Executive Order

11-7-1934

(3)

TRANSFERRING TO THE CONTROL AND JURISDICTION OF THE SECRETARY OF THE NAVY CERTAIN LANDS OFF THE SOUTHERN COAST OF CALIFORNIA

CALIFORNIA

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910 (ch. 421, 36 Stat. 847), as amended by the act of August 24, 1912 (ch. 369, 37 Stat. 497), and as President of the United States, it is ordered that San Clemente Island and the rocky island at west entrance to North West Harbor, San Clemente Island, California, between longitude 118°20′45″ W. and 118°26′30″ W. and latitude 32°48′15″ N. and 33°02′15″ N., containing 31,500 acres, more or less, which were reserved for lighthouse purposes by Executive orders dated September 11, 1854, and January 26, 1867, be, and they are hereby, transferred from the control and jurisdiction of the Secretary of Commerce to the control and jurisdiction of the Secretary of the Navy for naval purposes; there being reserved, however, for the use of the Department of Commerce sites to be selected by that Department on which to erect and maintain such aids to navigation and incidental facilities as the Secretary of Commerce may consider desirable.

31500 acres (35,607 Acres Planimetered [illegible])

abt 1.3A

Needs correction [illegible] does not cover [illegible] by part of island

This order shall continue in full force and effect unless and until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 7, 1934.

[No. 6897]

U. S. GOVERNMENT PRINTING OFFICE: 1934

(3)

37-34-2

EXECUTIVE ORDER RESM (2) 11-20-1937 (6)

ESTABLISHING A DEFENSIVE SEA AREA OFF THE COAST

OF SAN CLEMENTE ISLAND

CALIFORNIA

By virtue of and pursuant to the authority vested in me by the provisions of section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96), the area of water surrounding San Clemente Island, California, extending from low-water mark out for a distance of three hundred yards beyond low-water mark, is hereby established as a defensive sea area for purposes of national defense, subject to the uses reserved for the Department of Commerce in Executive Order No. 6897, dated November 7, 1934.

At no time shall vessels or other craft be navigated within the defensive sea area above defined except such as are authorized by the Secretary of the Navy.

Any person violating the provisions of this order shall be subject to the penalties provided by law.

Franklin D Roosevelt

THE WHITE HOUSE,

November 20, 1937.

7747

RESM

1A

(7)

2-5-1938

EXECUTIVE ORDER

CORRECTING DESCRIPTION OF LANDS CONTAINED

IN EXECUTIVE ORDER NO. 6897 OF NOVEMBER 7, 1934

WHEREAS an error has been discovered in the description of the western longitudinal limitation contained in Executive Order No. 6897 of November 7, 1934, transferring to the control and jurisdiction of the Secretary of the Navy certain lands off the southern coast of California:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and as President of the United States, it is ordered that the description of the said western longitudinal limitation be, and it is hereby, corrected to read as follows: "118° 36' 30" W."

[illegible] needs correction on Southerly latitude [illegible] as follows: "32° 47' 55" N"

[illegible]
Dec. 1934

Franklin D. Roosevelt

THE WHITE HOUSE,

February 5, 1938.

THE NATIONAL ARCHIVES
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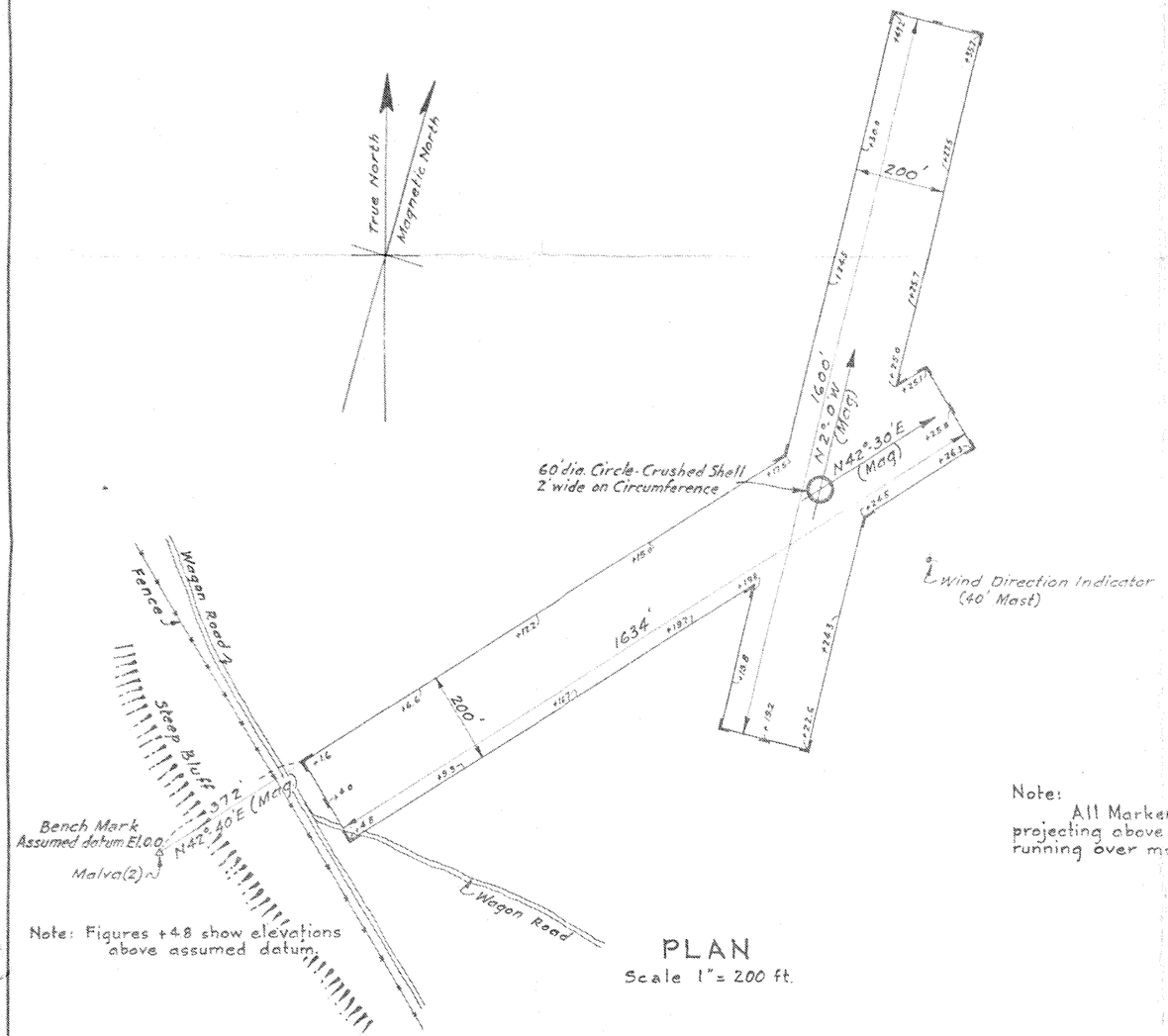

Note: Figures +4.8 show elevations above assumed datum.

PLAN
Scale 1" = 200 ft.

Note:
All Markers except Circle are of rock projecting above ground. Pilots should avoid running over markers except circle.

LOCATION PLAN
Scale
5000' 0' 5000' 10,000' 15,000' 20,000'

Submitted by V. F. Grant, Lt-Comdr. U.S.N.
Surveyed by J. E. Faigle, Lt (jg) (C.E.C.) U.S.N.

Drawn by J.P.H.	NAVAL OPERATING BASE, SAN DIEGO, CALIF.
Traced by J.P.H.	SAN CLEMENTE ISLAND
Checked by	LANDING FIELD SITE
Chief Dfmn.	
In Charge J.E.F.	
Y. & D. Drawing No.	Approved Feb. 20, 1933
P. W. Drawing No. NDI1/N1-9(24)	Public Works Officer

SUPPLEMENTAL INFORMATION

APPLICATION/REPORT OF WASTE DISCHARGE

WASTE DISCHARGE REQUIREMENTS/NPDES PERMIT

NALF SAN CLEMENTE ISLAND WASTE WATER TREATMENT PLANT

This section provides a narrative of the San Clemente Island (SCI) wastewater treatment plant (WWTP) process, discussion of when the secondary plant and tertiary plant are operated, and characterization of discharge information for the renewal application/Report of Waste Discharge (ROWD). The secondary plant consists of a package-type secondary wastewater treatment plant built in 1979 and is located approximately 1,500 feet east of Wilson Cove. It discharges a maximum monthly average 0.025 mgd of treated wastewater to the Pacific Ocean, a water of the United States. The secondary plant has a design capacity of 0.060 mgd and consists of communition, equalization, activated sludge extended aeration, clarification, chlorination and dechlorination (Enclosure 6, Page U3.03). Recycled water is being produced, distributed, and used under Order R4-2015-0107, which became effective May 14, 2015.

The tertiary WWTP is a Smith and Loveless (S&L) Titan Membrane Bio Reactor (MBR) Package plant constructed in 2013, and will produce disinfected tertiary recycled water as defined by the California Department of Public Health. The tertiary plant has a design capacity of 0.030 mgd and consists of screening, flow equalization, sludge storage, anoxic zones, an aeration, a filtration zone, chlorine contact, and dechlorination. Treated wastewater, prior to dechlorination, is pumped to a tertiary recycled water storage tank (Enclosure 6, Page U3.04). There have been delays in bringing the tertiary WWTP into operation. The start of operation of the tertiary WWTP is anticipated to commence on or around late 2019. Once online, the tertiary wastewater treatment plant will be operated exclusively, except during periods of high flows to the treatment system and startup and maintenance of the tertiary plant. The secondary plant will only be operated in emergency situations or when the tertiary plant must be shut down for maintenance. For this application/ROWD, actual flows and discharge concentrations of constituents are provided for the existing secondary WWTP.

