

CALIFORNIA WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2003-0003
WASTE DISCHARGE REQUIREMENTS
FOR CLOSURE AND POST-CLOSURE MAINTENANCE
OF THE
COUNTY OF SAN DIEGO
SAN MARCOS LANDFILL

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

Background

1. On January 22, 1992, this Regional Board adopted Order No. 92-02, **Waste Discharge Requirements for County of San Diego, San Marcos Sanitary Landfill, San Diego County**. Order No. 92-02 approved the two hundred feet vertical expansion of the San Marcos Sanitary Landfill. The Regional Board approval of the vertical expansion was appealed to the State Water Resources Control Board. The State Board approved the vertical expansion with a number of additional design specifications for the landfill.
2. On March 11, 1997, the San Marcos Landfill stopped receiving waste. The final elevation of the top deck was 805 feet above mean sea level. Subsequently, the landfill cover has been regulated pursuant to Cease and Desist Order No. 98-39 issued by this Regional Board.
3. The County of San Diego originally submitted a closure plan dated December 31, 1995. After many revisions to the closure plan, it remained incomplete. The County of San Diego prepared a supplemental environmental impact report (SEIR) including a re-vegetation plan for the final landfill cover. The re-vegetation plan was subject to litigation between the City of San Marcos vs. the County of San Diego.
4. In July 2001, the County of San Diego and the City of San Marcos agreed to modifications to the re-vegetation plan to accommodate changes in soil characteristics needed to comply with Title 27, California Code of Regulations (27 CCR).
5. On January 11, 2002, the County of San Diego submitted an incomplete Joint Technical Document (JTD) for the final closure of the San Marcos Landfill. The County of San Diego subsequently submitted Addendum No. 1 to the JTD dated May 31, 2002 and Addendum No. 2 to the JTD dated June 28, 2002. By letter dated July 26, 2002, the Regional Board deemed the JTD complete.

Federal Requirements

6. On August 16, 1993, this Regional Board adopted Order No.93-86, **“Waste Discharge Requirement Addendum for all MSW Landfills in this Region, to Implement State Water Board Resolution No. 93-62, As State Policy for Water Quality Control Under Section 13140 of the Water Code.”** Order No. 93-86 updated waste discharge requirements for all landfills in this region that received wastes after October 9, 1991, which includes the San Marcos Landfill. By incorporating regulations contained in the Code of Federal Regulations, Title 40 (40 CFR), Part 258, Order No. 93-86 brought the affected landfills into compliance with both State and Federal Regulations. The County of San Diego submitted the reports required under Order No. 93-86 on October 7, 1993 and is in compliance with the reporting requirements for 40 CFR Part 258.

Ground water

7. Analytical results from ground water monitoring indicate that there has been a release of waste constituents from the San Marcos Landfill. Concentrations of volatile organic compounds (VOCs), including 1,1-dichloroethane, dichlorodifluoromethane, 1,4-dichlorobenzene, trichlorofluoromethane, trichloroethene, tetrachloroethene, cis-1,2-dichloroethene, methylene chloride have been detected in ground water monitoring wells SMGW-16, SMGW-30D, SMGW-31, and SMGW-35. The presence of the above waste constituents in the ground water indicates a condition of pollution as defined in Water Code Section 13050.
8. On September 14, 1995, the Regional Board issued corrective action requirements to the County of San Diego under **Monitoring and Reporting Program No. 95-112, Corrective Action Program for the County of San Diego, San Marcos Sanitary Landfill, San Diego County.** The Corrective Action Program (CAP) was implemented pursuant to the requirements of California Code of Regulations, Title 23, Chapter 15. The CAP is comprised of four ground water extraction wells (SMGW-16, -30D, -31 and -35) and a landfill gas system.
9. The JTD indicates that there are six production wells located within one mile of the landfill. Three of these production wells were included in the offsite ground water monitoring program. To date, these wells have not indicated adverse water quality impacts from waste constituents released from the San Marcos Landfill.
10. Because the discharge of pollutants into ground water could cause the long-term loss of designated municipal and domestic (MUN) beneficial uses of ground water, the San Marcos Landfill shall be rated as Threat to Water Quality (TTWQ) category “I” in accordance with 23 CCR §2200. The complexity (CPLX) ranking is based upon the type of facility. For Class III landfills, the complexity ranking is category “B.”

