

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ADDENDUM NO. 5 TO ORDER NO. 90-09

**WASTE DISCHARGE REQUIREMENTS
FOR THE OTAY ANNEX LANDFILL
OTAY LANDFILL INC. – REPUBLIC SERVICES
SAN DIEGO COUNTY**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) finds that:

1. The Otay Annex Sanitary Landfill (Otay Landfill) is owned and operated by Otay Landfill Inc., a subsidiary of Republic Services, Inc. (Discharger).¹ The Discharger acquired the Otay Landfill from the County of San Diego (County) in 1997. The County established the Otay Landfill in 1979 and operated the Landfill until 1997. The Otay Landfill is an active Class III municipal solid waste (MSW) landfill, accepting nonhazardous commercial and residential wastes generated within San Diego County.
2. The Otay Landfill comprises 230 acres within the Otay River Valley of San Diego County and is located within the Otay Valley Hydrologic Area of the Otay Hydrologic Unit. The Otay Landfill is divided into five waste management units, Canyons A, B, 1, 2, and 3. The County closed Canyons A and B prior to the Discharger's acquisition of the Otay Landfill. The Discharger completed waste filling operations in Canyons 1 and 2 and constructed an interim final cover. The Discharger currently directs all waste accepted for disposal to Canyon 3. Canyon 3 is in the east-southeast portion of the Otay Landfill footprint. Canyon 3 comprises 75.7 acres and is constructed with a composite liner system and leachate collection and recovery system (LCRS).
3. The San Diego Water Board adopted:
 - a. Order No. 79-18, *Waste Discharge Requirements for the County of San Diego, Otay Annex Sanitary Landfill* (Order No. 79-18) on February 26, 1979. Order No. 79-18 established waste discharge requirements and a monitoring and reporting program for the Otay Landfill.
 - b. Order No. 90-09, *Waste Discharge Requirements for the County of San Diego, Otay Annex Sanitary Landfill, San Diego County* (Order No. 90-09) on March 12, 1990. Order No. 90-09 replaced Order No. 79-18 and established

¹ Republic Services, Inc. and Allied Waste Industries, Inc. merged during the fourth quarter of 2008.

revised site-specific waste discharge, monitoring, and reporting requirements for the Otay Landfill.

- c. Order No. 93-86, *Waste Discharge Requirement Amendment for All MSW Landfills in this Region, to Implement State Water Board Resolution No. 93-62, Adopted June 17, 1993, as State Policy for Water Quality Control under Section 13140 of the Water Code* (Order No. 93-86) on August 16, 1993. Order No. 93-86 amended existing waste discharge requirements for all active landfills in the San Diego Region, including Order No. 90-09. Order No. 93-86 established additional requirements to implement Code of Federal Regulations, title 40, part 258, subtitle D, which requires construction of a liner and LCRS at new and expanding landfills.
- d. Addendum No. 1 to Order No. 90-09, *An Addendum Adding Discharge Specifications for the Disposal of Burn Ash Contaminated Soils from the Shinohara Property, 4705 Otay Valley Road, Chula Vista* (Addendum No. 1) on February 13, 1997. Addendum No. 1 established waste discharge specifications for the acceptance of 35,000 yards of designated waste from the closure of the former Shinohara burn site.
- e. Addendum No. 2 to Order No. 90-09, *An Addendum Adding Discharge Specifications for the Disposal of Wastewater Treatment Byproducts from the Encina Wastewater Treatment Facility* (Addendum No. 2) also on February 13, 1997. Addendum No. 2 established waste discharge specifications for the acceptance of 600 tons per year of grit and bar screen wastes and 23,000 tons per year of sludge from the Encina Wastewater Treatment Facility.
- f. Addendum No. 3, *An Addendum Transferring Responsibility for Order No. 90-09 from County of San Diego to Otay Landfill Inc., and Allied Waste Industries Inc., and Extending Waste Discharge Requirements for Discharges of Nonhazardous Solid Waste at Otay Landfill, Formerly Regulated Under Order No. 74-44* (Addendum No. 3) on October 15, 1997.² Addendum No. 3 transferred ownership of the Otay Landfill from the County of San Diego to Otay Landfill, Inc. and Allied Waste Industries, Inc. Addendum No. 3 also (1) extended the requirements of Order No. 90-09 to include the nonhazardous solid waste units formerly regulated under Order No. 79-18 and excluded the Otay Class I Landfill from Order No. 90-09; (2) required Otay Landfill, Inc. and Allied Waste Industries, Inc. to submit all

