

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 92-47

AUTHORIZING THE EXECUTIVE DIRECTOR OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AN INTERAGENCY AGREEMENT (IA) WITH THE INTEGRATED WASTE MANAGEMENT BOARD (IWMB) FOR WORK PERFORMED PURSUANT TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1989 DURING FISCAL YEAR 1992-93

WHEREAS:

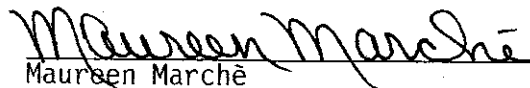
1. The California Integrated Waste Management Act of 1989 provides that the IWMB annually allocate up to \$1,000,000 to the State Water Board for inspection of solid waste landfills and enforcement of Waste Discharge Requirements for solid waste landfills.
2. The State Fiscal Year 1992-93 budget reflects the intent to negotiate and execute an Interagency Agreement annually.
3. A draft Interagency Agreement has been developed.

THEREFORE BE IT RESOLVED:

That the State Water Board authorizes the Executive Director or his designee to negotiate and execute an Interagency Agreement with the IWMB for enforcement of Waste Discharge Requirements at solid waste landfills from July 1, 1992 through June 30, 1993. The maximum dollar limit for this Interagency Agreement is \$1,000,000. Board Members will be consulted on amendments to the Interagency Agreement.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 18, 1992.



Maurseen Marché

Administrative Assistant to the Board

STATE AGENCY AGREEMENT

13 (REV. 1-89)

NUMBER

2-901-550-0

THIS AGREEMENT is entered into this 1st day of July, 1992, and between the undersigned State Agencies:
Set forth services, materials, or equipment to be furnished, or work to be performed, and by whom, for performance including the terms, date of commencement and date of completion, and provision of payment per (1225 and 8752-8752.1 SAM.)

- Distribution:*
- Agency providing services
 - Agency receiving services
 - Department of General Services (unless exempt from DGS approval)
 - Controller

I. SCOPE OF AGREEMENT

The State Water Resources Control Board (State Water Board) agrees to perform and assures, as applicable, Regional Water Quality Control Board (Regional Water Board) performance of the tasks described in this Agreement. The State Water Board will coordinate and will assure coordination by the Regional Water Boards with the California Integrated Waste Management Board (CIWMB) in regulating Solid Waste Landfills.

Continued on _____ sheets which are hereby attached and made a part hereof

NAME OF STATE AGENCY RECEIVING SERVICES <u>California Integrated Waste Management Board</u> CALLED ABOVE (SHORT NAME) <u>CIWMB</u>	NAME OF STATE AGENCY PROVIDING SERVICES <u>State Water Resources Control Board</u> CALLED ABOVE (SHORT NAME) <u>State Water Board</u>
AUTHORIZED SIGNATURE <u>Ralph E. Chandler</u> PRINTED NAME AND TITLE OF PERSON SIGNING <u>Ralph E. Chandler</u> <u>Executive Director</u>	AUTHORIZED SIGNATURE <u>[Signature]</u> PRINTED NAME AND TITLE OF PERSON SIGNING <u>James B. Stafford, Chief</u> <u>Division of Administrative Services</u>
FUND NUMBER AND NAME	FUND NUMBER AND NAME <u>Department of General Services</u>

AMOUNT ENCUMBERED BY THIS DOCUMENT <u>1,000,000</u>	PROGRAM/CATEGORY (CODE AND TITLE) <u>Enforcement, Solid Waste Disposal Account</u>	FUND TITLE <u>Solid Waste Disposal Site Cleanup</u>	Department of General Services Use Only	
OR AMOUNT ENCUMBERED FOR THIS CONTRACT <u>1,000,000</u>	(OPTIONAL USE) <u>& Maint. Acct.</u>			
TOTAL AMOUNT ENCUMBERED TO DATE <u>1,000,000</u>	ITEM <u>3910-001-435</u>	CHAPTER <u>1992</u>	STATUTE <u>1992</u>	FISCAL YEAR <u>1992-93</u>
	OBJECT OF EXPENDITURE (CODE AND TITLE) <u>4400-15000-398</u>	T.B.A. NO.	B.F.L. NO.	