Storm Water

11. On July 25, 2003, the U.S. Environmental Protection Agency gave final approval to California's 2002 Section 303(d) List of Water Quality Limited Segments. The San Marcos Landfill is located in proximity to surface water drainages that are tributary to Escondido Creek, which ultimately discharges into the San Elijo Lagoon. In 1998, the San Elijo Lagoon was identified, on the statewide 303-d list, as an impaired waterbody for the following conditions of pollution or nuisance: eutrophic conditions, bacterial indicators, and sedimentation/siltation.
12. Surface drainage from the landfill is subject to State Board Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000001 (General Permit), **Waste Discharge Requirements (WDRs) for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities.**
13. There is a need to effectively control the detrimental effects of erosion upon the final landfill cover system and control offsite discharge of landfill derived soils into surface water drainage system of the San Elijo Hydrologic Subarea (4.61). Therefore, it is appropriate for the Storm Water Pollution Prevention Plan (SWPPP) to be amended to include controls for soil erosion and sediment discharge.
14. A variety of approaches may be effective as Best Management Practices (BMPs) for long term control of surface water runoff and erosion of cover materials. Effective BMPs for control of surface water runoff and erosion should also be used in areas undergoing landfill containment system construction or maintenance. Effective BMPs are best implemented on a site-specific basis and may include, but are not limited to, the use of: bonded fiber matrix materials, anchored fiber rolls, fiber blankets, and other measures as appropriate.

Engineered Alternative Cover

15. The final cover for the San Marcos Landfill is an engineered alternative to the prescriptive cover design contained in 27 CCR and 40 CFR §258.60. The engineered alternative final cover system will consist of a monolithic soil cover ranging from five to eight feet in thickness. The County of San Diego will import approximately 420,000 cubic yards of soil. Imported soil will be mixed with onsite soil and placed over the landfill. The landfill cover system will be vegetated with a mixture of coastal sage scrub and chaparral. The final cover on the top deck (42 acres) will consist of a 2-foot foundation layer and a 3-foot vegetative soil layer. The side slopes (60 acres) will be covered with 2-foot of foundation layer and 3 to 6 feet of vegetative soil layer.
16. The final cover will have a temporary overhead irrigation system on the top deck and sideslope, except a 20 acre area will be watered by water truck equipped with a water

canon, or equivalent. The system piping will be above ground and equipped with flow-controlled automatic shutoff valve and rain sensors. The temporary irrigation system will be used, as necessary, to: 1) prepare the top deck for early season imprinting; 2) establish early season surface erosion control vegetation; 3) supplement the annual rainfall during dry periods in the rainy season; and 4) counteract the effects of compaction by encouraging downward root growth during initial development of the vegetation. The temporary irrigation system will be used between early fall and late spring seasons. It has been estimated that the temporary irrigation system will be used during the first year for establishment of vegetation, but will be available for an additional two years in the event of an exceptionally dry year. The proposed monolithic engineered alternative final cover would reduce net infiltration into the landfill compared with the prescriptive final cover.

17. The County of San Diego has complied with 27 CCR §20080(b) and (c) and has met the requirements for approval of an engineered alternative to the prescriptive landfill cover system. The JTD provides the requisite demonstration that the placement of a prescriptive composite cover is unnecessarily burdensome, would cost substantially more than the engineered alternative cover and would not promote additional attainment of applicable performance standards.
18. The final cover will require maintenance throughout the post-closure maintenance period. In order to effectively maintain the final cover, the County of San Diego may need to create temporary stockpiles of soil prior to conducting grading operations.