² Addendum No. 3 incorrectly cites Order No. 74-44 as the existing waste discharge requirements for the Otay Annex Class III Landfill. Addendum No. 3 should cite Order No. 79-18, *Waste Discharge Requirements for the County of San Diego, Otay Annex Landfill*, adopted by the San Diego Water Board on February 26, 1979.

future monitoring and technical reports required by Order No. 90-09, as amended; (3) established Allied Waste Industries, Inc. would obtain and maintain financial assurances for all releases from the Otay Landfill; and (4) required Allied Waste Industries, Inc. to create a closure fund to ensure closure and post-closure maintenance of Otay Landfill within 30 days of adoption of Addendum No. 3.

- g. Addendum No. 4, *An Addendum Adding Discharge Specifications for the Mixing and Placement of a Specific Alternative Daily Cover (ADC)* (Addendum No. 4) on February 11, 2004. Addendum No. 4 established discharge specifications for the mixing and placement of biosolids, soil and green waste as alternative daily cover at the Otay Landfill.
4. All findings in Order No. 90-09, as amended, are incorporated into this Addendum, except as contradicted or superseded by findings set forth in this Addendum.
5. The San Diego Water Board issued:
 - a. Notice of Violation and Investigative Order No. R9-2016-0067 (Investigative Order No. R9-2016-0067) on July 11, 2016. Order No. R9-2016-0067 required the Discharger to (1) provide information related to the excessive production of leachate at the Otay Landfill; (2) submit a Storm Water, Erosion Controls and BMP Implementation Report; (3) submit a Leachate Generation Report; and (4) submit a Slope Stability Workplan and Final Report.

The Discharger submitted a series of memoranda and technical reports to the San Diego Water Board beginning in June 2016 in response to Investigative Order No. R9-2016-0067. These responses included a supplemental *Stability Evaluation for the Southeastern Corner of the Otay Landfill* (Stability Evaluation), dated December 23, 2016. The Stability Evaluation addressed staff's concerns regarding observations and violations noted during a routine compliance inspection of the Otay Landfill on February 4, 2016. Additionally, the Discharger provided a *Response to Investigative Order No. R9-2016-0067, Otay Landfill, San Diego County* (Response Report), dated July 30, 2016. The Response Report included information regarding waste acceptance criteria, copies of analytical data demonstrating compliance with that criterion, the volumes of various waste streams accepted, and the volume of leachate produced by the Otay Landfill for May 2016, including the manifests for leachate disposal.

The Response Report stated that analytical data characterizing the waste stream is required for all non-MSW materials accepted for disposal at the Otay Landfill. The number of samples required for characterization is dependent on the volume of materials proposed for disposal. The minimum