The SCI WWTP receives sewage from a separated sanitary sewer serving a population of approximately 500 people, except in cases when extra personnel are present due to training on the island. In those instances, wastewater from portable toilets may be delivered directly to the headworks of the treatment system. In addition, there are 22 septic systems at SCI that are routinely pumped by a contractor and hauled off-site. However, the septage from the septic systems may be pumped and delivered directly to the headworks of the treatment system in emergency situations to avoid or mitigate overflows. Only residential wastes are discharged to the sanitary sewer; all industrial drains have been capped with concrete. Industrial wastes (used oil, used anti-freeze, used batteries, etc.) are stored onsite and are manifested off the island (via barge) and properly disposed of in accordance with federal and state regulations. There is no heavy industry on the island and most of the waste generated is associated with facility and vehicle maintenance (e.g., changing oil on a vehicle).

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Best Management Practices (BMPs) implemented at the WWTP are important to maintaining the desired water quality of the discharge and to protect the surrounding environment. BMPs implemented at the WWTP include:

1) Good housekeeping
2) Routine Maintenance/Inspections
3) Correct storage and handling of chemicals (according to manufacturer's specifications)
4) Spill Kits easily accessible and well-marked
5) BMP training for employees

Solids, or waste sludge, from the treatment system are either dried in drying beds (Enclosure 6, SCI WWTP and RW System Schematic) or bagged for dewatering over plastic pallets. The dried solids are transported to and disposed of at the San Clemente Island Landfill, regulated separately under Order No. R4-2010-0045, adopted by the Regional Water Board on March 4, 2010.

Consistent with ASBS exclusion area, the Navy discharges up to a monthly average of 0.025 mgd of treated wastewater to the Pacific Ocean. The SCI WWTP discharges through a discharge pipe, located 250 feet east of the plant, 1,000 feet south of Wilson Cove, near the northeast end of the island. The discharge, Discharge Point 002, is a submerged outfall system that was completed on August 8, 2008, and consists of a 450-foot long, 3.6-inch diameter pipe extension 70 feet below the ocean's surface. The discharge point is within the ASBS exclusion area (1,000-foot radius from original end of pipe) (State Water Board Resolution No. 77-11).

California Regional Water Quality Control Board
Los Angeles Region

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: http://www.waterboards.ca.gov/losangeles

Linda S. Adams
Cal/EPA Secretary

Arnold Schwarzenegger
Governor

March 9, 2010

Mr. Brian Gordon, Director
Compliance and Technical Division
Navy Facility Engineering Command, Southwest
937 Harbor Drive
San Diego, CA 92132-0058

WASTE DISCHARGE REQUIREMENTS - SAN CLEMENTE ISLAND LANDFILL, LOS ANGELES COUNTY, CALIFORNIA (ORDER NO. R4-2010-0045, FILE NO. 84-035)

Dear Mr. Gordon:

Reference is made to our letter of January 7, 2010, which transmitted a copy of tentative waste discharge requirements for the subject site.

Pursuant to Division 7 of the California Water Code, this Regional Water Quality Control Board (Regional Board) at a public hearing held on March 4, 2010, reviewed the tentative requirements, considered all factors in the case, and adopted Order No. R4-2010-0045 (copy attached) relative to this site. (To save printing and postage costs, hard copies of the Order and its attachments are sent only to the addressee; however, anyone may obtain copies at the Regional Board's website at http://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/, or by contacting the Regional Board staff listed below.)

All monitoring reports should be sent to the Regional Board, Attention: Information Technology Unit. Please reference all technical and monitoring reports to our Compliance File No. CI 9585. We would appreciate it if you would not combine other reports, such as progress or technical, with your monitoring reports but would submit each type of report as a separate document.

If you have any questions, please contact Dr. Wen Yang (Project Manager) at (213) 620-2253.

Sincerely yours,

Rodney H. Nelson

Rodney H. Nelson
Senior Engineering Geologist
Landfills Unit

Enclosures

cc: Leslie Graves, Land Disposal Program, State Water Resource Control Board
Scott Walker, Cleanup, Closure, and Financial Assurance Section, CalRecyle, Sacramento
Cindy Chen, Los Angeles County, DPH
John Locke, Navy Region Southwest, Solid Waste Division

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

ORDER NO. R4-2010-0045

WASTE DISCHARGE REQUIREMENTS
For
COMMANDER NAVY REGION SOUTHWEST
San Clemente Island Landfill
(File No. 84-035)

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

1. United States Navy (US Navy) Commander Navy Region Southwest (Discharger) owns and operates the San Clemente Island Landfill (Landfill), a municipal solid waste (MSW) management facility on San Clemente Island, Los Angeles County, California. The Landfill is located at 32°58'07"N and 118°32'30"W, east of San Clemente Ridge Road in the northern portion of San Clemente Island, which is approximately 50 miles off the California coastline (Figure 1).

2. The US Navy owns all property on San Clemente Island. Land within 1,000 feet of the Landfill, other than an adjacent road, consists of undeveloped, open areas. There are no residential communities on the island. The closest military buildings are approximately two miles from the Landfill. Wastes at the island are generated from defense and training activities of the Navy and by an average weekly population of 500 military and civilian personnel. Wastes received at the Landfill consist of MSW and construction debris.

3. The Landfill has been operated by the US Navy and used exclusively by US Navy personnel and contractors since the 1940s. The Landfill currently receives approximately 10 tons of wastes per operating day (on Tuesdays and Thursdays of each week). It is approximately 20 acres in size, of which 15 acres are designated to receive MSW (Figure 2). Waste is usually conveyed to the site by trash compactor trucks, compacted, and covered with a minimum of six inches of soil. No liquid or hazardous wastes are permitted at the site.

4. While the State Water Resources Control Board (State Board) and Regional Boards are the state agencies designated to protect water quality that may be impacted by solid waste disposal activities, the California Department of Resources Recycling and Recovery (CalRecycle, formerly California Integrated Waste Management Board, or CIWMB) regulates all other aspects of solid waste disposal in the state. California Code of Regulations, title 27 (27 CCR), promulgated on July 18, 1997, clarifies the roles and responsibilities of the State Board/Regional Boards and CalRecycle in regulating MSW disposal sites.

   a. CalRecycle currently regulates the Landfill with a Solid Waste Facility Permit (SWFP, No. 19-AA-0063). The SWFP designates the County of Los Angeles Department of Health Services (now Department of Public Health) as the Local

Enforcement Agency (LEA) under the California Public Resource Code (PRC) §40130 for the Landfill.

b. The SWFP limits the amount of MSW to be discharged at the Landfill to 82.60 tons per month and 991 tons per year. Based on these limits, the Landfill will reach its capacity in approximately 2031.

c. The Regional Board, in accordance with the California Water Code (CWC), sections 13260 and 13376, requires that any person discharging waste and/or fill material that could affect the quality of the waters of the state, file a report of waste discharge (ROWD). In allowing a discharge, the Regional Board must comply with CWC section 13263 in setting appropriate conditions with Waste Discharge Requirements (WDRs). The Discharger has submitted a ROWD to the Regional Board to apply for WDRs for the Landfill. The most recent addendum to the ROWD, including a Preliminary Closure and Postclosure Maintenance Plan for the Landfill, was submitted to the Regional Board on July 20, 2009.

5. The Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) on June 13, 1994. The Basin Plan (including its subsequent amendments) designates beneficial uses and water quality objectives for the San Clemente Island. The Basin Plan designated municipal and domestic supply (MUN) and industrial service supply (IND) as the potential beneficial uses of groundwater, if present, at the island. The requirements in this Order, as they are met, are in conformance with the goals of the Basin Plan.

6. There are no identified aquifers or perched water at San Clemente Island. Groundwater at the vicinity of the Landfill, if present, may occur in the alluvium as perched groundwater, at the base of alluvium along its contact with underlying impermeable volcanic rocks, or within the volcanic rocks in primary or secondary porosity.

a. Based on a Solid Waste Assessment Test (SWAT) at the site that the Discharger completed in 1999, San Clemente Island is predominantly composed of layered volcanic rocks of Miocene age (approximately 7 to 26 million years old). Visual inspection of bedrock outcrops suggests that the primary porosity of the rock is relatively low. However, the presence of joints and fractures due to cooling fractures and fault movement provides a network of weakly interconnected pathways for groundwater movement, resulting in a secondary porosity that is greater than the primary porosity. The SWAT determined that the average hydraulic conductivity of bedrock at the Landfill was approximately 5.1×10^{-4} centimeters per second (cm/sec), which is typical of poorly fractured volcanic rocks.

b. The SWAT investigation indicated that the Landfill is underlined by clayey/bouldery disturbed soils to a depth of up to approximately 4 feet, vesicular basalt to depth of approximately 72 feet, and andesite to depths greater than 200 feet. No groundwater was encountered to a depth of 200 feet in the SWAT investigation.

