

California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams Cal/EPA Secretary 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

Arnold Schwarzenegger Governor

May 20, 2009

Mr. Scott Martin Kinder Morgan Liquid Terminals, LLC 1100 Town and Country Road Orange, CA 92608

GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. 90-148 FOR DISCHARGE AND ONSITE TREATMENT OF CONTAMINATED SOILS – KINDER MORGAN CARSON TERMINAL, 2000 E. SEPULVEDA BOULEVARD, CARSON (FILE NO. 90-60, CI-9509)

Dear Mr. Martin:

On February 25, 2009, Kinder Morgan Liquid Terminals, LLC (KMEP) filed a Report of Waste Discharge (ROWD) with this Regional Board for land treatment of less than 100,000 cubic yards of petroleum hydrocarbon contaminated soil excavated from the southwest corner of Kinder Morgan Carson Terminal located at 2000 E. Sepulveda Boulevard in Carson, California. KMEP also submitted the following supplemental reports:

- Soil Management Plan for Earthwork and Possible Biotreatment of Soil and Groundwater Monitoring Program dated April 13, 2009
- Groundwater Monitoring Program for Waste Discharge Requirement Permit for Southwest Corner dated April 13, 2009
- Revised Page 6, Exhibit C for Application for Waste Discharge Requirement Permit for Southwest Corner dated April 22, 2009
- Revised Additional Information for Waste Discharge Requirement Permit for Southwest Corner dated May 6, 2009

KMEP is currently conducting a groundwater cleanup program designed to remediate historical releases that have occurred at the terminal in accordance with Cleanup and Abatement Order 90-152 issued by this Regional Board. KMEP plans to construct six 80,000-barrel above-ground storage tanks (ASTs) at the southwest corner of the terminal. The current construction plan of the new ASTs anticipates soils contaminated with petroleum hydrocarbons during grading and excavation of shallow soils at the proposed construction area. KMEP proposes to reuse non-impacted soil and treated soil through onsite land treatment, or transport impacted soil to an appropriate disposal facility.

We have reviewed the ROWD and all information and data submitted with the ROWD and, based on that information, have determined that all conditions specified in the "GENERAL WASTE DISCHARGE REQUIREMENTS FOR LAND TREATMENT OF HYDROCARBON CONTAMINATED SOIL," Order No. 90-148, have been met.

California Environmental Protection Agency

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Enclosed are waste discharge requirements (WDRs) consisting of:

- General WDRs, Order No. 90-148, and Standard Provisions.
- Monitoring and Reporting Program CI Number 9509, herein made part of Order 90-148.

It should be noted that:

- These WDRs allow land treatment of a maximum of 100,000 cubic yards of petroleum hydrocarbon contaminated soil excavated at the southwest corner of the Carson Terminal to be completed within 365 days from the issuance date of these WDRs. A separate ROWD must be filed and approved in advance by this Regional Board if the volume of petroleum hydrocarbon contaminated soil which needs to be land treated from the project site exceeds 100,000 cubic yards. As stated in Provision A and Provision B.1 of these WDRs, you can only treat petroleum hydrocarbon contaminated soil; no other waste material including sludge and/or oily waste shall be imported for land treatment.
- The soil screening criteria presented in Table 1 of the April 13, 2009 Soil Management Plan report shall be used for on-site soil reuse:
 - Total Petroleum Hydrocarbons: Less than 1,000 milligrams per kilograms (mg/Kg) of total petroleum hydrocarbons (TPH) analyzed by EPA Methods 418.1 and 8015M.
 - Benzene, Toluene, Ethylbenzene, and Xylene: Levels based on Los Angeles Regional Water Quality Control Board Interim Site Assessment & Cleanup Guidebook dated May 1996 (20 feet to groundwater with sand lithology).
 - Volatile Organic Compounds/Semi-volatile organic compounds: Less than levels that cause to exceed their respective Maximum Contaminant Levels (MCL) for drinking water.
 - Metals: Lowest levels compared to September 2008 US EPA Screening Levels and the published background concentrations in California soils (from March 1996 Kearney Foundation of Soil Science and May 1996 State of California Department of Toxic Substances Control).
- Soil found to contain hazardous levels of contaminants including heavy metals pursuant to Title 22 of the California Code of Regulations must be segregated and handled separately. Soil excavated from any metal contaminated areas must not be placed in on-site land treatment units, but shall be treated or disposed of at a legally permitted facility.
- Verification soil sampling of the treated soil shall be conducted at the rate of one sample per 200 cubic yards to verify compliance with these WDRs.

