

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION**

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**[TENTATIVE] WASTE DISCHARGE REQUIREMENTS  
ORDER R8-2023-0005**

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**ORDER INFORMATION**

<b>Order Type:</b>	Waste Discharge Requirements (WDRs)
<b>Status:</b>	TENTATIVE
<b>Program:</b>	Discharges to Land and Fill/Excavation
<b>Dischargers:</b>	OC Reclamation, LLC and Chandler's Sand & Gravel, LLC
<b>Facility:</b>	OC Reclamation Inert Waste Disposal Operation
<b>Address:</b>	5341 East Santiago Canyon Road, Orange
<b>County:</b>	Orange County
<b>Parcel Numbers:</b>	370-231- <u>06</u> , 370-231- <u>08</u> , 370-231- <u>13</u> , 370-231- <u>15</u>
<b>GeoTracker ID:</b>	T10000017372
<b>CIWQS WDID #:</b>	302020-13
<b>Previous Order:</b>	None

**CERTIFICATION**

I, JAYNE JOY, Executive Officer, hereby certify that the following is a full, true, and correct copy of the order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on February 3, 2023.

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Jayne Joy, P.E.  
Executive Officer

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## FINDINGS

The Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) hereby finds as follows:

### Proposed Project

1. This Order prescribes Waste Discharge Requirements (WDRs) for the proposed OC Reclamation Inert Waste Disposal Operation, which will be conducted within an existing former sand and gravel excavation quarry (Facility), beginning in 2023. The 15-acre Facility is located at 5341 East Santiago Canyon Road in the City of Orange (Latitude 33° 48' 43.27" N; Longitude -117° 47' 49.90" W); as depicted in **Attachment C**.
2. The Facility is owned by OC Reclamation, LLC (OCR), and the Inert Waste Disposal Unit (IWDU) will be managed by Chandler's Sand & Gravel, LLC (Chandler's). OCR and Chandler's are collectively referred to herein as "Dischargers," and are responsible for compliance with this Order.
3. The Dischargers propose to regrade the existing open pit for operation as an IWDU, which will be filled with inert waste. (See Finding 28 for definition of "inert waste.") Once the IWDU is filled to the elevation of adjacent parcels, the Dischargers will "close" the IWDU with a cover. These activities, which are collectively referred to as the "Project," will be conducted in two phases over approximately 4.5 years.<sup>1</sup>
4. The Dischargers are not proposing any further development of the property.

### Phase I

5. The Facility presently consists of an open pit (former quarry). The northern boundary of the Facility also contains a steep, unvegetated slope that descends into the south bank of Santiago Creek. An aerial photo of the existing property is included in **Attachment C**.

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<sup>1</sup> This is only an estimated time. The Project may be completed over a longer period of time.

6. During Phase I, the Dischargers will clear the vegetation and re-contour the property in preparation for the disposal operation. Additionally, during Phase 1, the Dischargers will stabilize an existing steep, unvegetated slope that currently descends into the south bank of Santiago Creek. The southern slope of Santiago Creek (northern boundary of Facility) will be re-contoured to widen Santiago Creek and build an earthen berm separating Santiago Creek from the IWDU.
7. Approximately 140,000 cubic yards of fill material is required to construct the berm. This material will be excavated from the onsite pit to a depth reaching bedrock or naturally compacted material (approximately 10 feet below existing grade). The existing steep, upper slope of the south bank of Santiago Creek will be excavated and stabilized with creation of a lower slope and bench located along Santiago Creek. The bench will be constructed approximately 5-6 feet above low-flow water level, and the slope immediately above the bench will be stabilized with large un-grouted rock.
8. Phase I is the only portion of the Project that will involve significant areas of ground disturbance.
9. Phase I will affect an area of 1.92 acres that, although not a Waters of the United States (WOTUS) subject to federal jurisdiction under the Clean Water Act (33 U.S.C. § 1351 et seq.), is nevertheless subject to Santa Ana Water Board regulatory authority under the Porter-Cologne Water Quality Control Act (Porter-Cologne Act) (Wat. Code, § 13000 et seq.) as Waters of the State (WOTS). Impacts to WOTS are further discussed in Findings 40-42.
10. Specifically, permanent WOTS impacts will occur as result of clearing and grading activities in preparation for inert waste disposal operations and stabilization of the steep unvegetated slope that descends into Santiago Creek. Filling of the previous mining pit will permanently remove and convert the riparian habitat and wetland to a developed condition.
11. These permanent impacts will be addressed through onsite and offsite compensatory mitigation. Onsite mitigation includes creation of riparian habitat along Santiago Creek by expanding an existing bench above the ordinary high-water mark and enhancing vegetation within Santiago Creek. Offsite mitigation will be conducted at a site known as "Saddle Creek," approximately 10 miles southeast of the Facility; this offsite mitigation will include creation of transitional riparian/upland plant community, and habitat enhancements through removal of non-native plants. This Order prescribes WDRs for WOTS impacts involving discharges of waste (i.e., fill material), including WDRs for compensatory mitigation.

## Phase II

12. Once the IWDU has been fully constructed (Phase I), the Dischargers will begin inert waste disposal operations (Phase II).
13. The second phase will include depositing inert waste into the pit over approximately 4.5 years.<sup>2</sup>.
14. Based upon existing estimates, the Facility has an inert waste disposal capacity of approximately 770,000 cubic yards (CY). The Dischargers have indicated that there are no plans at this time to expand the operation beyond the proposed 15-acre area defined above as the Facility. Based upon these conditions and upon projected disposal totals of 2,961 CY per week (11,844 CY per month) within the IWDU, the anticipated duration of the inert waste fill activities is approximately 4.5 years. This will result in an anticipated closure (i.e., covering of IWDU) following receipt of a grading permit from the City of Orange.
15. This Order prescribes the types of inert wastes that may be accepted at the Facility for disposal within the IWDU.

## Application Process

16. On November 21, 2019, the Dischargers submitted a Report of Waste Discharge (ROWD) for the inert waste disposal operations. The ROWD included a Technical Report with a description of procedures that will be used to prevent the disposal of prohibited wastes. This Order requires that the Discharger implement the Technical Report, which is incorporated herein. The Technical Report is available for public review via the State Water Board's [GeoTracker Database](https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000017372) ([https://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=T10000017372](https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000017372).)
17. On August 25, 2020, the Dischargers also submitted an Application for Discharges of Dredged or Fill Material to WOTS.
18. For purposes of Title 23, section 2200 (calculation of annual fees), the Facility and Operation were assigned a Threat-Complexity Rating of 3-C.

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<sup>2</sup> This is only an estimated time. The Project may be completed over a longer period of time.

19. On April 8, 2021, the Dischargers submitted a Habitat Mitigation and Monitoring Plan (HMMP), which includes plans for grading; planting palette; seed collection location; ecological performance standards; monitoring, and maintenance requirements (e.g., watering, weeding, and replanting), and long-term protection, as well a time schedule for completion of these activities.
20. Santa Ana Water Board staff has reviewed the Dischargers' HMMP and determined that it meets all applicable legal and technical requirements. Accordingly, the Discharger's HMMP is hereby approved and incorporated herein. This Order requires the Dischargers to implement the approved HMMP.