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

II. Term of Agreement

The term of this Agreement is July 1, 1992 through June 30, 1993. This Agreement may be amended upon written mutual agreement.

III. Cost and Payment

The total amount of this Agreement shall not exceed "ONE MILLION DOLLARS" (\$1,000,000).

In consideration of the performance of the work required herein in a reasonable and workmanlike manner, the CIWMB agrees to pay to the State Water Board the sum of five (5) percent of the total revenues deposited in the Solid Waste Disposal Site Cleanup and Maintenance Account, up to "ONE MILLION DOLLARS" (\$1,000,000), payable three times per year. One-third of the maximum collections, up to \$333,333.33 will be paid upon receipt of our invoice on November 1, 1992, February 1, 1993, and May 1, 1993.

For services provided under this Agreement, charges will be computed in accordance with State Administrative Manual (SAM) Sections 8752 and 8752.1 (per SAM 8758.1).

The contracting parties shall be subject to the examination and audit of the Auditor General for a period of three years after final payment under the contract (per Government Code Section 10532 and SAM Section 1225).

The invoice must identify this Agreement by number. Mail invoices in duplicate to:

California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

IV. Contract Managers

DIRECT ALL AGREEMENT INQUIRIES TO:

California Integrated Waste
Management Board
Attn: Don Wallace
Deputy Executive Director
8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-2200

State Water Resources Control
Board
Attn: Elizabeth Babcock
Chapter 15 Program Manager
2014 T Street, Suite 130
Sacramento, CA 94244-2120
(916) 739-4316

OR THEIR DESIGNEES

Task 2: COMPLIANCE INSPECTIONS

Regional Water Board staff shall inspect solid waste landfills for compliance with Regional Water Board Requirements and coordinate scheduling with the CIWMB.

Compliance inspections include all activities necessary to ensure that dischargers are in compliance with Requirements, or other Requirements by a Regional Water Board Executive Officer, including the following:

- . All activities necessary to prepare for scheduled compliance inspections.
- . Compliance inspections, including travel.
- . Documenting results from inspections, including completion of inspection forms.
- . Preparing correspondence to the discharger regarding inspection results, if the correspondence does not require a response addressing correction of violations detected during the inspection. (Correspondence requesting a response addressing violations detected during the inspection is an activity under Task 4: Formal Enforcement or Task 5: Informal Enforcement.)

Task 3: MONITORING/REPORT REVIEWS

Regional Water Board staff will review monitoring reports and other technical reports submitted regarding solid waste landfills.

Monitoring and report reviews include all activities necessary to obtain and evaluate self-monitoring and technical reports in order to determine compliance with Requirement conditions, or other Requirements by a Regional Water Board Executive Officer. These other Requirements include time schedules, compliance schedules, and prohibitions.

Task 4: FORMAL ENFORCEMENT

Regional Water Board staff shall take appropriate formal enforcement action at solid waste landfills after notification, pursuant to Public Resources Code Section 45300, et seq., and after discussions with the the CIWMB and the local enforcement agency (LEA).

- . Any followup necessary to determine compliance with an enforcement action.
- . Regional Water Board activities pertaining to petitions submitted to the State Water Board on enforcement actions.

Task 5: INFORMAL ENFORCEMENT ACTIVITIES (NONCOMPLIANCE)

Regional Water Board staff shall perform appropriate informal enforcement activities at solid waste landfills. The Regional Water Board shall inform the CIWMB and LEA of violations and notify the CIWMB and LEA of planned informal enforcement actions pursuant to Public Resources Code Section 45300, et seq.

The noncompliance activity includes any activity, except inspection or formal enforcement actions, undertaken to obtain compliance with Chapter 15 Requirements, or a Basin Plan, once a noncompliance has been identified.

