

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

ORDER NO. R4-2010-xxxx

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 agency 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, clarify 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

January 7, 2010

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 ROWDs to the Regional Board to apply for WDRs for the Landfill. The most recent 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.

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).
 - 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.
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).
 - 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 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.
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 standards (WQPS) for the Landfill are established as the natural background groundwater quality at the site.
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.
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.
 - 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;
 - 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 herein defined as an earthquake event above Richter Magnitude 5.0 within a 100 kilometer radius of the property boundaries of the Landfill.

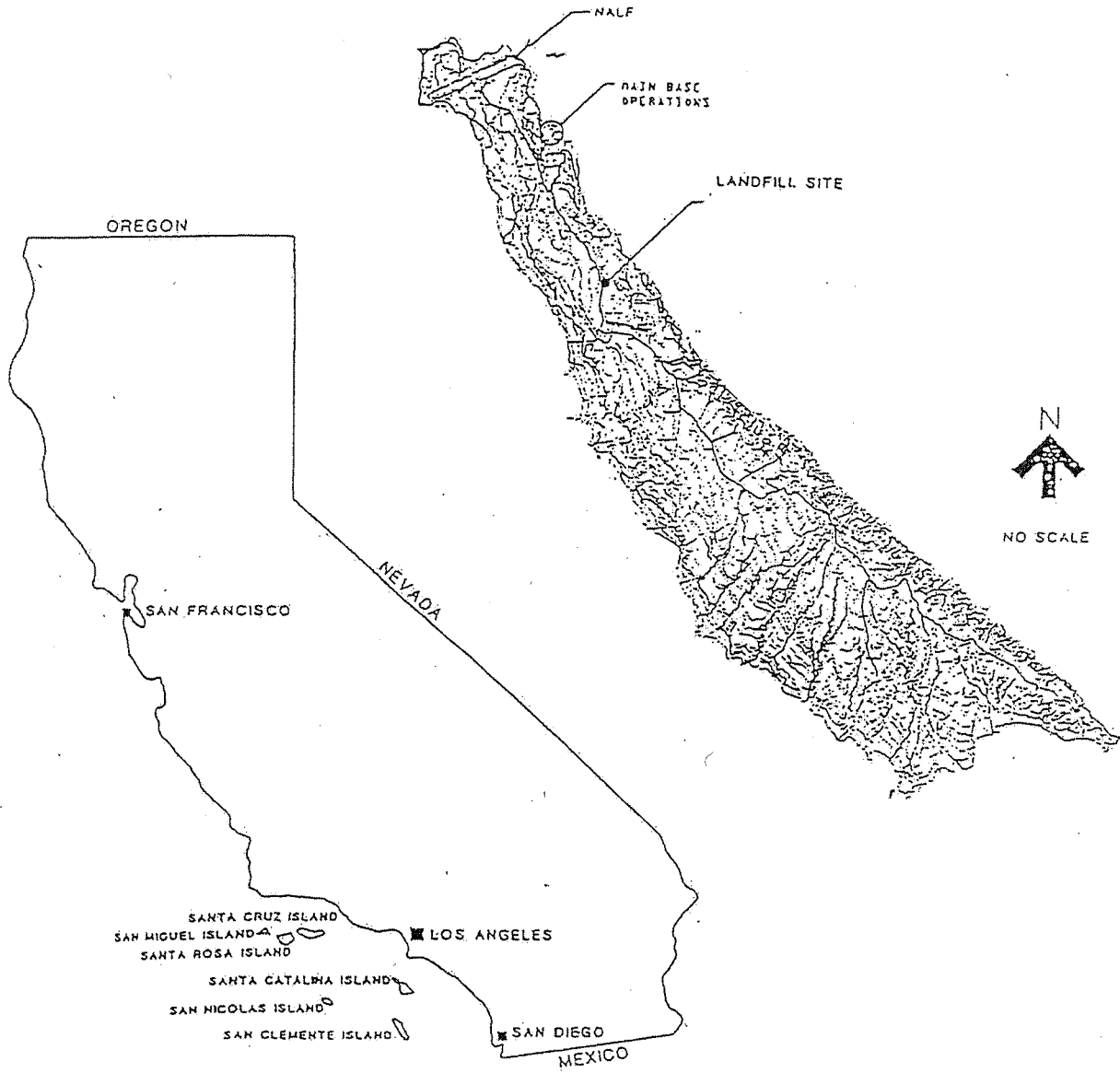
13. The Discharger shall immediately notify the Regional Board of any flooding, slope failure or other change in Landfill conditions which could impair the integrity of waste containment facilities or of precipitation and drainage control structures.
14. The Discharger shall submit to the Regional Board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