### **Regulatory Framework**

#### **Waste Discharge Requirements**

21. This Order is issued pursuant to Water Code section 13263, subdivision (a), which provides that the Santa Ana Water Board may, after any necessary hearing, "prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge..., with relation to the conditions existing in the disposal area ... into which, the discharge is made or proposed."
22. In accordance with Water Code section 13263, subdivision (a), this Order implements the Santa Ana Water Board's operative Water Quality Control Plan for the Santa Ana River Basin (Basin Plan); and also takes into consideration all applicable designated beneficial uses of surface water and groundwater, water quality objectives (WQOs) supportive of such uses, other waste discharges, as well as the need for nuisance prevention.
23. The Facility is immediately adjacent to Reach 1 of Santiago Creek (below Irvine Lake), the designated beneficial uses of which are: Municipal and Domestic (MUN); Groundwater Recharge (GWR); Contact Water Recreation (REC1); Non-Contact Water Recreation (REC2); Warm Freshwater Habitat (WARM); and Wildlife Habitat (WILD). (Basin Plan, Table 3-1, p. 3-28.)
24. The Facility is situated within the Lower Santa Ana River Basin and Santiago Subbasin (Hydrologic Unit 801.12). The designated beneficial uses of underlying groundwater are: Municipal and Domestic (MUN); Agricultural Supply (AGR); and Industrial Supply (IND). (Basin Plan, Table 3-1, p. 3-49.)

25. This Order protects the above-listed designated beneficial uses of surface water and groundwater by limiting waste discharges to inert waste, which will not result in any water quality degradation.
26. Additionally, this Order further complies with the State Water Board's *Statement of Policy with Respect to Maintaining High Quality Waters in California*, Resolution 68-16 (*Antidegradation Policy*), insofar as this Order does not permit or otherwise authorize any water quality degradation.<sup>3</sup>

#### Regulation of Inert Waste Disposal

27. California Code of Regulations, title 27 (Title 27) contains prescriptive standards for WMUs receiving solid wastes that cannot be directly or indirectly discharged to WOTS (e.g., by percolation), in accordance with the Basin Plan.
28. Inert waste is defined a subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations exceeding applicable WQOs and does not contain significant quantities of decomposable waste. (Title 27, § 20230, subd. (a).) Inert waste does not need to be discharged to WMUs, and WDRs are optional for such wastes. (*Id.*, § 20230, subds. (b)-(c).)<sup>4</sup>
29. As long as they are carefully managed, facilities that only receive inert waste do not post a significant threat to water quality. In other words, the disposal of inert waste will not lead to any degradation in water quality. Conversely, if they are not properly maintained and managed, these facilities may have the potential to affect water quality through acceptance and disposal of non-inert wastes, and

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<sup>3</sup> Under the *Antidegradation Policy*, the Santa Ana Water Board is prohibited from authorizing activities that will result in the degradation of "high quality waters," unless such degradation: (1) will be consistent with maximum benefit to the people of California; (2) will not unreasonably affect beneficial uses, or result in water quality less than prescribed in applicable policies [i.e., WQOs]; and (3) is minimized through best practicable treatment or control.

<sup>4</sup> Some Inert Waste Disposal Facilities are required to be closed in accordance with the CalRecycle-promulgated prescriptive standards set forth in Title 27, which are selectively incorporated. (See, e.g., Cal. Code Regs., tit. 14, § 17388.4, subd. (d).) This Order does not make any determinations as to the applicability of specific provisions in Title 27.

through significant erosion or discharge of wastes to surface waters and groundwaters.

30. Accordingly, WDRs are necessary to ensure that waste discharges at the Facility will not result in any degradation of the quality of groundwater or surface waters, and to ensure that nuisance conditions will not result from the proposed activities.
31. The disposal of inert waste is primarily regulated as “Inert Debris” by the County of Orange, acting as the Local Enforcement Agency (LEA) in accordance with the California Department of Resources Recycling and Recovery (CalRecycle) regulations specified in California Code of Regulations, title 14 (Title 14), section 17387 et seq.
32. Under Title 14 regulations, inert waste (inert debris) is divided into two categories, “Type A” and “Type B.”<sup>5</sup> Although this Order distinguishes between these subcategories of inert waste (i.e., “Type B” may not be accepted at the Facility), their distinction is not relevant for the purposes of the Water Code, or any regulations promulgated thereunder.
  - a. “Type A” Inert Debris specifically includes concrete (including rebar), fully cured asphalt, crushed glass, fiberglass, asphalt or fiberglass roofing shingles, brick, slag, ceramics, plaster, clay and clay products. (Title 14, § 17388, subd. (k)(1).)
  - b. “Type B” Inert Debris is defined as all other wastes that the Santa Ana Water Board determines to be inert (e.g., treated industrial wastes and de-watered bentonite-based drilling mud). (*Id.*, § 17388, subd. (k)(2).)

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<sup>5</sup> Under Title 14, “inert debris” does not include gravel, rock, soil, sand and similar materials whether processed or not, that are either (a) uncontaminated, or (b) have never been used in connection with any structure, development, grading or other similar human purpose. (Title 14, § 17388, subd. (k).) These excluded materials nevertheless constitute “waste” under the Porter-Cologne Act (Wat. Code, § 13050, subd. (d)) and more specifically, constitute “inert waste” (Title 27, § 20230, subd. (a)).

33. Additionally, an Inert Debris Engineered Fill Operation (IDEFO) is an engineered fill involving only certain types of "Type A" Inert Debris,<sup>6</sup> where the objective is to apply inert waste under controlled operations, supervised by a civil engineer or engineering geologist, so as to achieve a uniform and dense mass which is capable of supporting structural loading or other land uses. (Title 14, § 17388, subd. (l).)
34. Inert Debris Type A Disposal Facilities (Type A Facilities), as defined per Title 14, section 17388, subdivision (m), are required to be closed and maintained post-closure in accordance with the CalRecycle-promulgated prescriptive standards of Title 27, sections 20199 through 21200 (which are selectively incorporated). (Title 14, § 17388.4, subd. (d).) Although IDEFOs receive "Type A" inert debris, Type A Facilities and IDEFOs are mutually exclusive categories of facilities. (See Title 14, § 17388, subd. (m).)
35. IDEFOs are required to be closed with a final cover consisting of three feet of compacted soil. Alternatively, the LEA may determine that no cover, a reduced cover, or an alternative cover, is sufficient to mitigate potential impacts to public health, safety, or the environment. (Title 14, § 17388.3, subd. (g).)
36. This Order makes no determinations as to whether the proposed activities will constitute an IDEFO, as defined per Title 14, section 17388, subdivision (l), or a Type A Facility, as defined per subdivision (m) of the same section; such determinations will be made by the LEA.
37. Although it incorporates some Title 14 requirements for inert waste disposal facilities, this Order is primarily intended to ensure that waste discharges do not threaten to degrade water quality, or otherwise result in a condition of pollution, or nuisance. Implementation of Title 14 inert waste disposal regulations remains the responsibility of the County of Orange as LEA.
38. Notwithstanding Title 14, sections 17388.3 and 17388.4, and irrespective of any LEA determinations as to the characterization of the Facility, or the necessity of a final cover, this Order affirmatively requires that the Facility be ultimately closed with a final cover (e.g., compacted soil) and other drainage features that are designed, constructed, and maintained to prevent, to the greatest extent

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<sup>6</sup> Specifically, fully cured asphalt, uncontaminated concrete (including steel reinforcing rods embedded in the concrete), crushed glass, brick, ceramics, clay and clay products, which may be mixed with rock and soil.

possible, any ponding, infiltration, inundation, erosion, slope failure, and washout which could occur as a result of precipitation from a 100-year, 24-hour storm. Additionally, the final cover is required to be constructed and graded to an average slope of two percent or less (i.e., regardless of the material used).

39. Although the Santa Ana Water Board reserves the authority to issue revised WDRs further directing the installation of a specific final cover where the attendant circumstances indicate that such a cover would be necessary to protect water quality, this Order defers to the LEA's determination as to the necessity of a final cover for the Facility, or the appropriate material and thickness of a final cover.