The following are general activities which Regional Water Boards will perform to implement informal enforcement:

- . Discussions, both telephone and at meetings, with the discharger regarding noncompliance.
- . Developing a plan/schedule to correct noncompliance.
- . Drafting any correspondence, including "Letters of Noncompliance".
- . Any necessary followup to verify correction of a noncompliance, except for inspection or review and revision of Discharge Monitoring Requirements.
- . Review of technical/monitoring reports submitted specifically in response to a case of noncompliance.

Task 6: COMPLAINT INVESTIGATIONS

Regional Water Board staff shall perform complaint investigations at solid waste landfills and refer complaints to other agencies as required by Public Resources Code Section 45303.

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All oversight activities necessary to implement proper closure.

Task 8: WASTE CHARACTERIZATION

The Regional Water Board staff will respond to public inquiries about waste discharges to solid waste landfills.

Waste characterization includes all activities necessary to determine characteristics of a waste stream in order to choose the appropriate method and location of treatment, storage, or disposal. This activity includes meetings, telephone conversations, report and data review, and field work related to determining characteristics of waste.

Task 9: PROGRAM ADMINISTRATION

- A. Management of the Agreement shall include coordination with and all reporting to the CIWMB.
- B. The State Water Board, using Regional Water Board data, shall provide the CIWMB quarterly reports, by site, for all actions taken during the contract year.

VI. DISPUTE RESOLUTION

Any dispute arising out of the terms and conditions of this Agreement shall be resolved in the following manner:

- A. The Contract Managers for the CIWMB and the State Water Board shall meet within ten (10) days of a request by either party. The party calling the meeting shall provide, in writing, at least five (5) days in advance of the meeting, a clear description of the disputed terms and conditions and a proposed solution. The CIWMB Contract Manager shall make a determination on the dispute, in writing, including reasons for the determination. The determination shall be sent to the State Water Board Contract Manager within ten (10) days of the meeting.
- B. If the State Water Board does not agree with the determination, the State Water Board may make a written request for a meeting between Don Wallace, Deputy Executive Director of the CIWMB, and Harry Schueller, Chief, Division of Clean Water Programs for the State Water Board. Such a meeting should occur within ten (10) days of the receipt of such a request. The request must be accompanied by a statement of the

Investigations include all activities necessary to respond to a complaint or incident or notification of enforcement by another agency, including the following:

- . Receiving and documenting complaints/incidents.
- . Any followup activities to gather additional information.
- . Preparation for field inspections.
- . Field inspections necessary to investigate a complaint/incident or a notification of enforcement as required by Public Resources Code, Section 45302.
- . Documentation of findings and response to complaints, including those required by Public Resources Code, Section 45304.

Task 7: CLOSURE

Regional Water Board staff shall take appropriate action regarding review and approval of closure plans and oversight of closure activities at solid waste landfills; and shall send copies of correspondence regarding plan review and approval to the CIWMB and LEA.

Closure activities include all actions necessary to assure proper closure, including the following:

- . All activities necessary to process and review applications and ROWDs for closure (including Preliminary and Final closure and postclosure maintenance plans described in California Code of Regulations, Title 14).
- . Actual preparation of Requirements for closure.
- . Meetings as they apply to proposed Requirements for closure. This includes any activities relative to appeals to the State Water Board.
- . Inspections necessary to gather information for the preparation of Requirements for closure.

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disputed issues and a proposed solution. The CIWMB shall make a determination, in writing, and shall send this to the Chief, Division of Clean Water Programs, State Water Board, within fifteen (15) days of the meeting.

- C. Unresolved issues may be elevated to the Deputy Director, State Water Board, and to the Deputy Executive Director, CIWMB.
- D. The Executive Director of the CIWMB will resolve issues in a final and binding decision.

VII. TERMINATION

This Agreement may be terminated by either party upon thirty (30) days advance written notice. In the event of termination, the State Water Board shall be entitled to costs incurred prior to the effective date of termination.