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7. The average annual precipitation at San Clemente Island is approximately 4 to 7 inches, with most of the rainfall occurring from November to April. January is the wettest month having an average of approximately 1.25 inches. No streams or other types of surface water flowing at the vicinity of the Landfill.

8. The United States Environmental Protection Agency (USEPA) under title 40 of the Code of Federal Regulations (CFR), §257 and §258 (Subtitle D) revised existing regulations for MSW disposal facilities in response to the 1984 Hazardous and Solid Waste Amendments of the Resources Conservation and Recovery Act and added new detailed requirements addressing the issues of location restriction, facility operation and design criteria, groundwater monitoring and corrective action, closure and postclosure maintenance, and financial assurance. USEPA delegated the responsibility for implementing these regulations to states with a fully approved landfill regulatory program. The State of California has been delegated with such a responsibility.

    a. Because the Landfill receives less than 20 tons of wastes daily and the San Clemente Island receives less than 25 inches of precipitation annually, the Discharger is exempt from the requirements of Subpart D (Design Criteria) and Subpart E (Groundwater Monitoring and Corrective Action) of Subtitle D in accordance with 40 CFR §258.1(f)(1). The Discharger is also exempt from the groundwater monitoring requirements in 27 CCR (§20380 et. seq.) because of the absence of groundwater at the site.

    b. The landfill is unlined and does not have a Leachate Collection and Removal System (LCRS) or landfill gas control system. The low annual rainfall makes it unlikely that there is sufficient infiltration to produce leachate. Nevertheless, this Order requires the Discharge to conduct periodic inspections at the toe, interior slopes, and edges of the landfill to monitor the occurrence of leachate seeps.

9. Pursuant to section 402 (p) of the Clean Water Act and 40 CFR §122, §123, and §124, the State Board adopted a National Pollutant Discharge Elimination System (NPDES) General Permit to regulate stormwater discharges associated with industrial activities in California (General Stormwater Permit, State Board Order 97-03-DWQ). Storm water runoff at the San Clemente Island, including the Landfill, is regulated under the General Stormwater Permit (WDID No. 4 19I005692, enrolled since 1992). The Discharger is implementing a Storm Water Pollution Prevention Plan (SWPPP) as required by the General Stormwater Permit.

10. The Preliminary Closure and Postclosure Maintenance Plan indicates that the landfill will be closed with a final cover that meets the prescriptive standard contained in 27 CCR section 21090(a) that consists of (from bottom to top) a foundation layer, a low-hydraulic conductivity layer equal or less permeable than the underlying bedrock, and a vegetative soil layer. The closed Landfill will be maintained as non-irrigated open space. Security at the closed Landfill will be provided by the US Navy.

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11. Adoption of WDRs for the Landfill constitutes an existing project as defined in section 15301, chapter 3, title 14 of the CCR and is therefore exempt from the provisions of the CEQA (Public Resources Code section 21000 et seq.).

12. This Order includes the attached definition of terms and acronyms (Attachment 1), which the Regional Water Board Executive Officer can revise as the need arises.

The Regional Board has notified interested agencies and all known interested parties of its intent to adopt WDRs for the Landfill.

The Regional Board in a public meeting heard and considered all comments pertaining to WDRs for the Landfill.

Any person aggrieved by this action of the Regional Board may petition the State Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:
http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml
or will be provided upon request.

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

A. Requirements for Acceptable Materials

1. The Landfill is a Class III solid waste management facility. The Landfill will accept waste for disposal as deemed acceptable at this class of facility by the Regional Board through orders or regulations.

2. Wastes discharged at this waste management facility shall be limited to nonhazardous solid wastes and inert solid wastes, as described in 27 CCR sections 20220 and 20230:

    a. Nonhazardous solid waste means all putrescible 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 and 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 to waters of the State (i.e., designated waste).

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b. Inert waste means that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste.

B. Requirements for Unacceptable Materials

1. No hazardous wastes, designated wastes, or special wastes, such as liquids, oils, waxes, tars, soaps, solvents, or readily water-soluble solids, such as salts, borax, lye, caustic or acids shall be disposed of at this waste management facility.

2. No semi-solid wastes shall be accepted at this waste management facility, except sludge under conditions set forth in Provision A above. Semi-solid waste means waste containing less than 50 percent solids, as described in section 20200 of CCR title 27.

3. No materials which are of a toxic nature, such as insecticides, poisons, or radioactive materials, shall be disposed of at this waste management facility.

4. No infectious materials or hospital or laboratory wastes, except those authorized for disposal to land by official agencies charged with control of plant, animal, and human disease, shall be disposed at this waste management facility.

5. No pesticide containers shall be disposed of at this waste management facility, unless they are rendered non-hazardous by triple rinsing. Otherwise, they must be hauled off site to a legal point of disposal.

6. No septic tank or chemical toilet wastes shall be disposed of at this waste management facility.

7. The discharge of wastes or waste by-products (i.e., leachate or gas condensate) to natural surface drainage courses or to groundwater is prohibited.

C. Requirements for Disposal Site Operations

1. All Federal, State, and County sanitary health codes, rules, regulations, and ordinances pertinent to the disposal of wastes on land shall be complied with in the operation and maintenance of this waste management facility.

2. Neither the disposal nor handling of wastes at this waste management facility shall create nuisance or pollution, as defined in CWC section 13050.

3. The Discharger shall comply with notification procedures contained in CWC section 32171 in regards to the discharge of hazardous wastes. The Discharger shall remove and relocate to a legal point of disposal, any wastes which are discharged at this site in violation of these requirements. For the purpose of these requirements a legal point of disposal within California is defined as one for which waste discharge

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requirements have been established by a California Regional Water Quality Control Board and is in full compliance therewith. A legal point of disposal outside California is defined as one for which local permitting authorities with jurisdiction have established applicable requirements in conformance with local, state, and federal law, and the facility is in compliance with those requirements in receiving the waste. The Regional Board shall be informed within 7 days in writing when relocation of wastes is necessary. The source and final disposition (and location) of the wastes, as well as methods undertaken to prevent future recurrence of such disposal shall also be reported.

4. All wastes in the disposal area shall be covered at least once during each 24-hour period in accordance with sections 20680 and 20705 of CCR title 27, unless an alternative frequency for daily cover is approved by the Waste Board. Intermediate cover over wastes discharged to this landfill shall be designed and constructed to minimize percolation of precipitation through wastes and contact with material deposited. Other measures will be taken as needed to prevent a condition of nuisance from fly breeding, rodent harborage, and other vector-related activities.

5. Wastes deposited at this site shall be confined thereto, and shall not be permitted to blow, fall, or otherwise migrate off the site, or to enter offsite water drainage ditches or watercourses.

6. Alternative daily cover may be used at the waste management facility with approval of the Executive Officer and with the concurrence of the Waste Board and other regulating agencies.

7. The migration of gases from the waste management facility shall be controlled as necessary to prevent water pollution, nuisance, or health hazards.

8. In any area within the waste management unit where a natural spring or seep is observed, provisions shall be made and/or facilities shall be provided to ensure that this water will not come in contact with decomposable refuse in this facility. The locations of all springs and seeps found prior to, during, or after placement of waste material that could affect this waste management facility shall be reported to the Regional Board.

9. Drainage controls, structures, and facilities shall be designed to divert any precipitation or tributary runoff and prevent ponding and percolation of water at the waste management facility in compliance with sections 20365 and 21090(b)(1) of CCR title 27. When necessary, temporary structures shall be installed as needed to comply with this requirement.

10. The waste management facility shall be graded and maintained to promote runoff of precipitation and to prevent ponding of liquids and surface water. Erosion or washout of refuse or cover materials by surface flow shall be controlled to prevent off-site migration.

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11. Ponding of liquids over deposited wastes is prohibited.

12. Cut and subgrade slopes, fill slopes, refuse cells and visual berms shall be designed and excavated/constructed in a manner that will resist settlement and remain stable during the design earthquake event in accordance with section 20370 of CCR title 27.

13. No wastewater or storm water shall leave this site except as permitted by a National Pollutant Discharge Elimination System permit issued in accordance with the Federal Clean Water Act and the California Code of Regulations. The Discharger shall maintain and modify, as necessary, the Stormwater Pollution Prevention Plan developed for this waste management facility.

D. Groundwater Monitoring and Water Quality Protection Standards

1. As provided in Paragraph 8.a. of this Order, the Discharger is exempt from the requirements of groundwater monitoring at the Landfill. However, the Regional Board Executive Officer (Executive Officer) may prescribe groundwater monitoring requirements for the Landfill by revising the Monitoring and Reporting Program (M&RP) (Attachment T) that is included in this Order, if the Executive Office determines that such requirements are necessary based on changing site conditions or State and Federal regulations.

2. In the event groundwater monitoring is required, and in accordance with section 20390 of CCR title 27, the water quality protection standard (WQPS) for the Landfill will be established, , including compliance wells and background monitoring wells, constituents of concern, and concentration limits consisting of a background data set for each constituent of concern.

3. The compliance period for this waste management facility shall be the active life of any waste disposal unit on the site, and for thirty (30) years following closure of the site in accordance with section 20950 of CCR title 27.

E. Provisions for Reporting Scheduled Activities

1. The Discharger shall notify Regional Board staff at least 30 days prior to any maintenance activities, for approval by the Executive Officer, which could alter existing surface drainage patterns or change existing slope configurations. These activities may include, but not be limited to, significant grading activities, the importation of fill material, the design and installation of soil borings, groundwater monitoring wells and other devices for Landfill investigation purposes.