#### Impacts to Waters of the State

40. The Facility contains WOTS including 0.92 acres of riparian non-wetland waters, 0.04 acre of ephemeral non-wetland waters, and 0.96 acre of wetland waters. Riparian habitat occurs along Santiago Creek and within the previously mined pit area. As depicted in **Figure 3 of Attachment C**, two ephemeral drainages (Drainages 1 and 2) on site only convey water from adjacent roads and immediately following rain events into the pit area. Wetland waters are near the center of the Facility where the elevation is low, allowing for storm water to collect; this has resulted in the formation of a wetland. The onsite WOTS were created by the deterioration of the former quarry area.
41. Due to the scope of the federal regulatory definition of WOTUS, not all discharge activities are considered to be discharges of dredged or fill material to WOTUS. On June 17, 2020, the United States Army Corps of Engineers (USACE) issued an approved jurisdictional delineation that the Facility site does not contain WOTUS, as defined in 33 Code of Federal Regulations part 325.9.
42. On June 19, 2020, the USACE determined that the activities would not discharge dredged or fill material and would not be regulated under Clean Water Act section 404 and a USACE permit would not be required.
43. To the extent that discharges of waste (i.e., dredged and/or fill material) are to the WOTS, the Santa Ana Water Board retains its permitting authority under the Porter-Cologne Act. Permitting of dredged and/or fill material discharges occurs in the form of WDRs prescribed pursuant to Water Code section 13263. The Santa Ana Water Board has determined that WDRs are necessary to adequately address the Project's impacts on beneficial uses of WOTS.

44. This Order requires the Dischargers to take any and all necessary measures to protect WOTS during the Project, and to otherwise prevent any water quality degradation in surface water and groundwater.
45. This Order complies with all applicable provisions of the State Water Resources Control Board's (State Water Board) State Policy for Water Quality Control: Definition and *Procedures for Discharges of Dredged or Fill Material to Waters of the State*, as adopted on April 2, 2019, and revised on April 6, 2021.

#### Monitoring and Reporting Requirements

46. This Order is issued in part pursuant to subdivision (b)(1) of Water Code section 13267, which provides that the Santa Ana Water Board may require that "any person ... who proposes to discharge waste within its region ... shall furnish, under penalty of perjury, technical or monitoring program reports...", provided that burden of submitting such reports bears a reasonable relationship to the need for their submittal and the benefits to be obtained.
47. **Attachment A** contains a Monitoring and Reporting Program (MRP) with monitoring and reporting requirements that are necessary to ensure compliance with the WDRs.
48. Site maintenance at the Facility is necessary to provide ensure off-site drainage, minimize erosion, minimize water infiltration through waste, and to prevent ponding. Under this Order, the Dischargers are required to maintain proper waste management practices, to minimize erosion, and to provide adequate surface drainage control.
49. This Order requires the implementation of a MRP by the Dischargers to assess or discern any unauthorized discharge of waste constituents at the Facility, or to WOTS, or any unreasonable impairment of beneficial uses associated with discharge of wastes at the Facility, and to evaluate facility operations and compliance with this Order. The MRP for this Order requires the Dischargers to perform regular monitoring and reporting of waste acceptance and management activities.
50. The Executive Officer may issue a Revised MRP as a standalone order, pursuant to her delegated authority under Water Code section 13223 and Santa Ana Water Board Resolution R8-2019-0056. Upon issuance, the Revised MRP shall supersede the provisions of Attachment A.

### **Scope of Order**

51. This Order applies only to the discharge and/or disposal to land of inert wastes to land (via the IWDU) and to WOTS (as fill material), as defined and limited herein, at the Facility. Wastes and materials discharged at the Facility shall be limited to "inert waste" as defined in Title 27, section 20230, subdivision (a), and as otherwise limited by the contents of this Order. The Discharger is responsible for accurate characterization of all wastes under consideration for disposal or deposition within the Facility. (Title 27, § 20200.)
52. Nothing in this Order shall be construed as preempting or superseding otherwise applicable regulatory requirements issued by local, state, or federal agencies.
53. This Order shall not be construed as establishing a vested right to continue the discharge activities authorized herein. (Wat. Code, § 13263, subd. (g).)
54. Once all onsite waste disposal operations at the Facility have concluded, and after at least five years of compensatory mitigation monitoring, the Dischargers have demonstrated compliance with all applicable IWDU closure requirements, as determined by the LEA, the Dischargers may request the rescission of this Order. The Santa Ana Water Board's rescission of WDRs will be a discretionary determination made in reference to the threat to water quality and completion of all required activities under this Order, including mitigation and other monitoring.

### **Other Regulatory Considerations**

#### **Stormwater**

55. This Order requires the Dischargers to comply with all applicable provisions of the Municipal Stormwater Permit issued to Orange County, Orange County Flood Control District, and the incorporated Cities of Orange County within the Santa Ana Region, Santa Ana Water Board WDRs Order R8-2009-0030 (NPDES Permit CAS618030), and subsequent iterations thereof.
56. This Order further requires the Dischargers to comply with all applicable provisions of the following State Water Board general orders (including subsequent iterations thereof):
  - a. *General Permit for Storm Water Discharges Associated with Industrial Activities*, Order 2014-0057-DWQ, as amended in 2018 and 2019 (NPDES Permit CAS000001) (Industrial General Permit); and

- b. *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, State Water Board Order 2009-0009-DWQ, as amended by Order 2012-0006-DWQ (NPDES Permit CAS000002) (Construction General Permit).
57. Additionally, if construction dewatering discharges, including temporary stream diversions, are necessary to carry out the Project, this Order further requires the Dischargers to comply with the Santa Ana Water Board's General Waste Discharge Requirements for Discharges to Surface Water that Pose an Insignificant (De Minimis) Threat to Water Quality, Order R8-2020-0006, and subsequent iterations thereof.

Assembly Bill 2108

58. Effective January 1, 2023, Water Code section 13149.2, subdivision (d) requires that the Santa Ana Water Board, "[w]hen issuing ... individual waste discharge requirements ... that regulate activity or a facility that may impact a disadvantaged<sup>[7]</sup> or tribal community,<sup>[8]</sup> and that includes a time schedule in accordance with subdivision (c) of Section 13263 for achieving an applicable water quality objective, an alternative compliance path that allows time to come into compliance with water quality objectives, or a water quality variance...", must include finding(s) regarding "potential environmental justice, tribal impact, and racial equity considerations" that are relevant to the permitting action. (Assem. Bill No. 2108 (2021-2022 Reg. Sess.) § 3.)
59. This Order does not incorporate a time schedule for compliance with applicable WQOs, or any of the other provisions described in Water Code section 13149.2,

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<sup>7</sup> For the purposes of this requirement, a "disadvantaged community" is defined as a "community in which the median household income is less than 80 percent of the statewide annual median household income level." (Wat. Code, § 13149.2, subd. (f)(1).)

<sup>8</sup> For the purposes of this requirement, a "tribal community" is defined as a "community within a federally recognized California Native American tribe or nonfederally recognized Native American tribe on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004." (Wat. Code, § 13149.2, subd. (f)(2).)

subdivision (d). Accordingly, no additional findings are necessary under section 13149.2.

#### California Environmental Quality Act (CEQA)

60. In accordance with the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. and the CEQA Guidelines (Title 14, § 15000 et seq.), Santa Ana Water Board staff has, with the Dischargers' assistance, prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for the proposed Project.
61. Prior to adopting this Order, the Santa Ana Water Board considered and adopted the proposed IS/MND (via a separate resolution).
62. In accordance with section 15097 of the CEQA Guidelines, the Monitoring and Reporting Program (MRP), attached hereto as **Attachment A**, includes monitoring requirements to ensure that the mitigation measure identified in the IS/MND are correctly implemented.