- testing requirements for characterizing the waste stream are dependent on the type of material proposed for disposal at the Otay Landfill. The Discharger is required to ensure these wastes are appropriate for disposal at the Otay Landfill. The Discharger must determine the solids to liquid ratio and moisture content of the materials and the percent solids of the material for dewatered sludge, under California Code of Regulations (CCR) title 27, section 20220(b) and (c). Information regarding each of these criteria is necessary to ensure the waste streams do not cause an exceedance of the moisture holding capacity of the Otay Landfill. The Response Report provided the waste acceptance protocols used for evaluation dredged sediments and dewatered sludge. The waste acceptance protocols do not include analytical methodologies to evaluate the soil moisture content of dredged sediments and dewatered sludge. The Discharger's protocols for waste acceptance include characterization of wastes using a paint filter test, which is a qualitative measurement (i.e., pass or fail), limited to determining the presence of free liquids in a representative sample. The paint filter test does not accurately determine the moisture content within a given waste stream or the potential impacts these wastes may have on the Landfill's containment structures.
- b. Investigative Order No. R9-2020-0047 *An Order Directing Republic Services to Submit a Leachate Investigation Technical Report for the Otay Landfill, San Diego County* (Investigative Order No. R9-2020-0047) on April 30, 2020. Investigative Order No. R9-2020-0047 required the Discharger to (1) evaluate the structural integrity of containment structures at the Otay Landfill, including liner systems, leachate collection and removal systems, and monitoring systems; (2) evaluate the cause of excessive leachate production at the Otay Landfill; (3) provide analytical data and documentation that waste acceptance criteria is appropriately implemented at the Otay Landfill for all non-MSW wastes; (4) provide data and documentation for the quantities and types of wastes accepted at the Otay Landfill; and (5) demonstration that containment structures and operational protocols are functioning as designed and capable of maintaining wastes, waste by-products, and protective of water quality.
- c. The Discharger submitted a Leachate Investigation Technical Report (LITR) to the San Diego Water Board on December 30, 2020, in response to Investigative Order No. R9-2020-0047. The Discharger also submitted supplemental information to the San Diego Water Board on October 25, 2021, and May 26, 2022. The LITR reported that:
- i. Waste accepted for disposal at the Otay Landfill generate more leachate than the LCRS is designed to manage and provided a correlation between leachate production and acceptance of wet wastes from various sources within the San Diego region.

- ii. The Discharger responded to the excess leachate generation by installing 102 dual-purpose extraction wells in the lined portion of Canyon 3 without authorization from the San Diego Water Board. The dual-purpose extraction wells are designed to remove landfill gas and leachate from the Otay Landfill.
- iii. The LCRS recovers approximately 10 percent of leachate generated at the Otay Landfill. The other 90 percent of leachate generated at the Otay Landfill is recovered through the dual-purpose extraction wells.
- iv. The hydraulic head of leachate on the Canyon 3 base liner system peaked in August 2016, and dissipated over time with the use of the dual-purpose extraction wells. The current hydraulic head of leachate on the Canyon 3 base liner system remains below one foot, based on the volume of leachate removed from the waste prism.

The LITR did not (1) report any concerns regarding the structural integrity of the Otay Landfill waste containment structures; and (2) include an analysis or discussion of leachate generation or the structural integrity of the unlined portions of the Otay Landfill.³

- d. A letter requesting additional information regarding the dual-purpose extraction wells on July 20, 2022. The Discharger has not provided the requested information at the time of this Addendum.
6. The Otay Landfill is an existing facility and, as such, regulatory actions related to the lined portions of the Landfill are exempt from the provisions of the California Environmental Quality Act in accordance with the California Code of Regulations, Title 14, Chapter 3, Article 19, section 15301.
 7. The San Diego Water Board notified the Discharger, and all interested parties of its intent to consider adoption of this Addendum.
 8. The San Diego Water Board heard and considered all comments pertaining to the adoption of this Addendum at a public meeting.

IT IS HEREBY ORDERED that Order No. 90-09 is amended as follows:

1. Revise section A. Prohibitions to read as follows:

A. Prohibitions. The Discharger must prohibit the following types of discharges at the Otay Landfill.

³ The unlined portions of the Otay Landfill include Canyon B, Canyon 1, and Canyon 2.

2. Revise Prohibition A.1 to read as follows:

~~Discharges of wastes to lands which have not been specifically described to the Regional Board and for which valid waste discharge requirements are not in force are prohibited. Wastes to land, except as authorized by WDRs or the terms described in Water Code section 13264.~~

3. Revise Prohibition A.4 to read as follows:

~~Disposal of designated waste at the Otay Annex Landfill is prohibited except as provided for by Subchapter 15, Section 2520 (a) (1) CCR title 27, section 20200(a)(1). Subchapter 15, Section 2520 (a) (1) CCR title 27, section 20200(a)(1) indicates that the waste classification specified in Subchapter 15, Article 2 CCR title 27, section 20200 shall must determine where the waste may be discharged unless the ~~discharger~~ Discharger establishes, to the satisfaction of the Regional Board, that a particular waste constituent or combination of constituents presents a lower risk of water quality degradation than indicated by classification according to Subchapter 15, Article 2 CCR title 27, section 20200 criteria.~~