Water Quality Control Plan

19. The **Water Quality Control Plan Report, San Diego Basin (9)** (hereinafter Basin Plan), was adopted by this Regional Board on September 8, 1994, and subsequently approved by the State Water Resources Control Board (State Board) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the State Board. The Basin Plan designates beneficial uses and narrative and numerical water quality objectives, and prohibitions that are applicable to the discharges regulated under this Order.
20. The San Marcos Landfill is located in the both the Batiqitos Hydrologic Subarea (4.51) of the San Marcos Hydrologic Area and the San Elijo Hydrologic Subarea (4.61) of the Escondido Creek Hydrologic Area.
21. The Basin Plan identifies the following beneficial uses of the surface waters of the Batiqitos and San Elijo Hydrologic Subareas:
 - a. Municipal and domestic supply;
 - b. Agricultural supply;
 - c. Industrial service supply;
 - d. Water contact recreation;
 - e. Non-contact water recreation;

- f. Warm fresh-water habitat;
 - g. Cold fresh-water habitat*;
 - h. Wildlife habitat;
- *Designated beneficial use for the San Elijo Hydrologic Subarea.

22. The Basin Plan identifies the following beneficial uses of the ground waters of the Batiquitos and San Elijo Hydrologic Subareas:
- a. Municipal and domestic supply;
 - b. Agricultural supply;
 - c. Industrial service supply
23. The Basin Plan established the following water quality objectives for surface and ground waters of the Batiquitos HSA (4.51) and the San Elijo HSA (4.61) not to be exceeded more than 10% of the time:

Constituent	Batiquitos and San Elijo HSAs Surface Water	Batiquitos HSA Ground Water	San Elijo HSA Ground Water
Total Dissolved Solids	500 mg/L	3500 mg/L	2800 mg/L
Chloride	250 mg/L	800 mg/L	700 mg/L
Percent Sodium	60%	60%	60%
Sulfate	250 mg/L	500 mg/L	600 mg/L
Nitrate (as NO ₃)	---	45 mg/L	45 mg/L
Nitrogen & Phosphorus	a	---	---
Iron	0.3 mg/L	0.3 mg/L	0.3 mg/L
Manganese	0.05 mg/L	0.05 mg/L	0.05 mg/L
Methylene Blue Active Substances	0.5 mg/L	0.5 mg/L	0.5 mg/L
Boron	0.5 mg/L	2.0 mg/L	1.0 mg/L
Odor	None	None	None
Turbidity	20 NTU	5 NTU	5 NTU
Color	20 Units	15 Units	15 Units
Fluoride	1.0 mg/L	1.0 mg/L	1.0 mg/L

Note: mg/l = milligrams per liter NTU = Nephelometric Turbidity Units

^aConcentrations of nitrogen and phosphorus, by themselves or in combinations with other nutrients, shall be maintained at levels below those that stimulate algae and emergent plant growth. Threshold total Phosphorus (P) concentrations shall not exceed 0.05 mg/L

in any stream at the point where it enters any standing body of water, nor 0.025 mg/L in any standing body of water. A desired goal in order to prevent plant nuisances in streams and other flowing waters appears to be 0.1 mg/L total P. These values are not to be exceeded more than 10 percent of the time unless studies of the specific water body in question clearly show that water quality objective changes are permissible and changes are approved by the Regional Board. Analogous threshold values have not been set for nitrogen compounds; however, natural ratios of nitrogen to phosphorus are to be determined by surveillance and monitoring and upheld. If data are lacking, a ratio of N:P = 10:1 shall be used.

24. The Basin Plan contains discharge prohibitions that are applicable to the San Marcos Landfill.

CEQA and Other Legal References

25. This Order implements:
- a. Water Quality Control Plan, San Diego Basin – Region 9;
 - b. Standards and performance goals of Subdivision 1, Division 2, Title 27, California Code of Regulations, effective July 18, 1997, and subsequent revisions;
 - c. Standards and performance criteria of Part 258, Title 40, Code of Federal Regulations (Subtitle D, Resource Conservation and Recovery Act); and
 - d. State Water Resources Control Board Resolution No. 93-62, Policy for Regulation of Discharges of Municipal Solid Waste, adopted June 17, 1993.
26. On July 17, 2002, the County of San Diego approved an Environmental Impact Report for the closure of the San Marcos Landfill in accordance with California Environmental Quality Act (Public Resources Code Section 21000 *et seq*). The project, as approved, will not have a significant impact on water quality.
27. The County of San Diego shall establish financial assurances in the amount of **\$38,341,379**. The financial assurances shall cover the costs estimated for closure, post-closure maintenance, and corrective actions for foreseeable releases from the following waste management units at the San Marcos Landfill:

TASK	Estimated Cost	Source of Cost Estimate
Closure	\$16,170,269	JTD (2002) Volume 1, Page 36
Post-Closure Maintenance and Monitoring	\$19,171,110	JTD (2002), Volume 3, Page 31
Corrective Actions for	\$3,000,000	JTD (2002), Volume 3,

reasonably foreseeable releases		Page 36
Total =	\$38,341,379	

The County of San Diego shall update the financial assurances, as necessary to ensure that adequate funds are available, to cover the cost of closure, post closure monitoring and maintenance, and corrective actions in response to a reasonably foreseeable release from a waste management unit at the San Marcos Landfill.