#### Public Participation

63. The Santa Ana Water Board notified the Dischargers, interested agencies, and all currently known interested parties of its intent to adopt this Order for the Facility, and has provided them with an opportunity to submit written comments and give oral testimony at a public hearing.
64. The Santa Ana Water Board, in a public meeting, heard and considered all comments pertaining to the tentative version of this Order.

## REQUIREMENTS

**IT IS HEREBY ORDERED**, pursuant to Water Code sections 13263 and 13267, that the Dischargers and their agents shall comply with the following requirements.

**A. Phase I Discharge Specifications (Re-Grading and Inert Waste Disposal Unit Construction)<sup>9</sup>**

1. The Dischargers shall submit a Commencement of Construction Notification at least seven days prior to start of initial ground disturbance activities.
2. Waste discharges during "Phase I" shall be limited to placement of non-asphaltic and non-metallic inert wastes.<sup>10</sup> To the extent possible, the Dischargers shall utilize native soils and other material already existing at the Facility.
3. The Dischargers shall provide compensatory mitigation for the permanent impacts to WOTS in accordance with HMMP dated September 2021. Any deviations from, or revisions to, the HMMP must be pre-approved by Santa Ana Water Board staff. The monitoring period shall continue until the Santa Ana Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.
  1. The compensatory on-site mitigation installation shall commence within 60 days of authorized impacts to WOTS.
  2. If installation of compensatory mitigation for impacts to WOTS is not commenced within 60 days of the impacts, additional compensatory mitigation may be required to offset temporal loss of WOTS.

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<sup>9</sup> This section applies to the re-grading of the Facility and the initial construction of IWDU, including the placement of waste into WOTS.

<sup>10</sup> This prohibition includes concrete containing rebar.

4. Upon completion of all Phase I grading, the Dischargers shall submit a written **Notice of Phase I Completion** to the Santa Ana Water Board.<sup>11</sup>

**B. Phase II Discharge Specifications (Inert Waste Disposal)<sup>12</sup>**

1. Wastes discharged at the Facility's IWDU shall be limited to inert wastes as defined in Title 27, section 20230, subdivision (a) and as limited by these WDRs.
2. The Dischargers shall take and implement all measures needed to prevent any prohibited, unauthorized, or unapproved wastes or materials from being discharged to the IWDU.
3. The Discharger shall remove and relocate to a legal point of disposal any wastes that are discharged at the IWDU in violation of this Order.<sup>13</sup>
4. Management and operation of the Facility and placement of waste shall be performed in accordance with the approved **Technical Report**, as discussed in Finding 16. Required operations shall include develop and implement a Load Checking Program (LCP), as required by the LEA, and

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<sup>11</sup> The Dischargers' obligation to submit the Notice of Phase I Completion is not dependent on their completion of mitigation site installation and related monitoring activities.

<sup>12</sup> This section applies once the Facility has been re-graded and the IWDU has been fully constructed.

<sup>13</sup> For the purposes of these requirements, a legal point of disposal is one for which WDRs have been established by a Regional Water Board. If the Dischargers opt for a legal point of disposal outside the State, a legal point of disposal means a facility that is lawfully permitted under applicable state and federal laws to receive the waste involved. If the Discharger is unable to remove or relocate the violative wastes, the Discharger shall submit a report to the Santa Ana Water Board: explaining how the violative discharge(s) occurred; and why the waste(s) cannot be feasibly removed; and proposing waste acceptance program updates to prevent reoccurrences. If the infeasibility is economic, cost estimates shall be provided as part of the report.

all other measures necessary to prevent any prohibited wastes from being discharged or deposited at the Facility.

5. The Dischargers shall ensure that any asphaltic waste accepted for disposal at Facility is fully cured,<sup>14</sup> and neither asphaltic nor metallic waste shall not be discharged:
  - a. Directly into standing or ponded water; or
  - b. At an elevation no less than five feet above the highest historical local groundwater elevation for the facility.<sup>15</sup>
6. The Dischargers shall ensure that any concrete or other inert waste, containing steel or other metal materials (e.g., rebar) is processed to a reasonable and practicable extent to remove the steel or other metal materials before being permanently disposed.

### **C. Stormwater Management Specifications**

1. The Facility shall be designed, constructed, and maintained to limit, to the extent reasonably possible, ponding, infiltration, inundation, erosion, slope failure, and washout which could occur as a result of precipitation from a 100-year, 24-hour frequency storm.
2. The Dischargers shall comply with all applicable provisions of the following stormwater orders (including subsequent iterations):
  - a. *Municipal Stormwater Permit issued to Orange County, Orange County Flood Control District, and the incorporated Cities of Orange County within the Santa Ana Region, Santa Ana Water Board WDRs Order R8-2009-0030 (NPDES Permit CAS618030);*

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<sup>14</sup> To be fully cured, the material must be: (1) at ambient temperature; (2) substantially hardened; and (3) inelastic. (Title 14, § 17381, subd. (i).)

<sup>15</sup> The Dischargers are prohibited from accepting and discharging waste containing asphalt and metals during Phase I, regardless of where such wastes would be discharged within the Facility.

- b. *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, State Water Board Order 2009-0009-DWQ, as amended by Order 2012-0006-DWQ (NPDES Permit CAS000002) (Construction General Permit); and
  - c. *General Permit for Storm Water Discharges Associated with Industrial Activities*, State Water Board Order 2014-0057-DWQ, as amended in 2018 and 2019 (NPDES Permit CAS 000001) (Industrial General Permit).
- 3. If construction dewatering discharges, including temporary stream diversions, are necessary to carry out the Project, the Dischargers shall comply with the *WDRs General Order for Discharges to Surface Water that Pose an Insignificant (De Minimis) Threat to Water Quality*, Santa Ana Water Board Order R8-2020-0006.
- 4. The Dischargers shall limit water used for Facility maintenance within disposal areas to the minimum amount necessary for dust control and construction.

**D. Discharge Prohibitions<sup>16</sup>**

- 1. The following wastes shall not be discharged to or otherwise deposited in any location within the Facility:
  - a. Hazardous Waste, as defined per Title 27, section 20164.
  - b. Designated Waste, as defined per Water Code section 13173;

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<sup>16</sup> Except as otherwise explicitly provided below, the prohibitions in this section apply to all discharge activities at the Facility, inclusive of Phases I and II.

- c. Nonhazardous Solid Wastes, as defined per Title 27, section 20220, subdivision (a), that do not also constitute as "inert waste," as defined per Title 27, section 20230<sup>17</sup>;
- a. Special Wastes, as defined per Title. 27, sections 20164 (see also Cal. Code Regs., tit. 22, §§ 66261.120, 66261.122, 66261.124)<sup>18</sup>;
- b. Wastes containing Free Liquids<sup>19</sup>;
- c. Wastes containing Asbestos;
- d. Electronic Wastes and materials containing Cathode Ray Tubes;
- e. Sewage Sludge and Wastewater Treatment Sludge;

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<sup>17</sup> Notably, this prohibition extends to organic waste, green waste, and all other waste streams containing significant quantities of decomposable material. Examples of prohibited wastes include 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, and garbage.

<sup>18</sup> Examples include liquids, oils, waxes, tars, soaps, solvents, or readily water-soluble solids, such as salts, borax, lye, caustic or acids.