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Mr. Scott Martin Kinder Morgan Liquid Terminals, LLC

• A Health and Safety Plan shall be submitted prior to conducting any field activities and must be available at the site during the soil excavation, backfill, and land treatment process.

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• All monitoring reports shall be sent to the Regional Board, <u>ATTN: Information</u> <u>Technology Unit.</u> When submitting monitoring or technical reports to the Regional Board per these requirements, please include a reference to Compliance File No. CI-9509, which will assure that the reports are directed to the appropriate file and staff. Do not combine other reports with your monitoring reports. Submit each type of report as a separate document.

We are sending a copy of Order No. 90-148 only to the applicant. A copy of the Order will be furnished to anyone who requests it.

If you have any questions, please contact Mr. Paul Cho at (213) 576-6721 or Dr. Kwangil Lee at (213) 576-6734.

Sincerely,

Executive Officer

Enclosures:

1. Board Order No. 90-148

2. Monitoring and Reporting Program No. CI-9509

3. Standard Provisions applicable to Waste Discharge Requirements (addressee only)

cc: Ken Murray, County of Los Angeles Department of Health Services John Nordenstam, TRC

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

MONITORING AND REPORTING PROGRAM NO. CI-9509 FOR LAND TREATMENT OF PETROLEUM HYDROCARBON CONTAMINATED SOIL KINDER MORGAN CARSON TERMINAL 2000 E. SEPULVEDA BOULEVARD, CARSON, CALIFORNIA

ORDER NO. 90-148 (Series No. 09) FILE NO. 90-60

Kinder Morgan Liquid Terminals, LLC, (hereinafter Discharger) shall implement this monitoring program on the effective date of this enrollment (May 20, 2009) under Regional Board Order No. 90-148. The first monitoring report under this Program is due by July 15, 2009.

Monitoring reports shall be received by the dates in the following schedule:

Reporting Period	Report Due
January – March	April 15
April – June	July 15
July – September	October 15
October – December	January 15

If there is no discharge or land treatment onsite, during any reporting period, the report shall so state. Monitoring reports must be addressed to the Regional Board, attention: <u>Information Technology Unit</u>. In addition, the quarterly progress report required in Section IV. Specific Reporting Requirements shall address the progress of land treatment and provide data and information on the location and concentrations of contamination identified during land treatment activities.

I. GROUNDWATER MONITORING PROGRAM

The Discharger shall implement a quarterly groundwater monitoring program at the site to assess that no new contaminants are introduced to the subsurface during the land treatment at the site (see Figure 4. Proposed Biotreatment Area). The groundwater monitoring program shall include three monitoring wells MW-1A, MW-6B and MW-62. Prior to construction of the land treatment unit (LTU), the Discharger shall assure those well locations as suitable and accessible locations for upgradient, downgradient and surrounding the LTU. If additional wells are needed, the Discharger shall submit a workplan including well construction method and precise locations to this Regional Board. The LTU construction and well installation shall take place after approval of the workplan by this Regional Board. At least, one groundwater monitoring event, utilizing the comprehensive monitoring well system, shall be conducted prior to commencing land treatment activities. Kinder Morgan Carson Terminal2Monitoring and Reporting Program No. CI-9509

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The following shall constitute the ground water monitoring program:

