

California Regional Water Quality Control Board
North Coast Region

ORDER NO. 92-66

GENERAL WASTE DISCHARGE REQUIREMENTS

FOR

SOIL BIOREMEDIATION AND/OR AERATION ACTIVITIES

The California Regional Water Quality Control Board, North Coast Region (hereinafter the Board), finds that:

1. The California Water Code provides that all persons discharging waste or proposing to discharge waste that could affect the quality of waters of the state file a report of waste discharge with the Regional Board, and submit the appropriate filing fee. This includes the discharge of waste to land pursuant to Division 3, Chapter 15, Title 23, California Code of Regulations.
2. The enhanced bioremediation of soils contaminated with petroleum products and similar biodegradable substances is an effective treatment technology capable of reducing the levels of contaminants and volume of waste requiring further disposal. The aeration of soils containing volatile substances is an effective treatment technology capable of reducing the levels of contaminants and volume of waste requiring further disposal. Final disposal options for any treated soils will be evaluated upon completion of treatment.
3. The aeration or enhanced bioremediation of contaminated soil removed from the site of contamination is subject to the regulations contained in Chapter 15, Title 23, California Code of Regulations. Chapter 15 contains provisions which enable the Regional Board to accept alternatives to construction or prescriptive standards contained in Chapter 15 if it is shown that the standards are unreasonable and unnecessarily burdensome or impractical and will not promote attainment of applicable performance standards and that there is a specified engineered alternative addressed by the particular construction or prescriptive standard and affords equivalent protection against water quality impairment. The report of waste discharge for projects regulated by these requirements fully described the proposed aeration or enhanced bioremediation projects to treat soils contaminated with petroleum hydrocarbons or similar degradable compounds, and fully described the engineered alternatives to the following construction or prescriptive standards contained in Chapter 15:
 - a. Chapter 15 requires land treatment units to be located outside of the 100 year floodplain and protected from surface runoff generated in a storm with 25 year frequency and 24 hour duration. This site is located outside of the 100 year floodplain.

- b. Summertime treatment of contaminated soils in Northern California will not be affected by major precipitation events.
 - c. The site is level and the aeration or enhanced bioremediation operation would not be subject to uncorrectable damage in the event of an earthquake.
 - d. Other aspects of the short-term aeration or bioremediation operation as required under this Order are compliant with Chapter 15.
4. The Board adopted Water Quality Control Plans for the Klamath River Basin (1A) and the North Coastal Basin (1B) on March 20, 1975. The Klamath River Basin Plan (1A) was combined with the North Coastal Basin Plan (1B) to form the Water Quality Control Plan for the North Coast Region. The Plan for the North Coast Region was adopted by the Board on April 28, 1988 and approved by the State Water Resources Control Board on November 15, 1988. The Plan includes water quality objectives, implementation plans for point source and nonpoint source discharges and statewide plans and policies.
 5. The beneficial uses of the areal groundwater, as identified in the Water Quality Control Plan for the North Coast Region, includes: municipal, domestic, agricultural, and industrial supply.
 6. The action to adopt these general waste discharge requirements consists of a minor modification to land and is to implement required provisions of enforcement actions, and is therefore exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2100, et seq.), in accordance with Sections 15304 and 15321 of Title 14 of the California Code of Regulations.
 7. The Board has notified interested agencies and persons of its intent to prescribe general waste discharge requirements for these land treatment facilities and has provided them with an opportunity to submit their written comments and recommendations.
 8. The Board, in a public meeting, heard and considered all comments pertaining to these general waste discharge requirements.

THEREFORE, IT IS HEREBY ORDERED that persons filing a notice of intention to be regulated (hereinafter the discharger) under the provisions of this general Waste Discharge Requirements Order No. 92-66 in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. CONDITIONS OF APPLICATION

1. The discharger shall submit a complete report of waste discharge describing the proposed action including the estimated volume of soil to be treated, characterization of the nature of the contamination in the soils, description of the treatment system, description of the nature and volume of any nutrient or chemical additives, all necessary sizing calculations to accommodate the treatment volume, description of wet weather treatment controls, description of procedures to collect and address any leachate, schedule for submittal of sampling plan for remediated soils and soils under the liner, schedule for submittal of a closure plan, and other pertinent information for the specific site.
2. These waste discharge requirements shall not take effect until thirty days after the discharger has filed a complete report of waste discharge and published a description of the project in a newspaper of general circulation, posted the notice in the general area of the discharge and provided copies of the notice to nearby residences or businesses. These waste discharge requirements shall not take effect if the Executive Officer finds that significant public controversy has arisen or will likely arise from the issuance of these requirements and that these requirements should be considered at a regularly scheduled Regional Board meeting.