<sup>19</sup> For the purposes of this prohibition, "Free Liquid" is defined as liquid which readily separates from the solid portions of waste under ambient temperature and pressure. (Title 27, § 20164.) Free liquids are not present when a 100 mm representative sample of the waste can be completely retained in a standard 400 micron conical paint filter for five minutes without loss of any portion of the waste from the bottom of the filter, or via an equivalent test approved by Department of Toxic Substances Control.

- a. Concrete Grinding Residue<sup>20</sup> and Remnant Concrete Slurry<sup>21</sup>;
  - f. Incinerator Ash;
  - g. Gypsum Materials (e.g., drywall);
  - h. Drilling Mud or Boring Mud.<sup>22</sup>
- 2. The Dischargers shall not accept, for disposal at the Facility, wastes that do not meet the criteria set forth in **Attachment B**.
  - 3. Waste at the Facility shall not result in any degradation of groundwater or surface water. For the purposes of this prohibition, "degradation" specifically includes increases in turbidity or discoloration, and the accretion of deleterious bottom deposits within surface water courses.
  - 4. The storage, treatment, and disposal of waste at the Facility shall not result in the creation or exacerbation of a condition of pollution or nuisance, as defined per Water Code section 13050, subdivisions (l) and (m).
  - 5. Wastes shall not be permitted to be discharged outside of the Facility, or to any area within the Facility that is not specifically designed for their containment.

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<sup>20</sup> For the purposes of this prohibition, "Concrete Grinding Residue" is defined as the semi-solid liquid waste generated from grinding the surfaces of concrete freeways, highways, and other surfaces for resurfacing. Water is injected into the process to cool the grinding equipment and to more easily manage the powder grindings. The residuum is then vacuumed into tanker trucks or other similar storage and transportation vehicles.

<sup>21</sup> For the purposes of this prohibition, "Remnant Concrete Slurry" is semi-solid liquid waste concrete material, such as that which remains in a concrete mixer after depositing concrete for construction.

<sup>22</sup> For the purposes of this prohibition, "Drilling Mud" and "Boring Mud" are the semi-solid material used for drilling water wells, oil wells, and other boreholes into and beneath the earth's surface. Drilling muds are a complex material comprised of several specialty components but may include such general components as a base fluid, weighting agents, a clay, and stabilizing agents.

6. Except as authorized with regard to WOTS displacement in Phase I, waste (e.g., rubbish, refuse, bark, sawdust) shall not be discharged directly into channels, surface water courses, or any place with the possibility of contact with and/or transport to surface waters.
7. The Dischargers shall not accept any "Type B" Inert Debris, as defined in Title 14, section 17388, subdivision (k)(2), for disposal at the Facility.

#### **E. Inert Waste Disposal Unit Closure Specifications**

1. Upon the conclusion of waste disposal operations at the Facility, and in no case later than 10 years after the adoption of this Order,<sup>23</sup> the Dischargers shall submit a written **Notice of Phase II Completion**. Following the submittal of this notice, no further waste originating offsite may be discharged at the Facility.<sup>24</sup>
2. The above-described submittal shall be accompanied by an **Inert Waste Disposal Unit Closure Plan**<sup>25</sup> describing the methods and controls to be used to assure protection of the quality of receiving waters during final operations and with any potential subsequent use of the land,<sup>26</sup> as well as a Time Schedule for all proposed activities. The Inert Waste Disposal Unit Closure Plan shall incorporate all required actions under Title 14 regulations that are applicable to the Facility, as determined by the LEA. Additionally, and notwithstanding any LEA determinations to the necessity of a cover, the submittal shall incorporate the following:
  - a. Installation of a final cover (e.g., compacted material) and other drainage features that are designed, constructed, and maintained

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<sup>23</sup> This deadline may be extended by the Executive Officer, upon written request by the Dischargers.

<sup>24</sup> This prohibition does not include closure-related material brought onsite under the LEA's supervision.

<sup>25</sup> This submittal constitutes a technical report for the purposes of section F.5.

<sup>26</sup> Nothing in this provision shall be interpreted as requiring the Santa Ana Water Board to approve potential post-closure land uses.

- to prevent, to the greatest extent possible, any ponding, infiltration, inundation, erosion, slope failure, and washout which could occur as a result of precipitation from a 100-year, 24- hour frequency storm; and
- b. Construction and grading of the final cover to an average slope of no more than two percent (i.e., regardless of the material used).
- 3. Upon Santa Ana Water Board staff's written concurrence in the Inert Waste Disposal Unit Closure Plan, and Executive Officer approval of the Time Schedule therein,<sup>27</sup> the Dischargers shall implement the Inert Waste Disposal Unit Closure Plan in accordance with the approved Time Schedule.
  - 4. Upon completion of all required closure activities, the Dischargers shall cause to be recorded a Land Use Covenant, entered into between the title owner and the Santa Ana Water Board, requiring that title owner of the Facility property to notify all occupants and prospective purchasers of:
    - a. A map depicting the location of buried wastes;
    - b. The type of wastes disposed on the property;
    - c. Characterization of any final covers constructed over the IWDU; and
    - d. Such other factual information as the Santa Ana Water Board may require in its discretion.

#### **F. Monitoring and Reporting Requirements**

- 1. The Dischargers shall comply with the MRP attached hereto as **Attachment A**, or alternatively, any Revised MRP that is subsequently issued by the Executive Officer through her delegated authority.
- 2. Reports shall be submitted electronically via the State Water Board [GeoTracker Database](https://geotracker.waterboards.ca.gov) (<https://geotracker.waterboards.ca.gov>). After

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<sup>27</sup> The Executive Officer may approve the time schedule with revisions.

uploading, the Dischargers shall notify Santa Ana Water Board staff via email. The following information shall be included in the body of the email:

**Attention:** Land Disposal Section  
**Report Title:** [Title]  
**GeoTracker Upload ID:** [number]  
**Facility:** OC Reclamation Inert Waste Disposal  
Operation  
**County:** Orange County  
**CIWQS Place ID:** 302020-13  
**GeoTracker ID:** T10000017372

3. All submittals under this Order shall be accompanied by a transmittal containing the following certification that is signed by either the Required Signatory (see Table 1) or their Authorized Representative (see § F.4):

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.

4. To act as an Authorized Representative for a Required Signatory (see Table 1), an individual must be identified<sup>28</sup> and duly authorized in writing by the Required Signatory; this written authorization shall be provided to the Board beforehand, or concurrently with the first submittal signed by the Authorized Representative.

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<sup>28</sup> This identification may be in reference to the Authorized Representative's title or position, provided it is one that customarily has the responsibility of supervising the Enrolled Facility's overall operation (e.g., facility manager, superintendent).

**Table 1. Required Signatories for Submittals.**

Category of Discharger	Required Signatory
Corporation	Senior Vice President or Equivalent Principal Executive
Limited Liability Companies (LLCs)	Manager
General Partnerships and Limited Partnerships (LPs)	General Partner
Sole Proprietorship	Sole Proprietor
Municipalities and Other Public Agencies	Principal Executive or Ranking Elected/Appointed Official

5. All technical reports submitted under this Order shall be prepared by, or under the direct supervision of, a licensed civil engineer or engineering geologist (Qualified Professional) that is competent and proficient in the field or discipline pertinent to the subject activities.
6. The Santa Ana Water Board shall be notified of any incidents at the Facility that are in violation of this Order and that may endanger the environment, by telephone within 24 hours from the time the Dischargers becomes aware of the circumstances, and in writing within 14 days of the time that the Dischargers becomes aware of the circumstances. The written notification shall fully describe the incident including what occurred, when it occurred, the duration of the incident, when correction occurred (or when correction will occur if it is a continuing incident), and the steps taken or planned to reduce, eliminate, and/or prevent recurrence of the incident. All instances of noncompliance with this Order shall also be reported to the Santa Ana Water Board in the same manner as stated above and shall also be included in the next scheduled monitoring report.