28. Funds associated with the financial assurances established pursuant to Finding No. 27 shall be made directly available to the Regional Board when the Regional Board finds that the County of San Diego has failed or refuses to implement closure, post-closure monitoring and maintenance, or corrective actions in response to a release from the waste management units at the San Marcos Landfill. Financial assurance instruments that do not provide the Regional Board direct access to funds are deemed unacceptable.
29. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to the following:
 - a. Past, present, and probable future beneficial uses of water.
 - b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.
 - c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.
 - d. Economic considerations.
 - e. The need for developing housing within the region.
 - f. The need to develop and use recycled water.
 - g. Beneficial uses to be protected and water quality objectives reasonably required for that purpose.
 - h. Other waste discharges.
 - i. The need to prevent nuisance.
30. The Regional Board has considered all water resource related environmental factors associated with the discharge of waste associated with the San Marcos Landfill.

31. The Regional Board has notified interested agencies and all know interested parties of its intent to issue closure and post-closure maintenance requirements for the San Marcos Landfill.
32. The Regional Board in a public meeting heard and considered all comments pertaining to the closure and post-closure maintenance requirements for the San Marcos Landfill.

IT IS HEREBY ORDERED, That the County of San Diego, (hereinafter discharger), in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. Discharges of wastes to lands that have not been specifically described to the Regional Board and for which valid Waste Discharge Requirements are not in force are prohibited.
2. The discharge of waste shall not:
 - a. Cause the occurrence of coliform or pathogenic organisms in waters pumped from the basin;
 - b. Cause the occurrence of objectionable tastes and odors in waters pumped from the basin;
 - c. Cause waters pumped from the basin to foam;
 - d. Cause the presence of toxic materials in waters pumped from the basin;
 - e. Cause the pH of waters pumped from the basin to fall below 6.0 or rise above 9.0;
 - f. Cause this Regional Board's objectives for the ground or surface waters as established in the Basin Plan, to be exceeded; and
 - g. Cause pollution, contamination or nuisance or adversely affect beneficial uses of the ground or surface waters as established in the Basin Plan.
3. Odors, vectors, and other nuisances of waste origin beyond the limits of the landfill site are prohibited.
4. The discharge of waste to surface drainage courses or to usable ground water is prohibited.
5. The discharge of liquid condensate generated by the extraction of landfill gas into the San Marcos Landfill is prohibited.
6. Basin Plan prohibitions shall not be violated.
7. The discharge shall not cause the concentration of any Constituent of Concern (**COC**) or Monitoring Parameter (**MPar**) to exceed its respective background concentration in any

monitored medium at any detection monitoring point assigned to *Section C. Corrective Action/Assessment Monitoring Program* of the attached Monitoring and Reporting Program No. R9-2003-0003.

8. The facility surface water conveyance system, and operational failure thereof, shall not cause or contribute to the adverse impacts upon the integrity or performance of the Unit's foundation, liner system, or the structures which control leachate, surface water drainage, erosion, or gas.
9. The discharge or placement of "surplus soils", *e.g.*, stockpiled soils associated with landfill maintenance projects, shall not cause or contribute to the failure of engineered slopes on cut or fill material, or create adverse impacts upon the integrity or performance of the Unit's foundation, liner system, or the structures which control leachate, surface drainage, erosion or gas.