4. Revise Prohibition A.6 to read as follows:

~~Disposal of sewage or water treatment sludge at the Otay Annex Landfill is prohibited except as provided for by Subchapter 15, Section 2520 (d) (3) and 2523 (e) CCR, title 27, section 20200(d)(3) and section 20220(c). Subchapter 15, Section 2523 (e) CCR, title 27, section 20220(c) indicates that dewatered sewage or water treatment sludge may be discharged at a Class III landfill under the following conditions, unless ~~DHS~~ California Department of Toxic Substances Control (DTSC) determines that the waste must be managed as hazardous waste:~~

5. Revise Prohibition A.6.b to read as follows:

~~The sludge contains at least 20 percent solids if primary sludge, or at least 15 percent solids if secondary sludge, mixtures of primary and secondary sludge, or water treatment sludge; and The acceptance of dewatered sludge that does not meet the discharge specifications prescribed below, including primary sludge wastes not containing at least 20 percent solids (by weight), secondary sludge wastes not containing at least 15 percent solids, and all other sludge wastes containing a solids-to-liquids ratio less than 5:1 by weight. Co-disposal of all sludge wastes must not exceed the initial moisture-holding capacity of the nonhazardous solid waste.~~

6. Delete Prohibition A.6.c

~~A.6.c — A minimum solids-to-liquid ration of 5:1 by weight shall be maintained to ensure proper moisture holding capacity of waste material to prevent movement of~~

~~leachate. Any foreign solid added to the sludge must be non-decomposable and of specific retention equal to or greater than the sludge substance. Nonabsorbent solids such as glass, metals, etc. will not be included in the solid-to-liquid ratio of 5:1 estimation.~~

7. Revise Prohibition A.7 to read as follows:

~~The discharge of solid, liquid waste, or leachate to surface waters or surface water drainage courses is prohibited.~~ Wastes to inland surface waters, except in cases where the quality of the discharge complies with applicable receiving water quality objectives and is authorized by the San Diego Water Board.

8. Add Prohibition A.17 to read as follows:

17. Wastes to waters of the State in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance as defined in Water Code section 13050.

9. Add Prohibition A.18 to read as follows:

18. Treated or untreated solid or liquid waste to waters of the United States except as authorized by a National Pollution Discharge Elimination System permit issued by the San Diego Water Board.

10. Add Prohibition A.20 to read as follows:

20. Wastes directly into waters of the State, or adjacent to such waters in any manner which may permit waste being transported in the waters, unless authorized by the San Diego Water Board.

11. Add Prohibition A.21 to read as follows:

21. Waste, including leachate, operations water, condensate, and/or stormwater flows that have been in contact with waste, to a storm water conveyance system that is not composed entirely of "storm water."⁴ Unless authorized by the San Diego Water Board.

12. Add Prohibition A.22 to read as follows:

22. Waste into a natural or excavated site below historic water levels unless the discharge is authorized by the San Diego Water Board.

⁴ As defined in Code of Federal Regulations, title 40, part 122.26(b)(13) and 122.26(b)(2).