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

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3. If the Discharger becomes aware that it failed to submit any relevant facts in any report to the Regional Board, it shall submit such facts or information within seven days of its discovery of the omission.

4. The Regional Board shall be notified of any incident at the Landfill that may endanger the environment, by telephone within 24 hours, and in writing within seven days. The written notification shall fully describe the incident including what occurred, when it occurred, the duration of the incident, when correction occurred (or when correction will occur if it is a continuing incident), and the steps taken or planned to reduce, eliminate, and/or prevent recurrence of the incident. All instances of noncompliance with this Order shall also be reported to the Regional Board in the same manner as stated above, and shall also be included in the next scheduled monitoring report.

5. The Discharger shall notify the Executive Officer, in writing, at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage between the Discharger and a new owner or operator of the Landfill. Any transfer agreement between the Discharger and a new owner or operator shall include an acknowledgement that the Discharger is liable for violations up to the transfer date and that the new owner or operator is liable from the transfer date on. The agreement shall include an acknowledgement that the new owner or operator accepts responsibility for compliance with this Order.

6. The Discharger shall notify the Regional Board of changes in information submitted in the ROWD and supplementary information. The Discharger shall notify the Regional Board at least 120 days before any material change is made at the Landfill.

7. All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:

    a. The applications, reports, or information shall be signed as follows:

        i. For a corporation - by a principal executive officer of at least the level of vice-president.

        ii. For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.

        iii. For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.

        iv. For a military installation - by the base commander or the person with overall responsibility for environmental matters in that branch of the military.

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b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph [a] of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:

   i. The authorization is made in writing by a person described in paragraph [a] of this provision;

   ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and

   iii. The written authorization is submitted to the Executive Officer.

c. Any person signing a document under this section shall make the following certification:

   "I certify under penalty of law that 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."

F. General Provisions

1. This Order does not authorize violation of any federal, state, or local laws or regulations.

2. Any time the Discharger becomes aware of a requirement in 27 CCR, or 40 CFR part 258, that should be addressed in this Order, the Discharger shall so notify the Regional Board within seven days.

3. The Discharger has a continuing responsibility for correcting any problems which may arise in the future as a result of waste discharged at the Landfill, and from gases and leachate that may be caused by infiltration or precipitation of drainage waters into the waste disposal units, or by infiltration of water applied to this property during subsequent use of the land or other purposes.

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

   a. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;

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b. Have access to and copy, at reasonable times, any records that shall 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 purpose of assuring compliance with this Order or as otherwise authorized by the CWC, any substances or parameters at this location.

5. The Discharger shall maintain a copy of this Order at the Landfill so as to be available at all times to Landfill operating personnel.

6. These requirements do not exempt the Discharger from compliance with any other current or future law that may be applicable. They do not legalize this waste management facility, and they leave unaffected any further restraints on the disposal of wastes at this waste management facility that may be contained in other statutes.

7. This Order includes the attached *"Standard Provisions Applicable to Waste Discharge Requirements"*, adopted November 7, 1990 (Attachment W) which is incorporated herein by reference.

8. The requirements adopted herein neither authorize the commission of any act causing injury to the property of another, nor protect the Discharger from liabilities under federal, state, or local laws.

9. The filing of a request by the Discharger for a modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any condition, provision, or requirements of this Order.

10. This Order does not convey any property rights of any sort, or any exclusive privilege.

11. The Discharger is the responsible party for these WDRs, including any M&RP or other body of requirements incorporated by reference therein. The Discharger shall comply with all conditions of these WDRs. Violations may result in enforcement actions, including regional board orders, or court orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of these WDRs by the Regional Board.

12. The Discharger shall within 48 hours of a significant earthquake event, provide an initial verbal assessment to the Regional Board of any earthquake damage at the Landfill. A detailed post-earthquake report describing any physical damages to the containment features, groundwater monitoring and/or leachate control facilities and a corrective action plan to be implemented at the Landfill shall be submitted to the Regional Board within thirty days of the earthquake event. A significant earthquake is

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herein defined as an earthquake event above Richter Magnitude 5.0 within a 100 kilometer radius of the property boundaries of the Landfill.

13. The Discharger shall immediately notify the Regional Board of any flooding, slope failure or other change in Landfill conditions which could impair the integrity of waste containment facilities or of precipitation and drainage control structures.

14. The Discharger shall submit to the Regional Board and to the Waste Board evidence of financial assurance for closure and postclosure maintenance, pursuant to 27 CCR, division 2, chapter 6. The postclosure maintenance period shall be at least 30 years. However, postclosure maintenance shall extend as long as wastes pose a threat to water quality.

15. The Discharger shall comply with all conditions of this Order and any additional conditions prescribed by the Regional Board in addenda thereto. Noncompliance with this Order constitutes a violation of the CWC and is grounds for:

    a. enforcement action;

    b. termination, revocation and reissuance, or modification of this Order; or

    c. denial of a ROWD in application for new or revised WDRs.

16. 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.

17. This Order is not transferable to any person except after notice to the Executive Officer. 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 CWC.

18. In accordance with CWC section 13263(g), these requirements shall not create a vested right to continue to discharge and are subject to being superseded or modified. All discharges of waste into the waters of the state are privileges, not rights.

19. 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.

20. This Order becomes effective on the date of adoption by the Regional Board.

21. This Order may be terminated or modified for cause, including, but not limited to:

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a. Violation of any term or condition contained in this Order;

b. Obtaining this Order by misrepresentation, or failure to disclose all relevant facts;

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

22. This Order in no way limits the authority of the Regional Board, as delineated in the CWC, to require additional investigations and cleanups pertinent to this project. This Order may be revised by the Executive Officer as additional information from the project becomes available.

23. Failure to comply with the terms and conditions of this Order may result in imposition of civil liability against the Discharger by the Regional Board, either by the Regional Board or judicially by the Superior Court, in accordance with CWC section 13350 et. seq. and/or referral to the Attorney General of the State of California for such legal action as may be deemed appropriate.

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

Tracy J. Egoscue
Executive Officer

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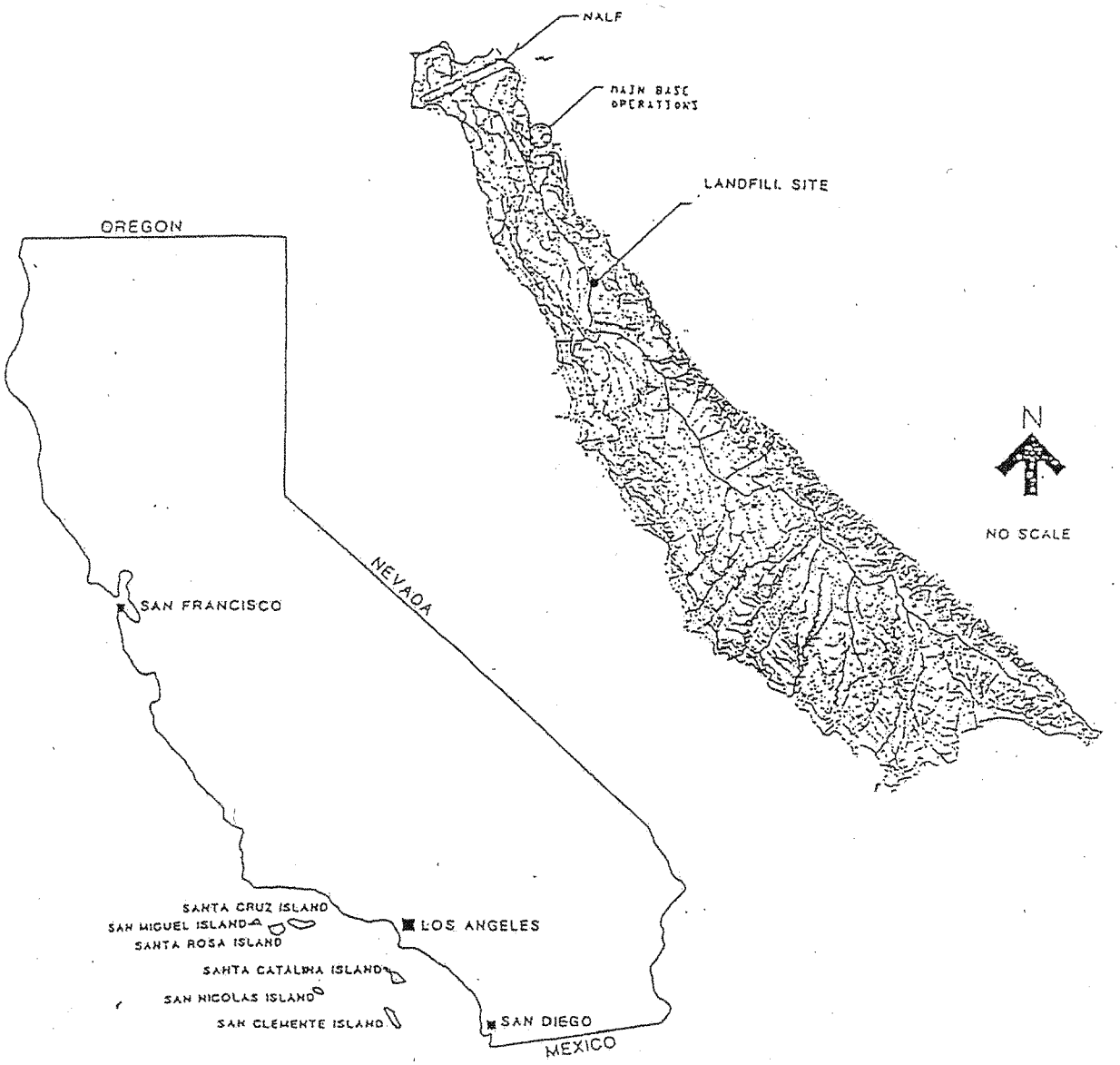