B. CLOSURE SPECIFICATIONS

1. Closure and post-closure maintenance of the San Marcos Landfill shall be conducted in accordance with the revised Joint Technical Document (JTD) dated July 26, 2002.
2. Construction for the final cover shall be carried out in accordance with a construction quality assurance (CQA) plan certified by an appropriately registered professional to satisfy the requirements of 27 CCR §20324.
3. In compliance with 27 CCR §20950(d), the discharger shall ensure that at least two permanent surveying monuments shall be installed by a licensed land surveyor or a registered civil engineer.
4. Closure of the San Marcos Landfill shall be under the direct supervision of a registered civil engineer or a certified engineering geologist.
5. Water used for facility maintenance shall be limited to the minimum volume necessary for dust control, shall only be applied by spraying, shall be applied only on covered areas, and only in quantities not to exceed those necessary to reduce immediate dust hazards.

In addition, the discharger shall establish the vegetative layer of the final cover using the temporary overhead irrigation system described in Finding No. 15 of this Order.

6. The discharger shall submit a final CQA Report to the Regional Board within **90-days** after completing construction of the final landfill cover system. The final CQA Report may be amended to include additional (post-construction/grading for installation of the earthen materials comprising the final landfill cover) information regarding final installation of the storm water conveyance system, erosion control BMPs, and installation of vegetation on the landfill cover. The final CQA Report and any subsequent amendments thereto, must be signed in accordance with **Reporting Requirement E.13**.
7. Surface drainage from the landfill is subject to State Board Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, "Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities". The discharger shall amend the Storm Water Pollution Prevention Plan (SWPPP), as necessary, to require implementation of site-specific erosion control and storm water conveyance BMPs.
8. The owner of the waste management facility shall have the continuing responsibility to assure the protection of waters of the State from the discharges of waste and from gases and leachate generated by discharged waste during the active life, closure, and post-closure maintenance period of the WMUs, and during subsequent use of the property for other purposes.

C. **POST-CLOSURE MAINTENANCE SPECIFICATIONS**

General Maintenance Requirements

1. The landfill post-closure maintenance period shall continue until the Regional Board determines that remaining wastes in all waste management units (WMUs) will not threaten water quality.
2. The discharger shall comply with all applicable requirements of Title 27, CCR, Chapter 3, Subchapter 5, Article 2.
3. The San Marcos Landfill shall be adequately protected from any washout, erosion of wastes or cover material. The surface drainage system shall be designed to adequately handle the rainfall from a 100-year 24-hour storm event.
4. The structural integrity and effectiveness of all containment structures and the final cover shall be maintained as necessary to correct the effects of settlement or other adverse factors.
5. Vegetation used at the site shall be selected to require minimum irrigation and maintenance, and shall not impair the integrity of containment structures including the final cover.

6. Landfill gases shall be adequately vented, removed from the San Marcos Landfill, or otherwise controlled to prevent the creation of nuisance conditions or the impairment of beneficial uses of water resources due to migration of waste constituents through the vadose (unsaturated) zone.

Erosion Control

7. Annually, prior to the anticipated rainy season but not later than **October 31**, the discharger shall implement any necessary erosion control measures, and shall complete any necessary construction, maintenance, or repairs of precipitation and drainage control facilities to prevent erosion, ponding, flooding, or to prevent surface water from contacting or percolating through wastes at the facility. This specification shall not preclude the discharger from performing maintenance, and repairs necessitated by changing site conditions can be made at any time.
8. Effective BMPs are best implemented on a site-specific basis, and may include, but are not limited to the use of: bonded fiber matrix, anchored fiber rolls, fiber blankets, hydroseeding/vegetating, judicious use of energy dissipation methods to decrease the velocity of runoff, and other equivalent measures as appropriate.
9. All areas, including surface drainage courses, shall be maintained to minimize erosion. The final landfill cover shall be maintained to minimize percolation of liquids through wastes.

Surface Water Drainage

10. Surface water runoff within the boundary of the landfill (*i.e.*, precipitation that falls on the landfill cover) shall be collected by a system of berms, ditches, downchutes, swales and drainage channels, and shall be diverted off the landfill to either the North Pond, South Pond, or to the natural watercourses offsite.
11. Surface drainage from tributary areas and internal site drainage from surface and subsurface sources shall not contact or percolate through waste and shall either be contained onsite or be discharged in accordance with applicable storm water regulations and requirements.
12. Where surface water flow concentrations result in erosive flow velocities, erosion control material shall be used for protection of drainage conveyance features. Effective erosion control BMPs shall be implemented on interim bench ditches to control erosion where necessary.
13. Where high surface water flow velocities occur at terminal ends of down-chutes or where down-chutes cross the landfill cover access roads, effective erosion

control BMPs shall be implemented.