**G. Other Provisions**

1. The Dischargers shall implement the operations<sup>29</sup> at the Facility in accordance with the approved Technical Report (see Finding 16), which is incorporated herein.
2. The Dischargers shall implement and otherwise comply with all Mitigation Measures (MMs) identified in Attachment L of the IS/MND, which is incorporated herein. (See Title 14, § 15126.4, subd. (a)(2).)
3. The Dischargers shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.
4. The Dischargers shall notify Santa Ana Water Board staff by telephone and/or email within 48 hours (or two business days) of any slope failure or failure of facilities necessary to maintain compliance with the requirements in this Order. Within seven days, the notification shall be submitted in writing to Board staff. Any failure that threatens the integrity of waste containment features shall be promptly corrected unless it poses an immediate threat to the environment or landfill containment structures. Then it will be corrected as soon as possible.
5. The Dischargers shall, at all times, properly operate and maintain all facilities and systems of management and control (and related appurtenances) which are installed or used by the Dischargers to achieve compliance with this Order. Proper operation and maintenance include, but are not limited to, effective performance, sufficient funding, appropriate quality assurance procedures, proper operator staffing and training, and adequate process controls. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.
6. In the event of a material change or proposed change in the location or boundaries of waste discharge at the Facility, the Dischargers shall file with the Santa Ana Water Board a new ROWD at least 120 days prior to

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<sup>29</sup> Operations shall include implementation of all measures necessary to prevent any prohibited, unauthorized, and unapproved wastes or materials from being discharged or deposited at the Facility.

the date of such proposed change (See Wat. Code, § 13260, subdivision (c)). A material change includes, but is not limited to, the following:

- a. Significant changes in the disposal area (e.g., moving discharge to another drainage area, or to disposal area significantly removed from the original area).
  - b. Increase in the area or depth to be used for waste disposal beyond that specified in this Order, the ROWD, or the Technical Report. (Title 23, § 2210.)
7. The Dischargers shall allow the Santa Ana Water Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:
  - a. Enter upon the Dischargers' 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 Water Code, any substances or parameters at any location.
8. The discharger shall retain records of all reports required by this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application.<sup>30</sup> Records may be kept physically or electronically.

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<sup>30</sup> This retention period may be extended by the Executive Officer.

9. Regulatory coverage under this Order is not transferable, except in accordance with the following provisions:
  - a. Prior to entering into any agreement for the transfer of Facility ownership or responsibility for Facility management or operations, the Dischargers shall notify the prospective new owners, managers or operators of the existence of this Order, as well as the need for obtaining regulatory coverage under this Order. A copy of this written notification shall be forwarded to Santa Ana Water Board staff.
  - b. The Dischargers shall notify the Santa Ana Water Board in writing at least 90 days prior to any change in ownership of the Facility, or any transfer of responsibility for Facility management and operations.
  - c. At least 10 days prior to the transfer, the Dischargers shall submit a signed statement by the new parties affirming their intent to receive regulatory coverage under this Order, and to comply with all applicable provisions herein.
  - d. Upon the transfer of ownership or responsibility for management or operations, the new parties shall submit a formal written request for substitution under this Order. Additionally, the Dischargers shall submit the signed agreement effecting the transfer of ownership or responsibility for management or operations.
  - e. Until such time as this Order has been formally revised to substitute the new parties, the Dischargers shall remain responsible compliance with this Order.

### **LIST OF ATTACHMENTS**

Attachment A—Monitoring and Reporting Program  
Attachment B—Inert Waste Acceptance Criteria  
Attachment C—Maps and Photographs  
Attachment D—Glossary of Acronyms and Terms

### **ENFORCEMENT**

The Santa Ana Water Board reserves the right to take any enforcement action authorized by law. Accordingly, failure to timely comply with any provisions of this Order may subject the Discharger to enforcement action. Such actions include, but are not limited to, the assessment of administrative civil liability pursuant to Water Code sections 13323, 13268, and 13350, a Time Schedule Order (TSO) issued pursuant to Water Code sections 13300 and 13308, or referral to the California Attorney General for recovery of judicial civil liability. Failure to comply with this Order may result in the assessment of administrative civil liability of up to \$10,000 per violation, per day, depending on the violation. The Santa Ana Water Board reserves its right to take any enforcement actions authorized by law.

### **ADMINISTRATIVE REVIEW**

Any person aggrieved by this Santa Ana Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. To be timely, the petition must be received by the State Water Board by 5:00 pm on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5:00 pm on the next business day. The law and regulations applicable to filing petitions are available on the [State Water Board website](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) ([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)). Copies will also be provided upon request.

## ATTACHMENT A—MONITORING AND REPORTING PROGRAM

### A. CEQA Mitigation Monitoring<sup>31</sup>

10. **Biological Monitor (Mitigation Measures BIO-1, BIO-2).** The Dischargers shall employ or otherwise procure the services of a qualified biologist to monitor construction activities and ensure that all avoidance and mitigation measures identified in the IS/MND are properly followed.
  - a. The biologist shall monitor construction activities on a weekly basis during Phase I, and a monthly basis during Phase II.
  - b. The biologist shall be provided with a copy of any incidental take permits and this Order; and shall attend all preconstruction meetings and be present during all vegetation clearing activities.
11. **Archeologist/Paleontologist Monitor (Mitigation Measure CR-1).** During Phase I, the Dischargers shall employ or otherwise procure the services of a qualified archaeological and paleontological monitor. The monitoring shall be present onsite for all grading activity.
  - a. In the event of a discovery of an archaeological or paleontological resource, the monitor shall have the discretion to halt all ground disturbing activities within 50 feet of the find until it has been evaluated for significance.
  - b. If the find is determined to have archaeological or paleontological significance,<sup>32</sup> the monitor shall make on the measures that shall be implemented to protect the discovered resources, including, but not

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<sup>31</sup> The monitoring and reporting requirements in this section are necessary to comply with the CEQA Guidelines regarding mitigation measure monitoring or reporting. (See Title 14, § 15097.) The WDRs Order generally requires that the Dischargers implement and otherwise comply with all mitigation measures proposed in Attachment L to the IS/MND.

<sup>32</sup> Potentially significant cultural resources consist of but are not limited to stone, faunal bones, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

limited to, excavation and evaluation in accordance with section 15064.5 of the CEQA Guidelines.

- c. Any previously undiscovered resources found during construction within the Facility should be recorded on appropriate Department of Parks and Recreation forms and evaluated for significance in terms of CEQA criteria.

**12. Native American Monitor (Mitigation Measures TCR-1, TCR-2, TCR-3).**

Prior to the commencement of ground disturbance activities,<sup>33</sup> the Dischargers shall retain a Native American monitor (Tribal Monitor) from, or otherwise approved by, the Gabrieliño Band of Mission Indians, Kizh Nation (Tribe), and submit the executed monitoring agreement to the Santa Ana Water Board.

- a. The Tribal Monitor shall complete daily monitoring logs that will provide descriptions of the relevant ground disturbance activities, the type of construction activities performed, locations of such activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe.

Monitor logs will identify and describe any discovered tribal cultural resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods.<sup>34</sup>

- b. Onsite tribal monitoring shall conclude upon the latter of the following:
  - i. Written confirmation to the Tribe from a designated point of contact for the Dischargers and/or Santa Ana Water Board

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<sup>33</sup> For the purposes of this section, “ground disturbance activities” includes demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

<sup>34</sup> Monitor logs shall be retained by the Tribe but may be provided to the Dischargers and the Santa Ana Water Board upon written request.

that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or

- ii. A determination and written notification by the Tribe to the Dischargers and Santa Ana Water Board that no future, planned construction activity and/or development or construction phase at the Facility may potentially impact the Tribe's TCRs.

