

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 93-42

DETERMINATION THAT THE TENTATIVE AUTHORITY TO  
CONSTRUCT THE SOLID WASTE LANDFILL  
ON THE CAMPO INDIAN RESERVATION MEETS  
THE REQUIREMENTS OF CHAPTER 805 OF THE 1991-STATUTES

WHEREAS:

1. The State of California and the Campo Environmental Protection Agency (CEPA) entered into a Cooperative Agreement, pursuant to Chapter 805 of the 1991 Statutes, on December 10, 1992.
2. Chapter 805 and Cooperative Agreement Section VI provide that the State Water Resources Control Board (State Water Board) and other state agencies shall review any draft tribal permit.
3. Chapter 805 and Cooperative Agreement Section VI also provide that the State Water Board and other state agencies shall determine whether the draft tribal permit contains conditions sufficient to:
  - a. Meet the functionally equivalent standards provided in appropriate sections of the CEPA Solid Waste Code and Regulations; and
  - b. Provide not less than the level of protection for public health, safety, and the environment that would have been achieved if that State Agency had issued the permit; and
  - c. Implement all feasible mitigation measures.
4. CEPA utilizes a multi-step permitting process which includes consideration of a tentative authority to construct followed by application for an operating permit.
5. CEPA submitted a Tentative Authority to Construct application on December 2, 1992 for review by the State Water Board.
6. On April 2, 1993, a State Water Board staff workshop was conducted in San Diego to receive comments on the water quality aspects of the Tentative Authority to Construct.
7. The Division of Clean Water Programs has reviewed the Tentative Authority to Construct, the application, and comments received at the State Water Board staff workshop on April 2, 1993, and correspondence from CEPA.
8. The Division of Clean Water Programs prepared a Staff Review, dated April 9, 1993, which recommends that if the issues concerning liner design and slope stability are addressed as

recommended in the Staff Review, then the Tentative Authority to Construct will meet the requirements of Chapter 805 related to the construction of a landfill.

9. On April 23, 1993, the operator submitted a slope stability report.
10. On April 27, 1993, the operator submitted a letter which made a commitment to install an additional liner component at the site.
11. At the April 27, 1993, State Water Board meeting, concerns were raised about the adequacy of commitments for an alternative water supply as a mitigation measure.
12. This determination of sufficiency is not subject to review pursuant to the California Environmental Quality Act (Public Resources Code Section 44203(g)).

THEREFORE BE IT RESOLVED THAT:

The State Water Board finds:

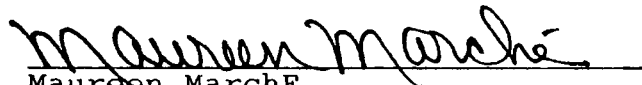
1. The Tentative Authority to Construct should be treated as a draft tribal permit under the terms of Chapter 805 and the Cooperative Agreement.
2. The integrity of the slope stability cannot be evaluated by the State Water Board without additional time and possibly more information from CEPA. Therefore, a determination cannot be made at this time with respect to the stability of the project.
3. If the liner design is modified as presented in the operator's April 27, 1993 letter, staff concerns will be addressed.
4. That the provision for an alternative water supply of the same quality and quantity is a feasible mitigation measure which shall be required prior to the operation of the project. The requirement to provide an alternative water supply of the same quality and quantity shall extend, for any and all uses, to any surrounding or adjacent property owners whose water supply may be adversely impacted by the construction, operation or maintenance of the landfill. The alternative water supply shall be funded by an acceptable mechanism, or combination of mechanisms, outlined in Campo Code of Regulations Subpart H Section 530.91 et seq.
5. If the liner design, slope stability and the provision for an alternative water supply are implemented as set forth above, then the Tentative Authority to Construct will meet the

requirements of Chapter 805 and Section VI of the Cooperative Agreement related to the construction of a landfill. The Tentative Authority to Construct will contain conditions sufficient to:

- a. Meet the functionally equivalent standards provided in appropriate sections of the CEPA Solid Waste Code and Regulations.
- b. Provide not less than the level of protection for public health, safety and the environment that would have been achieved if the State Water Board had issued the permit.
- c. Implement all feasible mitigation measures.

#### CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted at a meeting of the State Water Resources Control Board held on April 27, 1993.



Maureen Marché  
Administrative Assistant  
to the Board

Division of  
dated April 9, 1993  
concerning liner 4