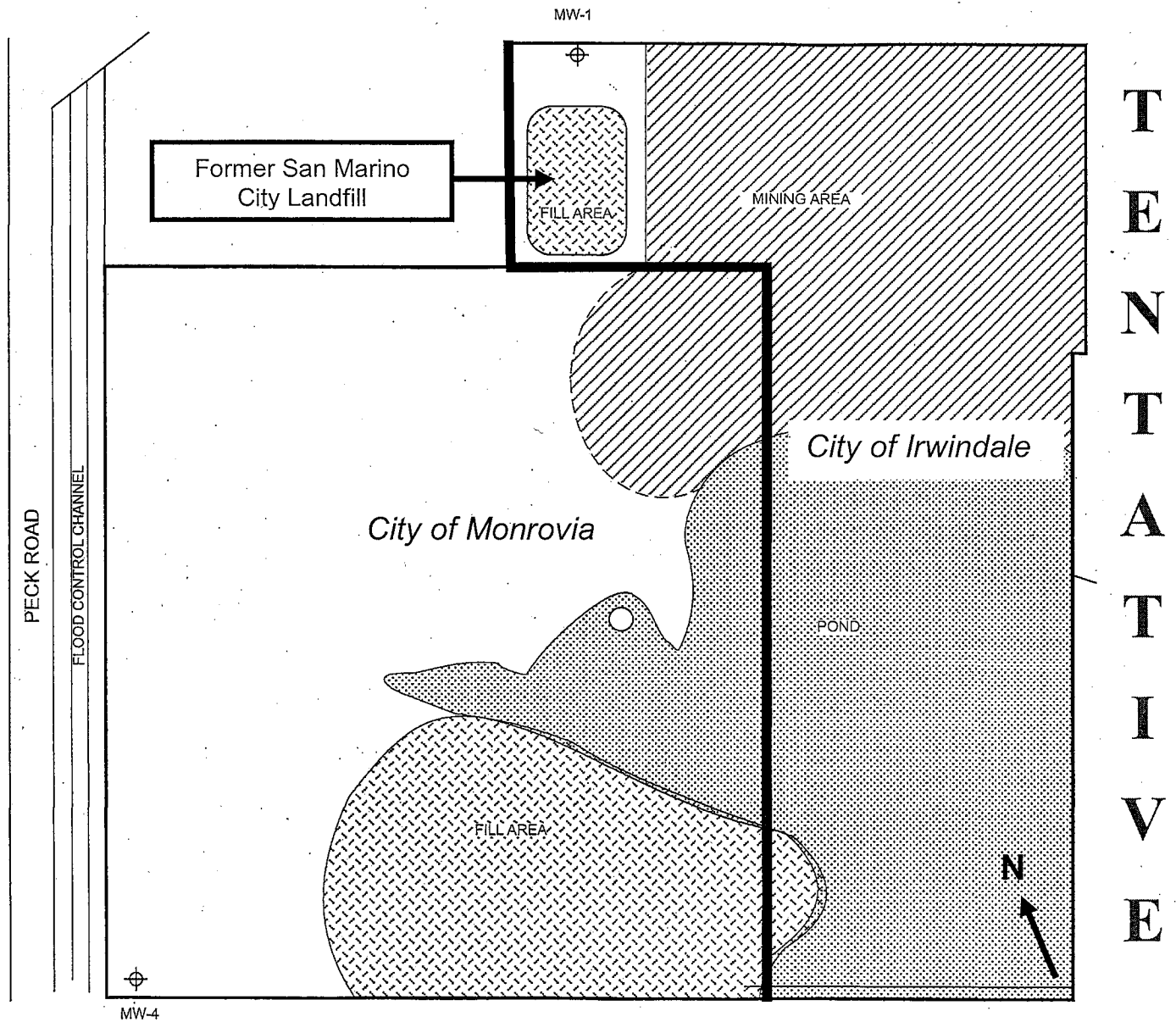


Figure 2: Facility Layout