Vinicity Map

Figure 1

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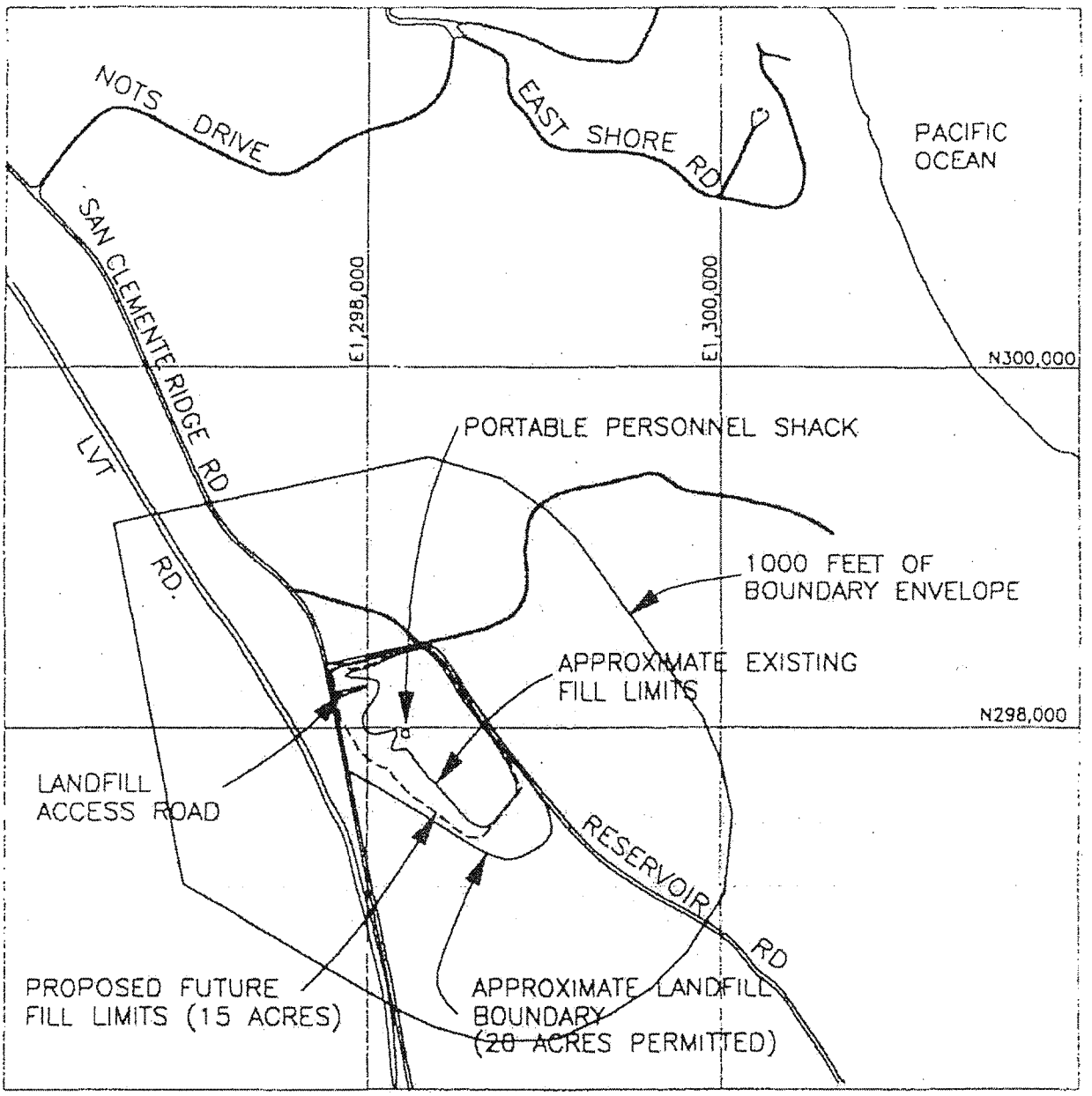

NO STRUCTURES WITHIN
1000 FEET OF LANDFILL BOUNDARY.

NO MONITORING AND
CONTROL SYSTEMS IN PLACE.

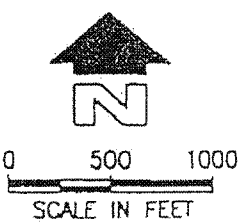

Figure 2

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

MONITORING AND REPORTING PROGRAM (CI 9585)

For

COMMANDER NAVY REGION SOUTHWEST
San Clemente Island Landfill

1. The United States Navy Commander Navy Region Southwest (Discharger) shall implement this Monitoring and Reporting Program (M&RP) at the San Clemente Landfill (Landfill) following the adopting of Regional Board Order No. R4-2010-0045. The first semiannual monitoring report under this M&RP is due by August 15, 2010.

2. Within 90 days of the adoption of Order No. R4-2010-0045, the Discharger shall submit a site inspection plan, for the approval of the Executive Officer, that describes the procedures to be used to carry out all inspections required in Section 7 of this M&RP. The site inspection plan shall also include a detailed site map, at an appropriate scale, that displays all areas to be inspected, including any drainage and surface water features and locations where stormwater sampling may be conducted.

3. All reports submitted under this M&RP shall be referenced to Compliance File No. CI 9585 to facilitate routing to the appropriate staff and file.

4. Monitoring reports shall be submitted by the dates in the following schedule:

Report	Period	Date Due
1st Semiannual	January - June	August 15th
2nd Semiannual	July - December	February 15th

5. All reports required in this M&RP shall be addressed to:

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

   The program number (CI 9585) shall be clearly displayed on the cover pager of each report.

6. In addition to a hard copy, a compact disk (or other appropriate electronic media) that contains all contents of the report (in PDF or other suitable format) shall be included in each routinely required report under this M&RP. In the future, the Executive Office may require the Discharge to submit monitoring reports electronically via the Internet.

7. The Discharger shall conduct and record the following standard observations at the Landfill on a monthly basis:

   a. Evidence of leachate seeps at the toe, interior slopes, and edges of the Landfill;

   b. Evidence of stormwater runoff leaving or entering the Landfill, estimated size of affected area, and flow rate;

   c. Evidence of erosion and/or of exposed refuse; and

   d. Evidence of ponded water at any part of the waste management facility.

8. Each semiannual report shall include at least the following contents:

   a. Transmittal letter - A letter transmitting the essential points shall accompany each report. Such a letter shall include a discussion of any violations found since the last such report was submitted, and shall describe actions taken or planned for correcting those violations. If the Discharger has previously submitted a detailed time schedule for correcting said violations, a reference to the correspondence transmitting such schedule will be satisfactory. If no violations have occurred since the last submittal, this shall be stated in the transmittal letter.

   b. A map or aerial photograph showing the locations of active waste disposal and any environmental monitoring points, such as gas probe, monitoring wells, surface water sampling stations, etc.;

   c. A tabular list of the estimated average monthly quantities (in cubic yards) and types of wastes (i.e., municipal solid waste, inert waste, construction debris, etc.) accepted at the Landfill. If no wastes are disposed of during the monitoring period, the report shall so state;

   d. An estimate of the remaining life of the Landfill in years and months;

   e. The estimated amount of water used at the waste management area for landscape irrigation, compaction, dust control, etc., during each month. (If a source other than potable water is used, the sources and amounts of water from each source shall also be reported); and

   f. A summary and certification of completion of all standard observations listed in Item No. 7 of this M&RP.

9. The July-December semiannual report of each year shall also include:

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a. An evaluation of the effectiveness of the run on/run-off control facilities, pursuant to 27 CCR section 20340 (b-d); and

b. A copy of the annual stormwater report required under the General Stormwater Permit.

10. Signature, certification, and perjury statement requirements - All monitoring reports shall follow the signature, certification, and perjury statement requirements provided in Requirement E.7 of Order No. R4-2010-0045.

11. Contingency response – Any incident at the Landfill that may endanger the environment, such as the detection of hazardous wastes, a spill of hazardous chemicals, or discovery of a physical evidence of release as defined in 27 CCR section 20385(a)(3), shall be reported to the Regional Board pursuant to Section G.4. of Order No. R4-2010-0045.

12. The Discharger may submit additional data to the Regional Board not required by this M&RP in order to simplify reporting to other regulatory agencies.

13. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records regarding monitoring instrumentation, and copies of all data submitted to regulatory agencies, for a period of at least five years. This period may be extended by request of the Regional Board at any time, and shall be extended during the course of any unresolved litigation regarding all or any part of the entire disposal site.

Ordered by _____ March 4, 2010
Tracy J. Egoscue
Executive Officer

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Los Angeles Regional Board Quality Control Board — Land Disposal Program

DEFINITION OF TERMS AND ACRONYMS

"**27 CCR**" means the State Water Resources Control Board's regulations, in Division 2 of Title 27 of the California Code of Regulations, applicable to the discharge to land of waste that is not hazardous waste.