13. Add Prohibition A.23 to read as follows:
 23. The acceptance of dewatering-derived effluent, except as authorized by waste discharge requirements.
14. Add Prohibition A.24 to read as follows:
 24. The acceptance of dredged sediments containing free liquids or having a liquid ratio that exceeds the moisture-holding capacity of the nonhazardous solid waste.
15. Add Prohibition A.25 to read as follows:
 25. The acceptance of liquids or semi-solid waste (i.e., waste containing less than 50 percent solids, by weight).
16. Add Prohibition A.26 to read as follows:
 26. The acceptance of primary sludge waste characterized as hazardous waste by the DTSC is prohibited.
17. Add Prohibition A.27 to read as follows:
 27. The acceptance of treated wood waste, dewatered sludge, biosolids, dredged sediment, and other wet waste or special waste to any unlined portion of the Otay Landfill.
18. Add Prohibition A.28 to read as follows:
 28. The acceptance of wastes intended for diversion to ancillary operations including anaerobic digestion, chip and grinding, composting, or materials recycling unless authorized by the San Diego Water Board.
19. Add Prohibition A.29 to read as follows:
 29. The acceptance of mammalian or poultry carcasses, except as authorized by the San Diego Water Board.
20. Add Prohibition A.30 as follows:
 30. The acceptance of hazardous wastes, as defined in CCR title 22, section 66261.3 that must be managed according to CCR title 22, division 4.5 and universal wastes including batteries; mercury-containing lamps, thermostats and thermometers; electronic devices; electronic switches and relays; pilot light sensors; mercury gauges; and non-empty aerosol cans.

21. Revise Discharge Specifications B.1 to read as follows:

Nonhazardous waste and inert waste as described by ~~Subchapter 15, Sections 2523 and 2524~~ CCR title 27, sections 20220(a) and 20230(a) may be disposed of at the Otay ~~Annex~~ Landfill.

22. Revise Discharge Specifications B.2 to read as follows:

Shredder waste which has been granted a variance from disposal as “hazardous waste” by ~~the DHS DTSC~~ may be disposed of at the ~~landfill~~ Otay Landfill.

23. Revise Discharge Specifications B.7 to read as follows:

The ~~discharger~~ Discharger is responsible for accurate characterization of wastes, including determinations of whether or not wastes will be compatible with containment features and other wastes at the Otay ~~Annex~~ Landfill in order to comply with ~~Subchapter 15, Section 2520 (b), CCR title 27, section 20200(c), and whether or not wastes are required to be managed as hazardous wastes under Section 66300 of the California Administrative Code, Title 22 CCR title 22, division 4.5, section 66300 et seq.~~

24. Revise Discharge Specifications B.9 to read as follows:

The ~~discharger~~ Discharger ~~shall~~ must comply with all applicable requirements of ~~Subchapter 15, Article 3 CCR title 27, section 20240 and 20260~~ at the Otay ~~Annex~~ Landfill. ~~Article 3 CCR title 27, sections 20240 and 20260~~ establishes siting, design, construction, operation, and maintenance standards. ~~Sections 2530, 2533 CCR title 27, sections 20240, 20260,~~ and Table 3.1 are applicable in whole or part to the Otay ~~Annex~~ Landfill.

25. Revise Discharge Specifications B.10 to read as follows:

The Discharger ~~shall~~ must comply with all applicable requirements of ~~Subchapter 15, Article 4 CCR title 27, sections 20310 and 20320~~ at the Otay Annex Landfill. ~~Article 4 CCR title 27, sections 20310 and 20320~~ establishes construction standards for waste management units.

26. Revise Discharge Specifications B.13 to read as follows:

The Discharger must ensure that all containment structures ~~shall be~~ are designed and constructed under the direct supervision of a California registered engineer or a certified engineering geologist and ~~shall~~ must be certified by that individual as meeting the prescriptive standards and performance goals of ~~Subchapter 15 CCR title 27, sections 20324(a), 20330(a), 20365(c), 20415(b)(1)(D)(4), and 20415(b)(1)(E)(9)~~ prior to waste discharge.

27. Revise Discharge Specifications B.17 to read as follows:

At closure, the Otay Annex Landfill shall must receive a final cover which is designed and constructed to function with minimum maintenance and consists, at a minimum, of two-foot thick foundation layer which may contain waste materials, overlain by a one-foot thick ~~clay liner~~ low-hydraulic-conductivity layer, and finally by a one-foot thick ~~vegetation soil layer~~ erosion-resistant layer, or an engineered equivalent final cover approved by the Regional Board pursuant to ~~Subsections 2510 (b) and (c) of Subchapter 15~~ CCR title 27, section 21090(a)(1), (a)(2), and (a)(3).