14. Energy dissipaters shall be installed to control erosion at locations where erosive flow velocities are anticipated.
15. Sediments shall be removed from the detention basins and all drainage facilities whenever the volume of the basin or facility has been reduced by 25% of the design capacity.

Irrigation Systems Control

16. The temporary irrigation system shall be designed and operated to ensure that it does not contribute to the failure of the integrity or performance of the waste containment structures which control leachate, surface drainage, erosion or landfill gas.

Temporary Soil Stockpiles

17. The discharger shall designate an area of the site that may be used to manage temporary soil stockpiles for maintenance of the landfill cover system. The designated area shall be clearly identified/labeled on a plot plan included with each semi-annual report. Temporary stockpiles of soils to be used for maintenance of the landfill cover system shall comply with the following minimum requirements:

Site Conditions

The location of the temporary stockpile shall, at a minimum, meet the following:

- a. Run-on/Runoff Protection: Surface drainage shall be diverted from the temporary soil stockpiles. The discharger shall implement effective Best Management Practices (BMPs) to prevent surface water run-on and the erosion and transport of soils by surface runoff.
 - b. Surface Water Protection: All soil stockpiles established under this Order shall be located more than 100 feet from any surface water identified in the Basin Plan.
 - c. Flood Plain Protection: All stockpiles shall be protected against 100-year peak stream flows as defined by the County of San Diego flood control agency.
18. **Inspection and Maintenance**: The discharger shall regularly inspect and maintain temporary soil stockpiles established under this Order. Inspections shall

be conducted at a frequency that will ensure the discharge of soils does not create conditions of pollution or nuisance. The discharger shall report on the status of all temporary soil stockpiles in the semi-annual reports submitted in compliance with **Monitoring and Reporting Program No. R9-2003-0003**.

19. **Source(s) of Stockpile Soils:** The discharger shall provide information regarding the source of all stockpiled soils to the Regional Board. This information shall include the name and address of the supplier, address of the source location, and the volume of soil provided from that source. The required information shall be included in appendix to the semi-annual reports submitted in compliance with **Monitoring and Reporting Program No. R9-2003-0003**. Soils stockpiled and used for purposes of maintaining the landfill cover system may not contain “wastes” (including leachate) [per 27 CCR §21090(a)(3)] or “waste constituents” [as defined in 27 CCR §20164].

D. PROVISIONS

1. GENERAL PROVISION

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.

2. DUTY TO COMPLY

The discharger shall comply with all applicable provisions of 27 CCR, 40 CFR, Part 258, and all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for: (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a Report of Waste Discharge in application for new or revised Waste Discharge Requirements.

3. COMPLIANCE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order.

4. CORRECTIVE ACTION

The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

5. FINANCIAL ASSURANCES FOR CLOSURE, POST-CLOSURE AND CORRECTIVE ACTION

Within **one year** of the effective date of this Order, the discharger shall establish and maintain adequate and acceptable assurances of financial responsibility for closure, post-closure monitoring and maintenance, or implementation of corrective action in response to a release of waste constituents from the waste management units. The discharger shall ensure that their selected financial assurance instrument meets the following minimum criteria:

- (a) The financial assurance instrument makes funds directly available to the Regional Board upon a finding by the Regional Board that the discharger has failed or refuses to implement closure, post-closure monitoring and maintenance, or conduct corrective actions in response to a release of waste constituents from the waste management unit.
- (b) The amount of the financial assurances are regularly updated to ensure that adequate funds can be made directly available to the Regional Board for implementation of closure, post-closure monitoring and maintenance, or corrective action.

When the discharger notifies the Regional Board of a transfer of ownership (per **Provision D.8** and **Reporting Requirement E.3**), the notification shall include a proposed schedule for the succeeding owner to provide evidence of acceptable financial assurance responsibility to the Regional Board.

6. PROPER 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 laboratory and process controls including appropriate quality assurance procedures.

7. REVISION OF WASTE DISCHARGE REQUIREMENTS

This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Order;
- b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or

- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

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.