"**40 CFR 258**" means the regulations under Part 258 of Title 40 of the Code of Federal Regulations that apply to municipal solid waste landfills.

"**ACM**" means the federal Assessment of Corrective Measures process, under 40 Code of Federal Regulations section 258.56, which applies to any municipal solid waste landfill that has exhibited a measurably significant release over the applicable Water Quality Protection Standard at any well along the point of compliance for any Appendix II constituent. In California, this process is one in which the discharger determines the nature and extent of the release, implements interim corrective action measures, and develops a broad suite of possible measures, including a subset thereof which the discharger will propose for Regional Water Quality Control Board adoption under the Selection of Remedy process. Generally speaking, the federal Assessment of Corrective Measures and Selection of Remedy processes serve the same function, under the federal approach, as the Evaluation Monitoring Program does under the State approach.

"**Affected parties**" means all people who own, or reside upon, land outside the facility boundary that is underlain by any portion of the release from the landfill. Under Title 40 of the Code of Federal Regulations section 258.55(g)(1)(iii), the discharger must keep an up-to-date list of all such people and must assure that they are invited to the discussion of proposed corrective action measures, pursuant to Title 40 of the Code of Federal Regulations section 258.56(d).

"**AMP**" means a federal Assessment Monitoring Program, under Title 40 of the Code of Federal Regulations section 258.55, which applies to any municipal solid waste landfill that, under Title 40 of the Code of Federal Regulations section 258.54(c), has exhibited a measurably significant increase over the background value for any Monitoring Parameter. In California, given that a municipal solid waste landfill will have established background as the Concentration Limit for each Monitoring Parameter, the exceedance of the background value for a monitored constituent at any monitoring point also constitutes a violation of the Water Quality Protection Standard, thereby, in most instances, triggering the federal Assessment of Corrective Measures and Selection of Remedy studies. The term also describes the federal program that: 1) is ongoing during the Assessment of Corrective Measures and Selection of Remedy studies and under the Corrective Action Program; and 2) constitutes the federal monitoring program that continues after successful completion of the Corrective Action Program.

"**Appendix I**" (to Title 40 of the Code of Federal Regulations Part 258) means the suite of Volatile Organic Compounds and metals used as the default Monitoring Parameter list under the federal municipal solid waste landfill regulations (Title 40 of the Code of Federal Regulations section 258.1 through section 258.75). The listed constituents are a subset of those listed in Appendix II and are subject to monitoring and data analysis every six months. The Regional Water Quality Control Board can adopt surrogates for the metals, and can eliminate from the entire suite any constituent that it finds could not be released from the landfill or derived from such a release.

"**Appendix II**" (to Title 40 of the Code of Federal Regulations Part 258) means the suite of hazardous constituents used as the default Constituent of Concern list under the federal municipal solid waste landfill regulations (Title 40 of the Code of Federal Regulations section 258.1 through section 258.75). The listed constituents are subject to periodic scans, at selected compliance and background wells, either

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annually or, as adopted for this landfill, every five years. Constituents detected (trace level or higher) and verified in a retest sample become Monitoring Parameters. The Regional Water Quality Control Board can eliminate from the entire suite any constituent that it finds could not be released from the landfill or derived from such a release.

"**Background,**" when applied to a reference data set used in testing for a measurably significant indication of a release for a given well / Monitoring Parameter pair, means a suite of data which comes as close as possible to representing the data one would get, for that Monitoring Parameter at that well, if there were no release from the landfill.

"**Background well**" means a monitoring well whose purpose is to provide an indication, for each Monitoring Parameter and monitored ground water body, of the mean (or median) and variability one would expect in the Monitoring Parameter's concentration in that ground water body in the absence of a release from the landfill. Such wells can be upgradient, side-gradient, or (in rare instances) far-downgradient of the landfill. Due to the nearly ubiquitous presence of geographic variation, intra-well comparisons have a greater statistical power than inter-well comparisons. Therefore, the purpose of this type of well is three-fold: 1) to validate that a compliance well's historical data, for a given Monitoring Parameter, can be used as the background data set for that well / Monitoring Parameter pair, because the compliance well's historical data does not appear to reflect the presence of a release; 2) to identify the need to adjust the monitoring approach because of the arrival of waters affected by a release of that Monitoring Parameter from a source other than the landfill; and 3) to identify a condition in which a Monitoring Parameter is released from the landfill and migrates to this well in the unsaturated zone (e.g., Volatile Organic Compounds carried by an expanding landfill gas release in the unsaturated zone).

"**Box and Whiskers Plot**" is a quick way to visualize the distribution of data at a given monitoring location. The basic box plot graphically locates the median, 25th and 75th percentiles of the data set; the "whiskers" extend to the minimum and maximum values of the data set. The range between the ends of a box plot represents the Interquartile Range, which can be used as a quick estimate of spread or variability. When comparing multiple monitoring locations, box plots for each monitoring location can be lined up on the same axes to roughly compare the variability in each monitoring location. This may be used as a quick exploratory screening for the test of homogeneity of variance across multiple monitoring locations. If two or more boxes are very different in length, the variances in those monitoring location groups may be significantly different.

"**California Non-statistical Data Analysis Method (CNSDAM)**" means the test described in the Monitoring and Reporting Program for this landfill, for use jointly on all those Monitoring Parameters, at a given compliance well, whose applicable background data set exhibits trace level or higher concentrations in less than 10% of the data.

"**CAO**" means a Cleanup and Abatement Order.

"**CAP**" means a Corrective Action Program that implements the State Water Resource Control Board's requirements under Title 27 of the California Code of Regulations section 20430 and under State Water Resource Control Board Policy No. 93-62 which, regarding a municipal solid waste landfill, requires the Regional Water Quality Control Board to apply any federal requirements, under Title 40 of the Code of Federal Regulations section 258.58 (federal Corrective Action Program), that are additional to, or are broader in scope than, the Title 27 California Code of Regulations requirements.

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"**CLGB**" — see "concentration limit"

"**Compliance well**" means any monitoring well named in the Monitoring and Reporting Program as a ground water monitoring point to be used in detecting, or tracking, the release. The term does not include assessment wells that are used [under Title 27 of the California Code of Regulations section 20425(b) and Title 40 of the Code of Federal Regulations section 258.55(g)] to delineate the nature and extent of the release, unless the Regional Water Quality Control Board specifically names such a well as a ground water monitoring point in the Monitoring and Reporting Program.

"**Concentration limit**" is a part of the landfill's Water Quality Protection Standard and means the reference background data set, or reference concentration value, for a given constituent against which one compares current compliance well data to identify, in detection mode, the arrival of the release at a given well and to identify, in tracking mode, if the corrective action measures are bringing the landfill back into compliance with the Water Quality Protection Standard [for that Monitoring Parameter), in the portion of the aquifer sampled by that compliance well]. For compliance wells within the area affected by the release, this limit can be a single number, adopted by the Regional Water Quality Control Board as a Concentration Limit Greater than Background under Title 27 of the California Code of Regulations section 20400(a)(3) through (h) and Title 40 of the Code of Federal Regulation section 258.55(i) for a given Monitoring Parameter involved in the release. Otherwise, this limit will be either the applicable background data set, for Monitoring Parameters that are readily detectable, or will be the Method Detection Limit, for a constituent that exhibits trace level or higher values in less than 10% of the background data (i.e., a Monitoring Parameter that is subject to the California Nonstatistical Data Analysis Method at that compliance well).

"**Constituent of concern (COC)**" is a part of the landfill's Water Quality Protection Standard and means the list of constituents that could be released from the landfill, including the foreseeable breakdown products of all such constituents. For the ground water medium at an municipal solid waste landfill, this list must include all Appendix II constituents except for those that the discharger can show are not being mobilized in the landfill's leachate or, for Volatile Organic Compounds only, in its produced landfill gases. A constituent on this list becomes a Monitoring Parameter only after being detected (at trace level or above) and then verified by a well-specific retest in a periodic scan of compliance wells affected by the release.

"**Corrective action measure (CAM)**" means an active or passive process (or installation) that the discharger implements or constructs to constrain a release, to eliminate its effects, or to prevent or minimize the release of additional waste from the landfill. The scope of the term includes "interim Corrective Action Measures," which is applied before the adoption of the Corrective Action Program, and includes "active Corrective Action Measures," which involves the induced movement of polluted water within the impacted aquifer (e.g., a pump-and-treat operation).

"**CWC**" means the statutes in the California Water Code.

"**Detect**," when applied to a scan of leachate or ground water, means that the constituent for which the scan is conducted shows up at trace level or higher. For Constituents of Concern and Monitoring Parameters that are rarely detected in background, the term means analyses done using a laboratory analytical method that complies with Title 27 of the California Code of Regulations section 20415(e)(7).

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"**Discrete retest**" means a particular means of validating a preliminary indication of a release, for a given compliance well / Monitoring Parameter pair, whereby the discharger applies an approved data analysis method to two new samples for that well / Monitoring Parameter pair. The retest validates the preliminary indication if either or both of the retest samples triggers a measurably significant increase indication. The scope of the retest, at any given compliance well, is limited to only those Monitoring Parameters that gave a preliminary indication at that monitoring point.