#### **H. Inert Waste Disposal Monitoring**

1. For each annual reporting period, the Dischargers shall record the following:
  - a. Types of inert waste accepted, managed and discharged to the Facility' (e.g., concrete materials, fully cured asphaltic materials, soils and other earth materials, and other inert wastes such as bricks, ceramic materials, glass, fiberglass, roofing shingles, slag);
  - b. Monthly volumetric totals (estimated CY) of inert waste accepted;
  - c. All deliveries of waste to the Facility, including an estimate as to the composition and volume of each load;
  - d. Sources of waste deliveries to the Facility;
  - e. Pertinent information related to incidents involving incidental deliveries of waste prohibited from disposal at the Facility, including but not limited to dates, waste types, quantity/volume and incident outcome and manner of disposal;
2. The Dischargers shall conduct monthly inspections of the Facility's waste management, containment, and disposal areas to assess their condition and effectiveness in achieving compliance with WDRs. All deficiencies observed in the course of these inspections (e.g., slope failure, differential settlement, fissuring, erosion, ponding) shall be identified and documented for annual reporting. In particular, during dry weather conditions, the Dischargers shall assess the condition and effectiveness of any run-on

and runoff draining control structures to ensure that stormwater is not discharged to surface waters or surface water courses.

3. The Dischargers shall conduct monthly inspections of the Facility to verify that wastes have not been discharged offsite. Evidence of offsite discharge includes visible signs and observations, unexplained changes in soil conditions and characteristics, and any other changes to the environment that could reasonably be expected to be the result of waste discharge from the facility and associated systems. All such discharges shall be identified, repaired, and reported.

## **I. Annual Reports**

Annually, no later than **February 28**, the Dischargers shall submit an Annual Report for the prior calendar year, containing the following materials and information:

1. Written narrative summaries or descriptions of
  - a. All waste management and monitoring activities,
  - b. Conditions of waste disposal areas (i.e., IWDU) and auxiliary areas (e.g., access road, etc.),
  - c. Incidents of waste management/control system failures or observed deteriorations in their condition,
  - d. Routine maintenance activities, and
  - e. Repairs to waste management/control systems
  - f. Any other changes made to the Facility (i.e., during the subject reporting year);
2. A calculated estimate of the Facility's remaining disposal capacity (in CYs) and duration (in years);
3. All recorded information regarding incidental deliveries of prohibited wastes to the Facility (tabulated to the extent possible);

4. Tabulated summaries of all monitoring data collected and/or calculated during the calendar year;
5. Map indicating the location(s) at the Facility where waste was deposited;
6. Copies of monthly field inspection records<sup>35</sup> for
  - a. Assessments of drainage control features;
  - b. Assessments of waste management and auxiliary areas, and
  - c. Assessments regarding observed or suspected offsite discharges; and
7. Copies of any annual certifications of fill prepared by a civil engineer or certified engineering geologist, as required per Title 14, section 17388; and
8. Documentation demonstrating continued compliance with the Industrial General Permit (e.g., SMARTS upload information).

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<sup>35</sup> Santa Ana Water Board staff will provide the Dischargers with templates for monthly inspection records.

## ATTACHMENT B—WASTE ACCEPTANCE CRITERIA

Soils and other earth materials containing constituents of concern at concentrations greater than the thresholds identified below may not be disposed of at the Facility.

### A. Petroleum Hydrocarbons

For soils and other earth materials containing petroleum hydrocarbons, the maximum allowable concentrations in milligrams per kilogram (mg/kg) are set forth in **Table 2** below.

**Table 2. Maximum Allowable Concentrations of Petroleum Hydrocarbons.**

Category	Concentration
Gasoline Range (C4-C12)	50 mg/kg
Diesel Range (C13-C22)	100 mg/kg
Heavy Oil Range (C23+)	500 mg/kg
Total for all Petroleum Hydrocarbons (gasoline, diesel and heavy oils)	500 mg/kg

### J. Other Constituents

Soils and other earth materials accepted for disposal at the Facility shall not contain concentrations of constituents of concern that exceed the levels specified below.

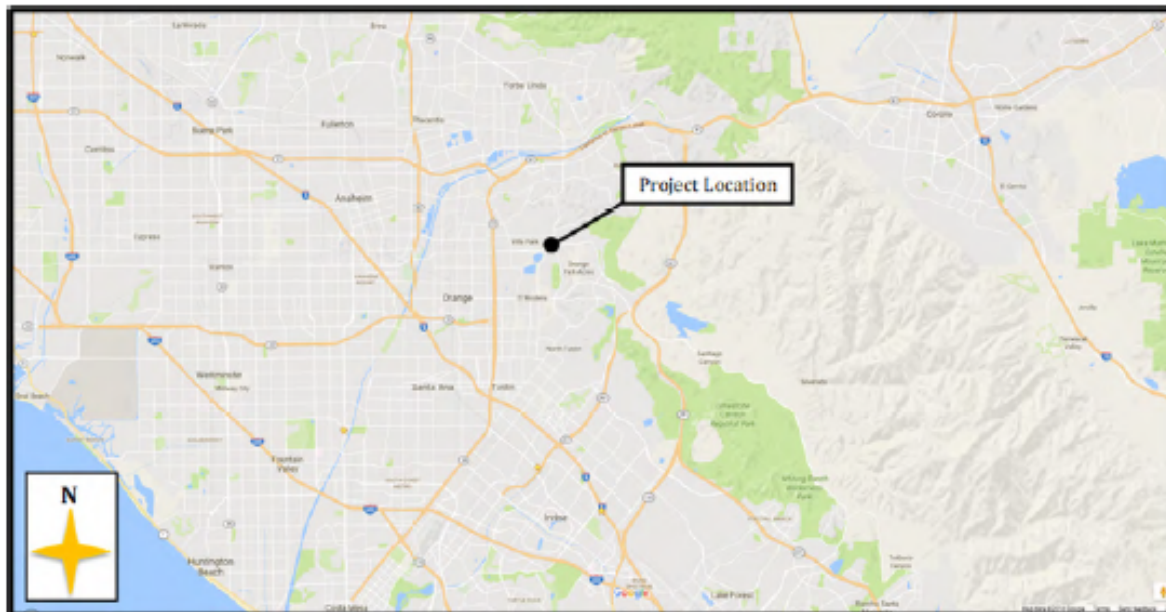
1. **Regional Screening Levels.** Soils and other earth materials shall not contain contaminant-specific concentrations that exceed a Regional Screening Level (RSL) for residential sites as established by the USEPA.
2. **Environmental Screening Levels.** In the absence of RSL limits, soils and other earth materials shall not contain a contaminant-specific concentration that exceeds an Environmental Screening Level (ESL) for “Soil Tier 1” as established by the San Francisco Bay Regional Water Quality Control Board.

**ATTACHMENT B—WASTE ACCEPTANCE CRITERIA**

3. **Ten Times MCLs.** In the absence of RSL or ESL limits, soils and other earth materials shall not contain contaminant-specific concentrations that are 10 times the primary maximum contaminant level (MCL) for drinking water (by weight) as established in Title 22.
4. **pH.** Soils and other earth materials with pH that exceed 9.0 pH units or fall below 6.0 pH units shall not be accepted for disposal.
5. **Specific Conductance.** Soils and other earth materials containing constituents that result in the exceedance of a specific conductance concentration of 2,000 micromhos per centimeter ( $\mu\text{mhos/cm}$ ) shall not be accepted for disposal.
6. **Metals.** Soils and other earth materials shall not be accepted for disposal if they contain concentrations of any metal constituents that exceed the concentrations defined for hazardous waste or that will result in exceedances of WQOs in surface waters or groundwater adjacent to, surrounding, or in proximity to the Facility.