		Type of		
<u>Constituent</u>	<u>Units</u>	Sample	Frequency	
Water Elevation	Feet-relative		Quarterly	
t	o sea level to 0.01 of a foot			
pH	pH units	grab	Quarterly	
Total petroleum hydrocarbo	n μg/L (micrograms	per liter)	·	
(EPA Methods 418.1 and 8	6015, C ₄ -C ₄₀)			
Volatile Organic Compound	is (VOC) μg/L	grab	Quarterly	
and MTBE (EPA Method 8	3260B)	,	•	
Semi-Volatile Organics (SV	/OC) μg/L	grab	Quarterly	
(EPA Method 8270)				
CAM Metals ¹	mg/L (milligrams p	per liter)		
Total nitrogen, Nitrate ²	mg/L	grab	Quarterly	
Total Dissolved Solids	mg/L	grab	Quarterly	
1. If the soils to be land treated have detectable metals, the analysis is required (CAM:				

1. If the soils to be land-treated have detectable metals, the analysis is required. (CAM: California Assessment Manual)

2. If nutrient is added to land treatment, the analysis is required.

II. LAND TREATMENT UNIT SOIL MONITORING

A. A soil sampling grid shall be established for the LTU and the sampling locations shall be located where representative soil samples can be obtained. The Discharger shall conduct a baseline and regular sampling from the sampling locations with the required frequency, analyze the collected samples for the following parameters:

Parameter	Units	Frequency
Bacteria Plate Count	Colonies/gm	Monthly
Soil Moisture Content	%	Monthly
Total Petroleum Hydrocarbons	mg/kg	Monthly
(EPA Methods 418.1 and 8015, C ₄	-C ₄₀)	· _
CAM - Metals	mg/kg	Quarterly ² Quarterly ²
VOCs and SVOCs	µg/kg	Quarterly ²
(EPA Methods 8260B & 8270C)		

1. In the event that the land treatment is completed prior to the due date of the first monitoring report, then final verification samples shall be collected and analyzed in lieu of the sampling frequency approved by the Regional Board.

- 2. A representative number of final samples shall be taken of the treated soil at the end of treatment, just prior to removal of the treated soil from the LTU and its reuse. A minimum of one sample per 200 cubic yards of treated soil shall be collected and
- 3. analyzed for total petroleum hydrocarbons (TPH), California Assessment Manual (CAM) metals, VOCs, and SVOCs.
- B. Treated soil that exceed acceptable levels as determined by the Regional Board, shall be retreated and re-sampled to verify that concentrations of TPH and other contaminants are below their respective acceptable levels prior to removal and reuse and/or proper disposal.

III. GENERAL PROVISIONS FOR SAMPLING AND ANALYSIS

- A All sampling, sample preservation, and analysis, shall be performed in accordance with the latest editions of "Guidelines Establishing Test Procedure for Analysis of Pollutants," promulgated by the United States Environmental Protection Agency (U.S. EPA) and U.S. EPA SW-846 Methods (dated December 1996).
- B. All chemical, bacteriological, and bioassay analyses, shall be conducted at a laboratory certified for such analyses by the California Department of Health Services, or approved by the Executive Officer. No changes shall be made in sampling points without prior approval of the Executive Officer.
- C. Written and verbal notice must be made to the Regional Board a minimum of 72 hours in advance of the sampling event so that staff may participate, if they choose.
- D. The Discharger shall maintain all sampling and analytical results, including strip charts, date, exact location, and time of sampling, date analysis were performed, name of analyst, analytical techniques used, and results of all analysis. Such results shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board.

IV. SPECIFIC REPORTING REQUIREMENTS

- A. The Discharger shall submit the following technical reports:
 - 1. A "Quarterly Progress Report" shall be submitted to this Regional Board according to the due dates for monitoring report on Page 1 of this Monitoring and Reporting Program. The report shall address any excavation activity at the site, the status of the LTU construction and treatment, the nature and extent of soils

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screened for reuse, treatment and/or off-site disposal. In addition, the report shall include a total of the excavated soil volume, the volumes of material reused onsite, the volumes of material transported offsite including manifests, the volumes of clean imported fill soil and any associated certification or analytical data.