"**Detection mode**," for a given compliance well / Monitoring Parameter pair, means a state in which one tests for a measurably significant increase, for that Monitoring Parameter at that well, using an appropriate statistical or nonstatistical data analysis method. Once that well / Monitoring Parameter pair exhibits a measurably significant increase (including an initial indication verified by a discrete retest), it is monitored, thereafter, in "tracking mode" until the inception of the proof period, following successful completion of corrective action.
"**DMP**" means a Detection Monitoring Program that implements the State Water Resources Control Board's requirements, under Title 27 of the California Code of Regulations section 20420 and under State Water Resources Control Board Policy No. 93-62, which policy requires the Regional Water Quality Control Board to apply any federal municipal solid waste landfill requirements, under Title 40 of the Code of Federal Regulations section 258.54, that are additional to, or are broader in scope than, the Title 27 California Code of Regulations requirements.

"**EMP**" means an Evaluation Monitoring Program that implements the requirements under Title 27 of the California Code of Regulations section 20425 and under State Water Resources Control Board Policy No. 93-62, which requires the Regional Water Quality Control Board to apply any applicable federal municipal solid waste landfill requirements, under Title 40 of the Code of Federal Regulations section 258.55 through section 258.57, that are additional to, or are broader in scope than, the Title 27 California Code of Regulations requirements. This state program constitutes a stepping stone to a corrective action program, in response to the landfill exhibiting a measurably significant increase of a release or to its having exhibited physical evidence of a release [see Title 27 of the California Code of Regulations section 20385(a)(2 and 3)].

"**Existing Footprint**" (as capitalized) means the area of land, at an municipal solid waste landfill, that is covered by waste as of the date that landfill became subject to the federal regulations of Title 40 of the Code of Federal Regulations Part 258, pursuant to section 258.1 of that part.

"**Geographic variation**" means the random change in the mean, or median, concentration of a given Monitoring Parameter between different locations in a given ground water body, in the absence of a release.

"**Indicator parameter**" means all MPars that are deemed most capable of providing for a reliable indication of a Landfill release. These include common leachate indicator parameters (total dissolved solids, chloride, sulfate, and nitrate-nitrogen), all Appendix I VOCs, and all MPars for which a successful demonstration has not been made based on LCRS leachate monitoring data that the constituent cannot reliably be differentiated between LCRS leachate and groundwater. Only indicator parameters will generally be subjected to routine statistical analysis.

"**Inter-well comparison**" means a type of statistical or nonstatistical data analysis, applied to a given

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detection mode compliance well / Monitoring Parameter pair, in which one compares current concentration data, for that Monitoring Parameter and well, with a suite of background data from the appropriate upgradient well(s) to determine if that Monitoring Parameter has produced a measurably significant increase at that well. Generally speaking, the use of upgradient background data tends to produce higher false-positive and false-negative rates than the intra-well comparison approach, but is appropriate in those cases where it is not feasible to validate that a compliance well's own historical data reflects water quality in the absence of a release.

"**Intra-well comparison**" means a type of statistical or nonstatistical data analysis, applied to a given detection mode compliance well / Monitoring Parameter pair, in which one compares current concentration data, for that Monitoring Parameter, with a suite of background data consisting of selected historical data from that same well to determine if that Monitoring Parameter has produced a measurably significant increase at that well. Typically, the use of a compliance well's own historical data, for a Monitoring Parameter, provides better statistical power (to identify a real release and to avoid producing false-positive indications) than does the inter-well comparison approach, but only in a case where it is reasonable to assume that the compliance well's own historical data does not reflect the presence of a release for that Monitoring Parameter.

"**LCRS**" means a functioning Leachate Collection and Removal System (i.e., one that produces leachate).

"**LFG**" means landfill gas, including any Volatile Organic Compounds.

"**LEA**" means local enforcement agency for the California Integrated Waste Managementment Board responsible for management of Waste Board regulations of 27 CCR and 40 CFR. For this Landfill the LEA is the Los Angeles County Department of Health Services, Solid Waste Program.

"**M&RP**" means the Monitoring and Reporting Program that is an attachment to the Waste Discharge Requirements (or other order) and that is incorporated by reference by the Waste Discharge Requirements.

"**Matrix effect**" means any increase in the Method Detection Limit or Peak Quantitation Limit for a given constituent as a result of the presence of other constituents, either of natural origin or introduced through a release, that are present in the sample of water or soil-pore gas being analyzed.

"**Measurably significant increase**" means a condition in which an appropriate data analysis method shows an initial indication of a release, for a given detection mode compliance well / Monitoring Parameter pair, that is verified by a discrete retest (for that well and Monitoring Parameter).

"**Method detection limit (MDL)**" means the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte's concentration is greater than zero, as defined in Title 40 of the Code of Federal Regulations section 136, Appendix B.

"**Minimum Level**" represents the lowest quantifiable concentration in a sample based upon the proper application of analytical procedures and the absence of any matrix interference. MLs also represent the lowest standard concentration on the calibration curve for a specific analytical technique after the application of appropriate method-specific factors.

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"**Monitored media**" means those water and/or gas-bearing media (if applicable) that are monitored pursuant to a monitoring and reporting program. The monitored media may include:

a. groundwater in the uppermost aquifer or in any other portion of the zone of saturation [section 20164 of Title 27 of the California Code of Regulations], in which it would be reasonable to anticipate that waste constituents migrating from the landfill could be detected, and in any perched zones underlying the landfill,

b. any bodies of surface water that could be measurably affected by a release,

c. soil-pore liquid beneath and/or adjacent to the landfill, and

d. soil-pore gas beneath and/or adjacent to the landfill.

"**Monitoring parameter (MPar)**" is a part of the landfill's Water Quality Protection Standard and means a list consisting of those Constituents of Concern that are present at a detectable level (trace level or above) in ground or surface water affected by the release. This is the subset of the Constituents of Concern that is subject to testing for a measurably significant increase, in detection mode, at all compliance wells. For ground water, at a landfill with a functioning Leachate Collection and Removal System, this suite includes all Appendix II constituents that have been detected (at trace level or above) and verified in leachate and, subsequently, have been detected (at trace level or above) and verified in a Constituents of Concern scan of ground water at compliance wells affected by the release. For ground water, at a landfill without a functioning Leachate Collection and Removal System, this suite includes all Appendix II constituents that have been detected (at trace level or above) and verified in a Constituents of Concern scan of ground water at any compliance well affected by the release.

"**Monitoring point**," for any given monitored medium (surface water, ground water, or the unsaturated zone), means a location, including any installed access device (e.g., well or lysimeter), that is named in the Monitoring and Reporting Program as a place where the discharger monitors that medium: 1) to detect the arrival of the release front for each Monitoring Parameter that is in detection mode at that location; 2) to detect changes in the concentration of each Monitoring Parameter that is in tracking mode at that location; and 3) in a case where the location that is in tracking mode for most Monitoring Parameters that are involved in the release, to detect the presence, at trace level or above, of any Constituents of Concern that have not previously been detected in that medium (Constituents of Concern newly detected and verified in that medium become Monitoring Parameters for that medium).

"**MSW landfill**" means any landfill that is subject to any portion of the federal regulations under Title 40 of the Code of Federal Regulations Part 258 by virtue of having received municipal solid waste (household waste) at any time and having received any waste after October 9, 1991.

"**Operating record**" means the organized compendium of information about the landfill and facility that the discharger maintains and makes available to the public at a site approved by the Regional Water Quality Control Board and/or the Enforcement Agency and that contains a copy of each document submitted to, or received from, any State or local regulatory agency for purposes of obtaining or updating either the Facility Permit or the Waste Discharge Requirements, demonstrating compliance with the California Environmental Quality Act, or complying (or demonstrating compliance) with any applicable requirement under Title 40 of the Code of Federal Regulations Part 258.

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"**Point of compliance (POC)**" is, for the ground water medium, a part of the landfill's Water Quality Protection Standard and means a conceptual vertical surface that is located, in map view, along the hydraulically downgradient limit of waste placement at the landfill and that extends downward through the uppermost aquifer underlying the Unit. The federal municipal solid waste regulations require one or more ground water monitoring points along this vertical surface to monitor the quality of ground water passing it (see Title 40 of the Code of Federal Regulations section 258.51), whereas the Regional Water Quality Control Board will name other ground water monitoring points (not along this vertical surface) as needed to provide the earliest possible detection and measurement of a release [see Title 27 of the California Code of Regulations section 20415(b)(1)].

"**Practical quantitation limit (PQL)**" means the value established as a target value by the United States Environmental Protection Agency that is the lowest concentration of a substance that can be consistently determined within +/- 20% of the true concentration by 75% of the laboratories tested in a performance evaluation study. Alternatively, if performance data are not available, the Practical Quantitation Limit for carcinogens is the Method Detection Limit multiplied by 5, and for noncarcinogens is the Method Detection Limit multiplied by 10. These estimated Practical Quantitation Limits are listed in Appendix II to Title 40 of the Code of Federal Regulations Part 258. Generally, these are target values that may not reflect the constraints of matrix effects; therefore, the Regional Water Quality Control Board requires the discharger to keep an up-to-date listing of the applicable laboratory-specific Practical Quantitation Limit and Method Detection Limit estimates for each analyte on the Constituent of Concern list.

"**Recycled water**" refers to "disinfected tertiary recycled water" as defined in California Code of Regulations, Title 22, Section 60301.230.