## ATTACHMENT C—MAPS

**Figure 1—Facility Vicinity Map**



**Figure 2—Facility Annotated Photograph**



**Figure 3 – Jurisdictional Features Annotated Photograph**



## ATTACHMENT D—GLOSSARY OF ACCRONYMS AND TERMS

Except as otherwise specifically defined herein, all terms used in this Order are in reference to those definitions specified in Water Code section 13000 et seq., and in Titles 14, 23 and 27 of the California Code of Regulations.

<b>AGR</b>	Agricultural Supply Beneficial Use of Water
<b>Antidegradation Policy</b>	Statement of Policy with Respect to Maintaining High Quality Waters in California, State Water Board Resolution 68-16
<b>Basin Plan</b>	Water Quality Control Plan for the Santa Ana River Basin
<b>CalRecycle</b>	Department of Resources Recycling and Recovery
<b>Construction General Permit</b>	General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, State Water Resources Control Board Order 2009-0009-DWQ, as amended by Order 2012-0006-DWQ, NPDES Permit CAS000002
<b>CEQA</b>	California Environmental Quality Act, Public Resources Code section 21000 et seq.
<b>CEQA Guidelines</b>	Guidelines for Implementation of the California Environmental Quality Act, California Code of Regulations, title 14, section 15000 et seq.
<b>Clean Water Act</b>	Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. section 1251 et seq.
<b>CY</b>	Cubic Yards

<b>Designated Waste</b> .....	Either of the following: (a) hazardous waste that has been granted a variance from hazardous waste management requirements pursuant to Health and Safety Code section 25143; (b) nonhazardous waste that consists of, or contains, pollutants that, under ambient environmental conditions at a waste management unit, could be released in concentrations exceeding applicable water quality objectives or that could reasonably be expected to affect beneficial uses of the waters of the state as contained in the appropriate state water quality control plan. (Wat. Code, § 13173.)
<b>DTSC</b> .....	Department of Toxic Substances Control
<b>ESLs</b> .....	Environmental Screening Levels for “Soil Tier 1” as established by the California Regional Water Quality Control Board, San Francisco Bay Region
<b>GWR</b> .....	Groundwater Recharge Beneficial Use of Water
<b>Hazardous Waste</b> .....	Wastes which, pursuant to California Code of Regulations, title 22, section 66261.3 et seq., are required to be managed in accordance with of title 22, division 4.5. (Cal. Code Regs., tit. 27, § 20164; <i>id.</i> , tit. 23, § 2521, subd. (a).)
<b>HMMP</b> .....	Habitat Mitigation and Monitoring Plan
<b>IDEFO</b> .....	Inert Debris Engineered Fill Operation, as defined per California Code of Regulations, title 14, section 17388, subdivision (l)
<b>IND</b> .....	Industrial Supply Beneficial Use of Water
<b>Industrial General Permit</b> .....	General Permit for Storm Water Discharges Associated with Industrial Activities, State Water Resources Control Board Order 2014-0057-DWQ, as currently amended, NPDES Permit CAS000001

<b>Inert Debris</b> .....	The regulatory term for inert waste under California Code of Regulations, title 14, division 7, chapter 3, article 5.95, excluding gravel, rock, soil, sand and similar materials whether processed or not, that have never been used in connection with any structure, development, grading or other similar human purpose, or that are uncontaminated (See "Inert Waste" Below)
<b>Inert Waste</b> .....	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. (Cal. Code Regs., tit. 27, § 20230, subd. (a).)
<b>IS/MND</b> .....	Initial Study and Mitigated Negative Declaration prepared under California Environmental Quality Act
<b>IWDU</b> .....	Inert Waste Disposal Unit
<b>LCP</b> .....	Load Checking Program
<b>LEA</b> .....	Local Enforcement Agency
<b>MCLs</b> .....	Primary Maximum Contaminant Levels established for Drinking Water per California Code of Regulations, title 22, division 4, chapter 15 (see §§ 64431, 64444)
<b>mg/kg</b> .....	Milligrams per Kilogram
<b>MMs</b> .....	Mitigation Measures identified in the Initial Study and Mitigated Negative Declaration adopted by the Santa Ana Water Board in connection with the project
<b>MRP</b> .....	Monitoring and Reporting Program
<b>MUN</b> .....	Municipal and Domestic Beneficial Use of Water

<b>Nonhazardous Solid Waste</b> .....	All putrescible (i.e., decomposable) and non-putrescible solid, semi-solid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes and other discarded waste (whether of solid or semi-solid consistency); provided that such wastes do not contain wastes which must be managed as hazardous wastes, or wastes which contain soluble pollutants in concentrations which exceed applicable water quality objectives, or could cause degradation of waters of the state (i.e., designated waste). (Cal. Code Regs., tit. 27, § 20220, subd. (a).)
<b>Porter-Cologne Act</b> .....	Porter-Cologne Water Quality Control Act, Water Code section 13000 et seq.
<b>REC1</b> .....	Contact Water Recreation Beneficial Use
<b>REC2</b> .....	Non-Contact Water Recreation Beneficial Use
<b>RSLs</b> .....	Regional Screening Levels established by the United States Environmental Protection Agency
<b>ROWD</b> .....	Report of Waste Discharge, as described in Water Code section 13260
<b>TCR</b> .....	Tribal Cultural Resources
<b>Title 14</b> .....	California Code of Regulations, Title 14
<b>Title 22</b> .....	California Code of Regulations, Title 22
<b>Title 23</b> .....	California Code of Regulations, Title 23
<b>Title 27</b> .....	California Code of Regulations, Title 27

<b>Tribal Monitor</b> .....	Native American Monitor from, or otherwise approved by, the Gabrieliño Band of Mission Indians, Kizh Nation
<b>Tribe</b> .....	Gabrieliño Band of Mission Indians, Kizh Nation
<b>Type A Inert Debris</b> .....	Inert debris that contains concrete (including fiberglass or steel reinforcing bar embedded in the concrete), fully cured asphalt, crushed glass, fiberglass, asphalt or fiberglass roofing shingles, brick, slag, ceramics, plaster, clay and clay products. (Cal. Code Regs., tit. 14, § 17388, subd. (k)(1).)
<b>Type A Disposal Facility</b>	An inert waste disposal facility that only receives “Type A” Inert Debris and does not constitute an Inert Debris Engineered Fill Operation. (Cal. Code Regs., tit. 14, § 17388, subd. (m).)
<b>Type B Inert Debris</b> .....	Waste that has not been categorized as “Type A” inert debris but has nevertheless been determined by the Santa Ana Water Board to be inert (e.g., treated industrial wastes and dewatered bentonite-based drilling mud). (Cal. Code Regs., tit. 14, § 17388, subd. (k)(2).)
<b>USACE</b> .....	United States Army Corps of Engineers
<b>USEPA</b> .....	United States Environmental Protection Agency
<b>WARM</b> .....	Beneficial Use of Water as Warm Freshwater Habitat
<b>WDRs</b> .....	Waste Discharge Requirements
<b>WILD</b> .....	Beneficial Use of Water as Wildlife Habitat
<b>WOTS</b> .....	Waters of the State
<b>WOTUS</b> .....	Waters of the United States
<b>WQOs</b> .....	Water Quality Objectives