B. PROHIBITIONS

1. The discharge of waste to land that is not under the control of the discharger is prohibited.
2. The discharge of any waste not specifically regulated by this Order is prohibited except as regulated under another Order issued by the Regional Board or discharged to a permitted facility.
3. The discharge of waste from the aeration or treatment of soil to surface or groundwaters is prohibited.
4. The discharge of waste or the placement of contaminated material on property not specified in the report of waste discharge submitted pursuant to A(1) of this Order is prohibited.
5. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited. [Health and Safety Code, Section 5411]
6. Contaminated soil aeration and treatment activities between October 1 and May 15 are prohibited without written authorization of the Regional Board Executive Officer.

7. Contaminated soil aeration or treatment activities, including storage, which are not located on an impermeable surface are prohibited.
8. Contaminated soil aeration and treatment activities, including storage, in areas where access by the general public is not controlled is prohibited.
9. Contaminated soil aeration activities, including storage, in areas which are not posted as waste treatment and/or storage facilities are prohibited.
10. The exposure to precipitation of contaminated soil in storage and/or in the process of being remediated is prohibited.

C. PROVISIONS

1. A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel.
2. All treatment and disposal facilities shall be in compliance with appropriate County and City requirements.

3. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

4. Operation and Maintenance

The discharger must maintain in good working order and operate as efficiently as possible any facility of control system installed by the discharger to achieve compliance with the waste discharge requirements.

5. Change in Discharge

The discharger must promptly report to the Board any material change in the character, location or volume of the discharge.

6. Change in Ownership

In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the discharger, the discharger must notify the succeeding owner or operator of the existence of this Order by letter, a copy of which must be forwarded to this office.

7. 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, nor protect the discharger from his liability under federal, State or local laws, nor create a vested right for the discharger to continue the waste discharge.

8. Monitoring

The discharger must comply with the Contingency Planning and Notification Requirements Order No. 74-151, any specifically issued Monitoring and Reporting Program for the discharger's facility, the operations and maintenance plan, and any modifications to these documents as specified by the Executive Officer.

Such documents are attached to this Order and incorporated herein. The discharger shall file with the Board technical reports on self monitoring work performed according to the detailed specifications contained in any monitoring and reporting work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Board.

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the discharger, analyses performed by a noncertified laboratory will be accepted provided:

- a. A quality assurance/quality control program is instituted by the laboratory. A manual containing the steps followed in this program must be kept in the laboratory and shall be available for inspection by staff of the Board. The quality assurance/quality control program must conform to EPA or State Department of Health Services guidelines.
- b. The laboratory will become certified within the shortest practicable time if the State certification program is resumed.

9. Inspections

This discharger shall permit authorized staff of the Board:

- a. entry upon premises in which an effluent source is located or in which any required records are kept;
- b. access to copy any records required to be kept under terms and conditions of the Order;
- c. inspection of monitoring equipment or records;
- d. sampling of any discharge.

10. Noncompliance

In the event the discharger is unable to comply with any of the conditions of this Order due to:

- a. breakdown of waste treatment equipment;
- b. accidents caused by human error of negligence;
- c. other causes such as acts of nature;

The discharger must notify the Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate what steps are being taken to prevent the problem from recurring.

11. Revision of Requirements

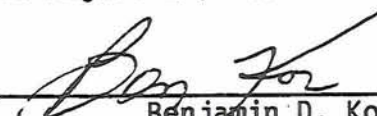
This board requires the discharger to file a report of waste discharge at least 120 days before making any material change or proposed change in character, location, or volume of the discharge.

12. These waste discharge requirements expire 24 months after issuance pursuant to condition A(2) of this Order and no further rescission action is necessary.

13. The disposal of aerated and/or treated soils upon completion of aeration/treatment shall not be further regulated if the soils do not contain levels of petroleum hydrocarbons or chlorinated solvents in excess of laboratory detection limits.¹ Additional disposal options for soils containing levels of petroleum hydrocarbons or chlorinated solvents in excess of the laboratory detection limits will be evaluated on a case-by-case basis.

Certification

I, Benjamin D. Kor, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on August 27, 1992.



Benjamin D. Kor
Executive Officer

(wdr)

¹ For the purpose of this Permit, levels of detection are as follows:

<u>CONSTITUENT</u>	<u>UNITS</u>	<u>DETECTION LIMIT</u>
Petroleum Hydrocarbons	mg/kg	1.0
Benzene	mg/kg	0.005
Toluene	mg/kg	0.005
Xylene	mg/kg	0.005
Ethylbenzene	mg/kg	0.005