- 2. A "Land Treatment Completion Report" shall be submitted within 30 days of completion of the land treatment, demonstrating that the land treatment is complete. The report shall include all data verifying that cleanup levels have been met. A statement, signed by a responsible official of the Discharger, shall be included stating that the land treatment was completed in accordance with the requirements and provisions of Order No. 90-148.
- 3. A "Land Treatment Facility Closure Plan" shall be submitted to comply with the item C.9 of Order No. 90-148 within 30 days of completion of the land treatment. The plan shall include a technical workplan to demonstrate that the subsurface underlying the LTU has not been impacted by the LTU operation
- B. All technical reports submitted shall contain the following minimum information:
 - 1. A scaled map depicting the excavation site, the monitoring well locations, the LTU locations and the final disposition location of the soil reuse.
 - 2. Quantity of waste material treated at the LTU during the reporting period.
 - 3. Analytical results from any of the groundwater monitoring, as required, land treatment zone soil sampling, and soil monitoring in the excavated areas.
 - 4. Nature and quantity of nutrients added to the LTU during the report period.
 - 5. A statement certifying that storm water runoff was prevented from entering the land treatment area, other than rainfall directly on the land treatment units, and that no waste material was carried away from the land treatment area by rainfall runoff.
 - 6. Color photographs of the LTU area shall be taken monthly and be included in the quarterly and final reports.
- C. All technical reports prepared for submittal to the Regional Board shall be signed by one of the following: a California registered professional engineer, a registered geologist, or a certified specialty geologist.

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- D. For every item where the requirements are not met, the Discharger shall submit a statement of the actions undertaken or proposed, together with a timetable, to bring the discharge back into full compliance with the requirements at the earliest time.
- E. In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the data, the constituents, and the concentrations, are readily discernible. The data shall be summarized to determine compliance with waste discharge requirements, and where applicable, shall include receiving groundwater analytical data.

F. Monitoring reports submitted to the Regional Board shall be signed by:

- 1. In the case of a corporation, the principal executive officer of at least the level of Vice President or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;
- 2. In the case of a partnership, a general partner;
- 3. In the case of a sole proprietorship, the proprietor;
- 4. In the case of a municipal, state or public facility, either a principal executive officer, ranking elected official or other duly authorized employee.

G. Each report shall contain the following completed declaration:

"I certify under penalty of law that this document, including all attachments and supplemental information, was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment.

Executed on the _____day of ______at _____.

(Signature)

(Title)"

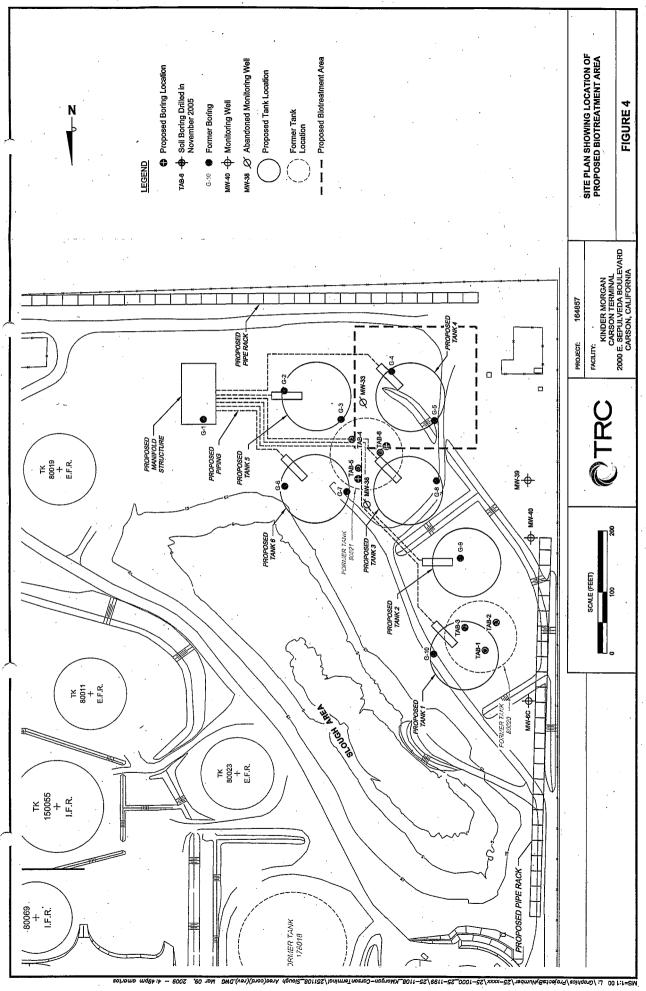
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All records and reports submitted in compliance with this Order are public documents and will be made available for inspection during business hours at the office of the California Regional Water Quality Control Board, Los Angeles Region, upon request by interested parties. Only proprietary information, and only at the request of the Discharger, will be treated as confidential.