28. Add Discharge Specification B.40 to read as follows:

40. Special wastes must be discharged to designated disposal areas underlain by a composite liner and LCRS, as approved by the San Diego Water Board. Special wastes include treated wood waste, dewatered sludge, biosolids, and dredged sediments.

29. Add Discharge Specification B.41 to read as follows:

41. The Discharger is responsible for the accurate characterization of wastes in compliance with CCR title 27, section 20200(c). Characterization must include the determination that wastes will be compatible with containment features and other wastes, and that wastes are defined as nonhazardous in accordance with CCR title 27, section 20220.

30. Add Discharge Specification B.42 to read as follows:

42. Treated wood waste must be managed and disposed of in accordance with all the requirements of the California Health and Safety Code Division 20, Chapter 6.5, Article 11.2.

31. Add Discharge Specification B.43 to read as follows:

43. The Discharger must ensure that all sludge wastes accepted for disposal at the Otay Landfill meet the minimum moisture content and solids-to-liquids ratio requirements of CCR title 27, section 20220(c). Primary sludge disposed of in the Otay Landfill must contain at least 20 percent solids (by weight). Secondary sludge, mixtures of primary and secondary sludge, or water treatment sludge disposed of in the Otay Landfill must contain at least 15 percent solids (by weight). A minimum solids-to-liquids ratio of 5:1 by weight must be maintained in sewage sludge to ensure that the co-disposal of sludge and municipal solid wastes will not exceed the initial moisture holding capacity of the non-hazardous solid waste in accordance with CCR title 27, section 20220(c).

The Discharger must either conduct confirmation sampling for all sludge wastes received for disposal to determine the moisture content and solids-to-liquids ratio or retain documentation from the facility generating the sludge wastes that provides a demonstration that the sludge wastes received meet the acceptance criteria established by this Order and in CCR title 27. The Discharger must implement a monitoring program for the disposal of sludge, grit and bar screen wastes. The Discharger must also provide the San Diego Water Board with a summary of information about the source(s) of wastewater treatment plan sludge wastes, the results of analyses to demonstrate compliance with dewatered sludge acceptance requirements in CCR title 27, section 20220(c), and the weight and types of sludge wastes received from each source for disposal at the Otay Landfill. This information must be tabulated and reported in the semi-annual groundwater monitoring.

32. Add Discharge Specification B.44 as follows:

44. The Discharger must ensure that dredged sediment wastes received for disposal at the Otay Landfill meet the requirements for disposal at a non-hazardous, Class III landfill. The Discharger must demonstrate that the acceptance of dredged sediments will not exceed the moisture holding capacity of the Otay Landfill, either initially or because of waste management operations, compaction, or settlement, in accordance with CCR title 27, section 20200(d)(3).

The Discharger must either (1) conduct confirmation testing to determine the moisture content, or (2) acquire documentation from the source of the dredged sediments that demonstrates that the wastes accepted for disposal meet the Discharge Prohibitions and Specifications of Order No. 90-09, as amended, prior to disposal. The Discharger must implement a monitoring program for the disposal of dredged sediments and provide the San Diego Water Board with a summary of information about the source(s) of dredged sediments, the results of analyses undertaken to demonstrate compliance with waste acceptance criteria applicable to the Otay Landfill, and the quantity of dredged sediments received from each source for disposal at the Otay Landfill. The Discharger must retain the results of waste characterization, onsite, for a minimum of five years. These records must be made available to the San Diego Water Board upon request. The Discharger must provide copies of moisture content data demonstrating that dredged sediments accepted for disposal meet the waste characterization requirements, in the semi-annual monitoring reports. Waste characterization requirements include data demonstrating the dredged sediments are classified as non-hazardous wastes and meet the moisture content requirements of this Addendum and CCR title 27. The data required by this addendum must be tabulated and reported in the semi-annual monitoring reports.