8. CHANGE IN OWNERSHIP

This Order is not transferable to any person except after notice to the Regional Board. The Regional Board may require modification or revocation and reissuance of this Order to, change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code. The discharger shall submit notice of any proposed transfer of this Order's responsibility and coverage described under **Reporting Requirement E.3.**

9. PROPERTY 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, nor protect the discharger from liability under federal, state, or local laws, nor create a vested right for the owner and operator to continue the regulated activity.

10. 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 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.

- e. To photograph or videotape any structures, facilities, activities, or other phenomena that could result in adverse impacts to water quality and that are pertinent to compliance of the landfill with this Order.

11. PUBLIC NOTIFICATION REQUIREMENT

The discharger shall post at least one clearly visible, sign (in English) listing the following minimum information: a.) site name, b.) name and address of discharger, and c.) 24-hour contact information – name, address, facsimile, and telephone number for the project. The discharger shall post additional signs as necessary (in languages other than English) to more effectively communicate the minimum contact information (listed above), to the local community. The sign(s) shall be maintained as required to keep it them legible and remain in place during the closure and post-closure maintenance period.

12. REPOSITORY OF WASTE DISCHARGE REQUIREMENTS

A copy of this Order shall be maintained at the local offices of the discharger and shall be available to operating personnel at all times.

13. SEVERABILITY

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.

14. EFFECTIVE DATE

This Order becomes effective on the date of adoption by the Regional Board. This Order supersedes Order No. 92-02 and addenda thereto and Monitoring and Reporting Program No. 95-112. Order No 93-86 is hereby amended to delete San Marcos Landfill from §1. Applicability.

E. REPORTING REQUIREMENTS

1. The discharger shall file the following reports in accordance with the following schedule:
 - a. Report of Waste Discharge

The discharger shall file a new Report of Waste Discharge at least **120 days** prior to the following:

- 1) Significant change in post-closure maintenance activities that would significantly alter existing drainage patterns and slope configurations, or pose a potential threat to the integrity of the site;
- 2) Change in land use other than as described in the findings of this Order;
- 3) Significant change in disposal area, e.g. excavation and relocation of waste on site; or
- 4) Any planned change in the regulated facility or activity which may result in noncompliance with this Order.

b. **Workplan**

The discharger shall submit a workplan at least **30 days** prior to any maintenance activities that could alter existing surface drainage patterns, change existing slope configurations, or create potential pathways for surface water infiltration or migration pathways for waste constituents. These activities may include, but not be limited to:

- 1) Significant grading activities,
- 2) The installation of vadose zone monitoring systems (e.g., lysimeters, neutron probes, etc.); or
- 3) The installation of soil borings, ground water monitoring wells, and other devices for the purposes of site investigation, monitoring, or corrective actions at the site.

c. **Written Notification**

The discharger shall provide written notification at least **2 working days** prior to any maintenance activities that are minor and/or routine in nature, do not add a significant amount of water, do not inhibit drainage, have limited potential for impacts to beneficial use of water, and will not interfere with future routine maintenance. These activities may include, but not be limited to:

- 1) routine maintenance grading and dust control;
- 2) landscaping with minimal/no water application;
- 3) installation of shallow borings (into waste) that do not extend into surrounding subsoil or groundwater;
- 4) gas surveys with temporary probes; or

- 5) replacement/removal of gas collection wells.

2. GENERAL REPORTING REQUIREMENT

The discharger shall furnish to the Regional Board, within a reasonable time, any information which the Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall furnish, upon request by the Regional Board Executive Officer, copies of records required to be kept by this Order.

3. CHANGE IN OWNERSHIP

The discharger shall notify the Regional Board, in writing, at least **30 days** in advance of any proposed transfer of this Order's responsibility and coverage between the current owner and new owner for construction, operation, closure, or post-closure maintenance of a landfill. This agreement shall include an acknowledgement that the existing owner is liable for violations up to the transfer date and that the new owner is liable from the transfer date on. The agreement shall include an acknowledgement that the new owners shall accept responsibility for compliance with this Order that includes the post-closure maintenance of the landfill.

4. INCOMPLETE REPORTS

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.