Ordered by: Tracy J./Egoscue Executive Officer

Date: May 20, 2009



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. <u>GENERAL PROHIBITION</u>

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 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.

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

6. <u>REVISION</u>

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

7. <u>TERMINATION</u>

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. <u>VESTED RIGHTS</u>

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. <u>SEVERABILITY</u>

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

Waste Discharge Requirements

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 1327(a)]

12. <u>PETROLEUM RELEASES</u>

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]

Waste Discharge Requirements

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 Office 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" [40CFR Part 136] promulgated by the U.S. Environmental Protection Agency. [CCR Title 23, Section 2230]

Waste Discharge Requirements

15. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or to reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies, for example, when the primary source of power of the treatment facility fails, is reduced, or is lost. [CWC Section 13263(f)]

16. DISCHARGE TO NAVIGABLE WATERS

Any person discharging or proposing to discharge to navigable waters from a point source (except for discharge of dredged or fill material subject to Section 404 fo the Clean Water Act and discharge subject to a general NPDES permit) must file an NPDES permit application with the Regional Board. [CCR Title 2 Section 22357]

17. ENDANGERMENT TO HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Office within 24 hours:

- (a) Any bypass from any portion of the treatment facility.
- (b) Any discharge of treated or untreated wastewater resulting from sewer line breaks, obstruction, surcharge or any other circumstances.
- (c) Any treatment plan upset which causes the effluent limitation of this Order to be exceeded. [CWC Sections 13263 and 13267]

18. MAINTENANCE OF RECORDS

The discharger shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies off all reports required by this Order, and record of all data used

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to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurement;
- (b) The individual(s) who performed the sampling or measurement;
- (c) The date(s) analyses were performed;
- (d) The individual(s) who performed the analyses;
- (e) The analytical techniques or method used; and
- (f) The results of such analyses.
- 19. (a) All application reports or information to be submitted to the Executive Office shall be signed and certified as follows:
 - (1) For a corporation by a principal executive officer or at least the level of vice president.
 - (2) For a partnership or sole proprietorship by a general partner or the proprietor, respectively.
 - (3) For a municipality, state, federal, or other public agency by either a principal executive officer or ranking elected official.
 - (b) A duly authorized representative of a person designated in paragraph (a) of this provision may sign documents if:
 - (1) The authorization is made in writing by a person described in paragraph(a) of this provision.
 - (2) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity; and
 - (3) The written authorization is submitted to the Executive Officer.

Any person signing a document under this Section shall make the following certification:

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"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. [CWC Sections 13263, 13267, and 13268]"

20. OPERATOR CERTIFICATION

Supervisors and operators of municipal wastewater treatment plants and privately owned facilities regulated by the PUC, used in the treatment or reclamation of sewage and industrial waste shall possess a certificate of appropriate grade in accordance with Title 23, California Code of Regulations Section 3680. State Boards may accept experience in lieu of qualification training. In lieu of a properly certified wastewater treatment plant operator, the State Board may approve use of a water treatment plan operator of appropriate grade certified by the State Department of Health Services where reclamation is involved.

Each plan shall be operated and maintained in accordance with the operation and maintenance manual prepared by the municipality through the Clean Water Grant Program [CWC Title 23, Section 2233(d)]

ADDITIONAL PROVISIONS APPLICABLE TO PUBLICLY OWNED TREATEMENT WORKS' ADEQUATE CAPACITY

21. Whenever a publicly owned wastewater treatment plant will reach capacity within four years the discharger shall notify the Regional Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies and the press. The discharger must demonstrate that adequate steps are being taken to address the capacity problem. The discharger shall submit a technical report to the Regional Board showing flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Board, or within 120 days after receipt of notification from the Regional Board, of a finding that the treatment plant will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Board itself. [CCR Title 23, Section 2232]