33. Revise Provision C.13 to read as follows:

Alternatives and exceptions to and exemptions and waivers from requirements of ~~Subchapter 15 CCR title 27~~ shall must be subject to the approval of the Executive Officer and shall be authorized only as provided for by ~~Subchapter 15 CCR title 27~~. Implemented alternatives to ~~Subchapter 15 CCR title 27~~ requirements shall meet the conditions for approval of such alternatives established in ~~Subchapter 15 CCR title 27~~ as long as the wastes pose a threat to water quality.

34. Revise Provision C.14 to read as follows:

The ~~discharger~~ Discharger shall must comply with all applicable requirements of ~~Subchapter 15, Article 8 CCR title 27, sections 20950 and 21090~~ for partial and final closure and post-closure maintenance of the Otay Annex Landfill. ~~Article 8 CCR title 27, sections 20950 and 21090~~ establishes closure and post-closure maintenance requirements.

35. Revise Provision 6 to read as follows:

~~In accordance with 27CCR, Chapter 6, Subchapter 2, Article 4, Waste Industries, Inc. shall~~ must obtain and maintain assurances of financial responsibility for initiating and completing corrective action for all known or reasonably foreseeable releases from the ~~Otay/Otay Annex Landfill~~, in accordance with CCR title 27, section 22220.

36. Revise Provision 7 to read as follows:

~~In accordance with 27CCR, Chapter 6, Subchapter 2, Articles 1 and 2 Allied Waste Industries, Inc. shall~~ must within 30 days of the date of the adoption of this Addendum to Order No. 90-09, establish an irrevocable closure fund to ensure closure and post-closure maintenance of the Otay/Otay Annex Landfill, in accordance with CCR title 27, section 20950(f).

37. Revise Reporting Requirement D.12 to read as follows:

The ~~discharger~~ Discharger shall must submit reports required under this Order and other information requested by the Executive Officer, to:

Executive Officer
 California San Diego Regional Water Quality Control Board
 San Diego Region
9771 Clairemont Mesa Blvd., Suite B-2375 Northside Drive, Suite 100
 San Diego, California 92124-1334 CA 92108-2700

And, the State Water Resources Control Board's online GeoTracker database as specified in the CCR 23, sections 3892(d) and 3893.

38. Add Reporting Requirement D.18 to read as follows:
 18. The Discharger must comply with monitoring and reporting requirements prescribed by the San Diego Water Board pursuant to Water Code section 13267 and CCR title 27, section 20385. The Discharger must comply with attached monitoring and reporting program No. R9-2023-0095. Groundwater wells associated with each monitoring program must be clearly identified in all reports and discussions.
39. Add Reporting Requirement D.19 as follows:
 19. The Discharger must comply with the landfill gas monitoring program and requirements prescribed by San Diego County Department of Environmental Health and Quality, Local Enforcement Agency. The Discharger must provide copies of all landfill gas monitoring data and report to the San Diego Water Board.
40. Add Reporting Requirement D.20 to read as follows:
 20. The Discharger must notify the San Diego Water Board **within 24-hours** of any slope failure that threatens the integrity of containment structures, or structures that control surface drainage or erosion, groundwater monitoring wells, or the landfill gas collection system. The Discharger must take immediate steps to repair the slope failure and evaluate the integrity of containment structures threatened by the slope failure. The Discharger must provide a written summary of the actions implemented, or planned for implementation, to correct the slope failure **within seven days** of the slope failure. This information must also be included in the next semi-annual groundwater monitoring report.
41. Add Reporting Requirement D.21 as follows:
 21. The Discharger must notify the San Diego Water Board **within 24-hours** of discovering any previously unreported seepage from the Otay Landfill. The Discharger must submit a written report to the San Diego Water Board **within seven days** of the discovery of the seepage. The written summary must include the following minimum information:
 - a. A map showing the location(s) of the seepage.
 - b. An estimate of the flow rate.