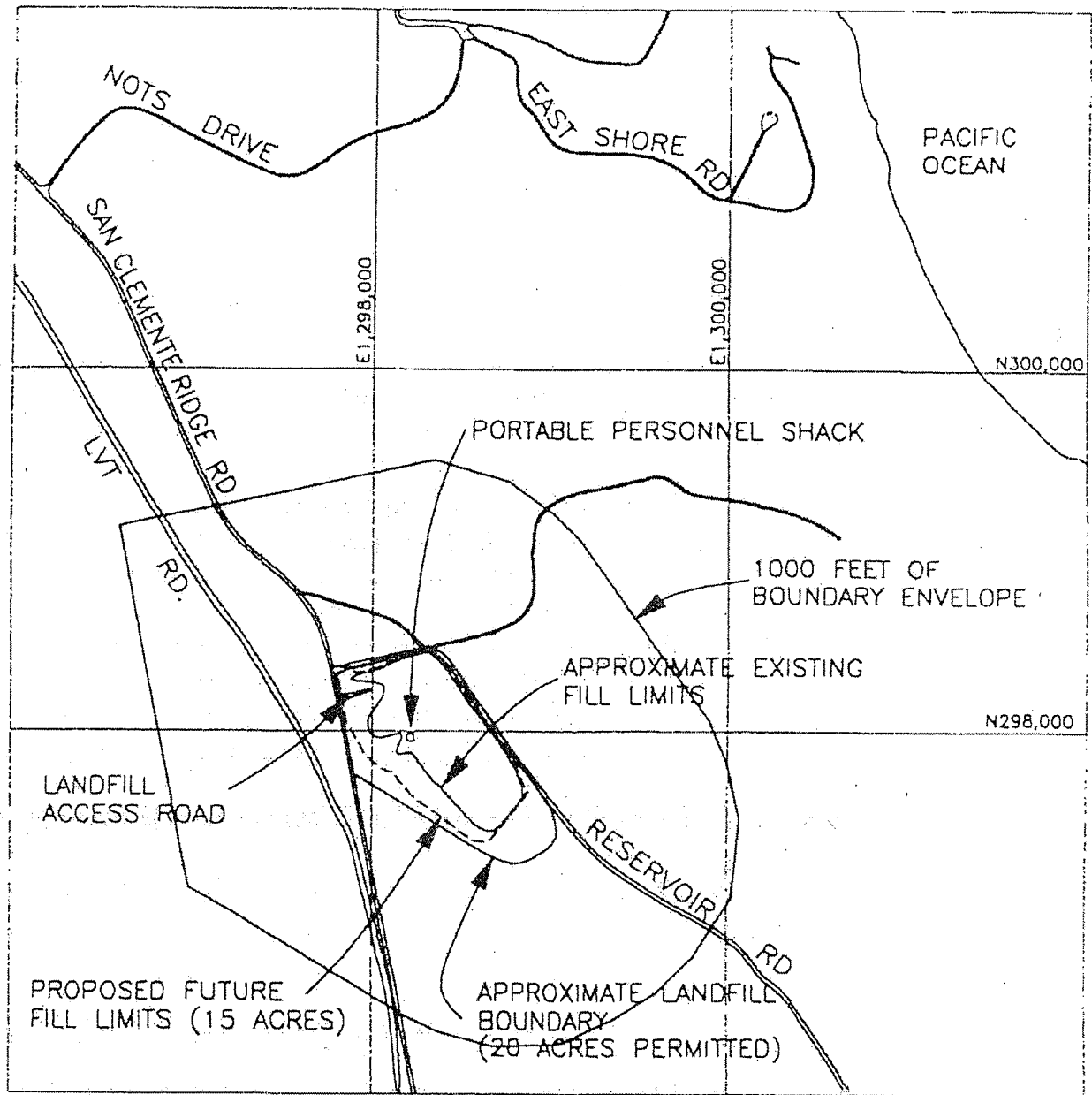
Tracy J. Egoscue
Executive Officer

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Vinicity Map

Figure 1



NO STRUCTURES WITHIN
1000 FEET OF LANDFILL BOUNDARY.

NO MONITORING AND
CONTROL SYSTEMS IN PLACE.

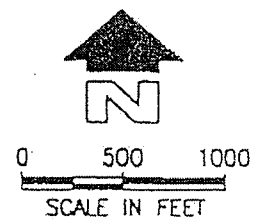


Figure 2