5. ENDANGERMENT OF HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance, which may endanger health or the environment. Any such information shall be provided orally to the Regional Board within **24 hours** from the time the owner becomes aware of the circumstances. A written submission shall also be provided within **five days** of the time that 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, or prevent recurrence of the noncompliance. The

Regional Board, 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.

6. SLOPE FAILURE

The Regional Board shall be notified immediately of any slope failure occurring in a waste management unit. The discharger shall promptly repair any failure that threatens the integrity of the containment system. A written summary of actions that were implemented to correct the slope failure shall be prepared and submitted with the next monitoring report.

7. SEEPAGE

The discharger shall immediately report by telephone concerning the discovery of any previously unreported seepage from the disposal area. A written report shall be filed with the Regional Board within *seven days*, containing at least the following 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); and
- (d) Corrective measures approved (or proposed for consideration) by the Regional Board.

8. CLOSURE COMPLETION NOTIFICATION

The discharger shall notify the Regional Board *within 30 days*, after completion of all closure activities of the San Marcos Landfill. The discharger shall certify under penalty of perjury that all closure activities were performed in accordance with the approved closure plan and in accordance with all applicable regulations in accordance with 27 CCR §21710(c)(6).

9. DEED NOTATION

The discharger shall provide written documentation to the Regional Board within *60 days* after completing final closure that the deed to the landfill facility property, or some other instrument that is normally examined during title search, has been modified to include, in perpetuity, a notation to any potential purchaser of the

property stating that:

- a. The parcel has been used as a municipal solid waste landfill (MSWLF);
- b. Land use options for the parcel are restricted in accordance with the post-closure land uses set forth in the post-closure plan and in WDRs for the landfill; and
- c. In the event that the discharger defaults on carrying out either the post-closure maintenance plan or any corrective action needed to address a release, then the responsibility for carrying out such work falls to the property owner.

10. LANDFILL GAS

The discharger shall operate and maintain a landfill gas migration control and detection system as required by the Air Pollution Control District (APCD) and the Local Enforcement Agency (LEA).

11. MONITORING AND REPORTING PROGRAM

The discharger shall comply with the attached **Monitoring and Reporting Program No. R9-2003-0003**.

12. MONITORING WELL REQUIREMENTS

The discharger shall comply with all notice and reporting requirements of the California Department of Water Resources with regard to the construction, alteration, destruction, or abandonment of all monitoring wells used for compliance with this Order or with Monitoring and Reporting Program No. R9-2003-0003, as required by Sections 13750 through 13755 of the California Water Code.

13. REPORT DECLARATION

All applications, reports, or information submitted to the Regional Board shall be signed and certified as follows:

- a. The Report of Waste Discharge shall be signed as follows:
 1. **For a corporation** - by a principal executive officer of 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.
 4. **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 Regional Board 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:
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 a position having responsibility for the overall operation of the regulated facility or activity; and
 3. The written authorization is submitted to the Regional Board.
- c. Any person signing a document under this Section shall make the following certification:
- " I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

14. REGIONAL BOARD ADDRESS

The discharger shall submit reports required under this Order and other information requested by the Regional Board, to:

Executive Officer

California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340
Attn: Land Discharge Unit Supervisor

F. NOTIFICATIONS

1. CIVIL MONETARY REMEDIES

The California Water Code provides that any person who intentionally or negligently violates any Waste Discharge Requirements issued, reissued, or amended by this Regional Board is subject to administrative civil liability of up to 10 dollars per gallon of waste discharged, or if no discharge occurs, up to 1,000 dollars per day of violation. The Superior Court may impose civil liability of up to 10,000 dollars per day of violation or, if a cleanup and abatement order has been issued, up to 15,000 dollars per day of the violation.

2. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required by the Regional Board, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor. Under these conditions, the Regional Board may administratively impose a civil liability of up to 1,000 dollars per day of violation.

3. OTHER CLOSURE REGULATIONS

Closure and post-closure maintenance of this waste management unit may be subject to regulations of the California Integrated Management Board and the San Diego County Air Pollution Control District.

4. TITLE 27 DEFINITIONS

Definitions of terms used in this Order shall be as set forth in California Code of Regulations, Title 27, §20164.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on December 10, 2003.

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JOHN H. ROBERTUS
Executive Officer