"**Release**" means the three-dimensional portion of the monitored medium (ground water, surface water, or the unsaturated zone) comprised of all locations therein that are affected by one or more Monitoring Parameters that have migrated from the landfill to such an extent that a properly constructed monitoring point, at that location, would trigger a measurably significant increase over the applicable concentration limit, using an appropriate data analysis method meeting the requirements of Title 27 of the California Code of Regulations section 20415(e)(9) and a background data set sample size of 16 or more data points.

"**Reporting limit**" is the same as Minimum Level when there have been no modifications, such as dilution or concentration to the standard analytical procedure during sample preparation.

"**Reporting period**" means the duration separating the submittal of a given type of monitoring report from the time the next iteration of that report is scheduled for submittal.

"**Retest,**" when applied to a scan to detect the presence of an appropriate list of analytes in leachate, landfill gas, or ground water (at an affected monitoring point), means taking a single additional sample from the indicating medium (or, for ground water, the indicating monitoring point) to determine whether the initial detection, for that analyte, is valid. When applied to the six-monthly monitoring effort for a given compliance well / Monitoring Parameter pair in detection mode, see "discrete retest."

"**RWQCB**" or "**Regional Board**" means the appropriate California Regional Water Quality Control Board.

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"**Sample size,**" for a given compliance well / Monitoring Parameter pair in detection mode, means the number of data points used to represent the variability of the background population or to represent the present compliance status of the Monitoring Parameter at that well, when applying an appropriate data analysis method.

"**Scan**" means a determination as to whether any of a given list of constituents are detectable (at the trace level or above) in the monitored medium (typically leachate, ground water, or landfill gas). The term includes both the initial measurement and, for a newly detected constituent, the results of the single retest sample. To identify a newly detected constituent, the constituent must be detected (at trace level or above) and then verified by being detected in the single sample retest. When applied to leachate or landfill gas, the term indicates a way of determining which Appendix II constituents should be included in the landfill's the Constituents of Concern list (once detected and verified, a constituent is added permanently to the Constituents of Concern list). When applied to ground water, the term indicates a way of determining which Appendix II constituents should be included in the landfill's Monitoring Parameter list (once detected and verified at any given compliance well or background well, a constituent is added permanently to the Monitoring Parameter list).

"**SOR**" means a federal Selection of Remedy study, under Title 40 of the Code of Federal Regulations section 258.57, which applies to any municipal solid waste landfill that has exhibited a measurably significant release over the applicable Water Quality Protection Standard at any well along the Point Of Compliance for any Appendix II constituent. In California, this process is one in which the Regional Water Quality Control Board, in the presence of any affected persons and other interested parties, considers all relevant factors and adopts a suite of corrective action measures — developed during the Assessment of Corrective Measures study — which the discharger will apply during the Corrective Action Program to remediate the effects of the release. Generally speaking, the studies serve the same function, under the federal approach, as the Evaluation Monitoring Program does under the State approach.

"**Standard observations**" refers to:

a. For receiving waters:

   i. Floating and suspended materials of waste origin: presence or absence, source, and size of affected area;

   ii. Discoloration and turbidity: description of color, source, and size of affected area;

   iii. Evidence of odors: presence or absence, characterization, source, and distance of travel from source;

   iv. Evidence of beneficial use: presence of water-associated wildlife;

   v. Flow rate; and

   vi. Weather conditions: wind direction and estimated velocity, total precipitation during the previous five days and on the day of observation.

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b. Along the perimeter of the landfill:

i. Evidence of liquid leaving or entering the landfill, estimated size of affected area, and flow rate;

ii. Evidence of odors: presence or absence, characterization, source, and distance of travel from source; and

iii. Evidence of erosion and/or of exposed refuse.

c. For the landfill:

i. Evidence of ponded water at any point on the waste management facility;

ii. Evidence of odors: presence or absence, characterization, source, and distance of travel from source;

iii. Evidence of erosion and/or of daylighted refuse; and

iv. Standard Analysis and Measurements, which refers to:

A. Turbidity (only for water samples) in NTU:

B. Water elevation to the nearest 1/100th foot above mean sea level (only for groundwater monitoring); and

C. Sampling and statistical/non-statistical analysis of the Monitoring Parameters.

"**SW-846**" means the laboratory analytical guidance document published by the United States Environmental Protection Agency.

"**SWRCB**" means the California State Water Resources Control Board.

"**SWRCB Resolution No. 93-62**" means the order the State Water Resources Control Board adopted in 1993 as State Policy For Water Quality Control (has the force of regulation) that applies to all municipal solid waste landfills and requires a composite liner for all portions of the landfill outside of its Existing Footprint, with rare exceptions, and requires the Regional Water Quality Control Board to apply any requirement of Title 40 of the Code of Federal Regulations Part 258 that is missing from, or broader in scope than, the State Water Resources Control Boards' landfill requirements under Title 27 of the California Code of Regulations.

"**Tracking mode,**" for a given compliance well / Monitoring Parameter pair, means a state in which there has already been a measurably significant increase (for that Monitoring Parameter at that well) such that the focus has changed from detecting the release to tracking it. In this mode, one keeps an up-to-date concentration versus time plot used in the six-monthly report validating the effectiveness of the

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Corrective Action Measures — required under Title 27 of the California Code of Regulations section 20430(h) — to demonstrate either that current Corrective Action Measures are effectively remediating the release or to identify the need for proposing additional/changed Corrective Action Measures under Title 27 of the California Code of Regulations section 20430(i or j) and Title 40 of the Code of Federal Regulations section 258.58(b). A well / Monitoring Parameter pair in this mode remains in this mode until the inception of the proof period following successful completion of corrective action.

"**Time Schedule Order (TSO)**" is an enforceable schedule of compliance for achieving listed milestones in the cleanup.

"**Time-Versus-Concentration Plot**" provides a graphical method to view changes in concentration levels at a particular monitoring location(s) over time. More than one monitoring location can be compared on the same plot to look for differences between monitoring locations. They can also be used to examine the data for indications of trends.

"**Uninvolved COC (UCOC) List**" means the list of COCs that are subject only to periodic every-five-years checks.

"**VOC**" means any of the Volatile Organic Compounds that can be identified in a water or leachate sample under United States Environmental Protection Agency Method 8260 (see SW-846). The United States Environmental Protection Agency lists a subset of 47 such constituents in its Appendix I default Monitoring Parameter list (see Appendix I to Title 40 of the Code of Federal Regulations Part 258).

"**VSRLF**" means a "*very small rural landfill*" that has demonstrated to the satisfaction of the Regional Water Quality Control Board that it meets, and continues to meet, the qualifying preconditions, under Title 40 of the Code of Federal Regulations section 258.1(f), for being exempt from the federal design criteria (see Title 40 of the Code of Federal Regulations Part 258 Subpart D) and the federal monitoring requirements (see Title 40 of the Code of Federal Regulations Part 258 Subpart E). In California, to qualify as being such a landfill, the Operating Record must include the Regional Water Quality Control Board's concurrence with the discharger's demonstration under Title 40 of the Code of Federal Regulations section 258.1(f). Such a landfill is still required to monitor pursuant to the Title 27 California Code of Regulations requirements and the federal exemptions cease to apply as soon as the landfill exhibits evidence of a release.

"**Water quality protection standard (Water Standard)**" means the multi-part system by which the discharger determines the compliance status of the landfill, with respect to the release of waste constituents. For each monitored medium, the term includes: the Constituent of Concern list and the Monitoring Parameter list (i.e., the subset of Constituents of Concern that are detectable in the that medium); the concentration limit for each Monitoring Parameter at each monitoring point; the monitoring points (for the ground water medium, these are the compliance wells); and, for the ground water medium, the point of compliance. A violation of this standard occurs whenever a Constituent of Concern that is detectable in that medium (i.e., an Monitoring Parameter) produces a measurably significant increase over its applicable concentration limit at any monitoring point, as indicated by an appropriate statistical or nonstatistical data analysis method meeting the requirements of Title 27 of the California Code of Regulations section 20415(e)(9). Such a violation triggers a change from detection mode to tracking mode for that well / Monitoring Parameter pair.

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"**Well / Monitoring Parameter (Well/MPar) pair**" means a given Monitoring Parameter at a given well (typically a compliance well, unless a release is detected at a background well). The discharger tracks compliance with the Water Quality Protection Standard for each such pair; therefore, the minimum number of such pairs for the ground water medium is equal to the number of compliance wells times the number of Monitoring Parameters. At any given time, such a well and constituent combination will be either in detection mode or in tracking mode.

"**WDRs**" means Waste Discharge Requirements.

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STANDARD PROVISIONS
APPLICABLE TO WASTE DISCHARGE REQUIREMENTS

1. DUTY TO COMPLY

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

2. GENERAL PROHIBITION

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

3. AVAILABILITY

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

4. CHANGE IN OWNERSHIP

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

5. CHANGE IN DISCHARGE

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

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

(b) Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.

(c) Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.

(d) Increase in flow beyond that specified in the waste discharge requirements.

(e) Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

6. REVISION

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

7. TERMINATION

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

8. VESTED RIGHTS

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

9. SEVERABILITY

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

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10. OPERATION AND MAINTENANCE

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

11. HAZARDOUS RELEASES

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

12. PETROLEUM RELEASES

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

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13. ENTRY AND INSPECTION

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

(a) Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

(d) Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the California Water Code, any substances or parameters at any location. [CWC Section 13267]

14. MONITORING PROGRAM AND DEVICES

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

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

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

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