- c. A description of the nature of the discharge (e.g., all pertinent observations and analyses).
 - d. Analytical data obtained from a sample of the seepage if a sample can be collected.
 - e. A description of the corrective measures proposed to eliminate the seepage.
42. Add Reporting Requirement D.22 to read as follows:
22. The Discharger must notify the San Diego Water Board **within seven days** of detecting fluid in any unsaturated zone monitoring system (i.e., landfill gas migration monitoring probes), or if a progressive increase in leachate is detected in the volume of fluid in any unsaturated zone monitoring system, in accordance with CCR title 27, section 21710(c)(3). The Discharger must notify the San Diego Water Board **within 24-hours** of damage to the liner system, cover system, LCRS, landfill gas (LFG) system, or stormwater conveyance features of existing containment structures, and any containment structures that are under construction, caused by operation, maintenance or construction activities. The Discharger must provide a written summary of the actions implemented, or planned for implementation, to correct the damage **within seven days** of when the damage occurred.
43. Add Reporting Requirement D.23 to read as follows:
23. The Discharger must notify the San Diego Water Board **within 24-hours** of damage to the liner system, cover system, LCRS, LFG system, or stormwater conveyance features of existing containment structures and containment structures that are under construction, caused by seismic events, storm events, flooding, fires or any other natural causes. The Discharger must provide a written summary of the actions implemented, or planned for implementation, to correct the damage **within seven days** of when the damage occurred.
44. Add Reporting Requirement D.24 as follows:
24. The Discharger must notify the San Diego Water Board **within 24-hours** of any release of leachate or condensate from the LCRS or LFG capture system, respectively. A release occurs when either the system reaches capacities that exceed the design specifications and discharge leachate or gas condensate outside of the containment system. A release is more likely to occur after heavy and/or sustained precipitation events. The Discharger must provide a written summary of the actions implemented, or planned for implementation, to stop the release, to determine extent of the release, and

remediate the impacted areas **within seven days** of when the release occurred.

45. Add Reporting Requirement D.25 to read as follows:

25. The Discharger must notify the San Diego Water Board **within 24-hours** of any exposed wastes due to construction activities or natural causes, such as storm events, sinkholes, earthquakes, or any other phenomenon beyond the Discharger's control. The Discharger must cover exposed wastes **within 24 hours** and provide a written summary of the actions implemented **within seven days** of the exposure. Intended exposures of wastes, such as transport of waste or clean closure activities, which were previously approved by the San Diego Water Board do not require a report and must be included in the Daily Field Reports the Discharger submits for any construction activities.

46. Add Reporting Requirement D.26 to read as follows:

26. The Discharger must notify the San Diego Water Board **within 24-hours** when a temperature reading of 145°F or greater is taken in any area of the Landfill. The Discharger must provide a written summary of actions implemented, or planned for implementation, to reduce temperature readings and investigate the cause of the elevated temperatures in the affected area **within seven days** of the elevated temperature reading.

47. Add Reporting Requirement D.27 to read as follows:

27. The Discharger must report the remaining capacity and site life estimations in the Annual Summary Report, due by **April 30th** of each year.

48. Add Reporting Requirement D.28 to read as follows:

28. The Discharger must submit a Post-Rain Inspection Report **within 48 hours** of a rain event. The Post-Rain Inspection Report must include the date(s) of the rain event, how much precipitation was received each day of the rain event, a narrative describing where runoff was captured, the quality and effectiveness of best management practices (BMPs), and any erosion, ponding, or exposed wastes that were observed during the inspection. The Post-Rain Inspection Report must also include photographs of the detention basin, BMPs, top deck, side slopes, and any area where damage was observed during the inspection.

All reports and analytical data must be uploaded to the State Water Resources Control Board's online GeoTracker database⁵ as specified in CCR title 23, sections 3892(d) and 3893. If you have any questions about report submittal procedures, please contact our Mission Support Services staff at (619) 516-1990, or sandiego@waterboards.ca.gov.

49. Replace Monitoring and Reporting Program No. 90-09 with the attached Monitoring and Reporting Program No. R9-2023-0095. Monitoring and Reporting Program No. R9-2023-0095 is effective upon adoption of this Addendum.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of this Addendum adopted by the California Regional Water Quality Control Board, San Diego Region, on December 13, 2023.

David W. Gibson, Executive Officer

⁵ <https://geotracker.waterboards.ca.gov>