State of California CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LOS ANGELES REGION

ORDER NO. <u>90-148</u>

GENERAL WASTE DISCHARGE REQUIREMENTS FOR LAND TREATMENT OF PETROLEUM HYDROCARBON CONTAMINATED SOIL IN LOS ANGELES AND SANTA CLARA RIVER BASINS (FILE NO. 90-60)

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

- 1. Soils contaminated with high concentrations of petroleum hydrocarbon, where identified and left unmitigated, are considered to be a discharge of waste that could affect the quality of the waters of the State, as defined in Section 13260 of the California Water Code.
- 2. Land treatment of these soils is proving to be an efficient and economical means of mitigating the effects of such hydrocarbon contamination. The threat to waters of the State is thereby eliminated or reduced to non-significant levels of contamination and the soil rendered suitable for reclamation and reuse. Such land treatment operations involve the discharge to land of petroleum hydrocarbon contaminated soil.
- 3. Section 2532(b)(5) of Chapter 15, Division 3, Title 23 of the California Code of Regulations, requires that Regional Boards shall specify in Waste Discharge Requirements, the elements of land treatment programs by dischargers who treat or dispose of wastes in land treatment waste management units.
- 4. Each month this Board receives a large number of Reports of Waste Discharge for the land treatment of hydrocarbon contaminated soils. Such requests far exceed the capacity of staff to review and bring to the Board for adoption, individual waste discharge requirements. These circumstances create the need for an expedited system for processing the numerous requests.

Revised October 22, 1990

- 5. The adoption of general waste discharge requirements simplify the would 1) application process for dischargers, 2) free up staff for higher priority work, and 3) reduce Board time involved by enabling the Executive Officer to notify the discharger, in appropriate cases, of the applicability of the general requirements adopted by the Regional Board. The vast majority of these discharges is characterized by low volume, short term discharges to land primarily for the purpose of allowing reuse of the soil during site cleanup and development.
- 6. These general waste discharge requirements for land treatment of up to 100,000 cubic yards of petroleum hydrocarbon contaminated soil for durations not exceeding 365 days under the direction of the Executive Officer, would benefit the public, staff and the Board through a streamlined process without loss of significant regulatory oversight.
- 7. The Board adopted revised Water Quality Control Plans for Santa Clara River Basin and Los Angeles River Basin on April 27, 1978 and November 27, 1978, respectively. These Water Quality Control Plans contain water quality objectives for ground water for all Hydrologic Subareas within the Region. The requirements contained in this Order, as they are met, will be in conformance with the goals of these Water Quality Control Plans.
- 8. All ground waters in both the Los Angeles and Santa Clara River Basins have beneficial uses which include municipal and domestic supply, agricultural supply, industrial process supply, and groundwater recharge.
- 9. The waste discharge requirements contained in this order would regulate such land treatment programs in accordance with Title 23, Division 3, Chapter 15, of the California Code of Regulations.
- 10. The issuance of Waste Discharge Requirements for the discharges subject to these general requirements is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code pursuant to one or more of the following provisions: (1) The lead agency has prepared a negative declaration

> based on findings pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15070 which show that there will be no significant impact on water quality; or (3) The project would effect a minor alteration to the condition of land, and is exempt in accordance with Title 14, Chapter 3, Section 15304 of the California Code of Regulation.

- 11. This land treatment operation is a one time, short term process, and is not anticipated to require in excess of 365 days to complete at which time these requirements will expire.
- 12. These general waste discharge requirements are not intended to alter any existing working arrangements relating to cleanup cases with local governmental agencies.

The Board has notified the interested agencies and persons of its intent to adopt general waste discharge requirements for land treatment projects and has provided them with an opportunity to submit their written views and recommendations.

The Board in a public meeting heard and considered all comments pertaining to the tentative requirements.

IT IS HEREBY ORDERED THAT:

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A. This Order shall serve as General Waste Discharge Requirements for the temporary discharge of petroleum hydrocarbon contaminated soil to an on-site land treatment facility for land treatment processing of the soil. Upon receipt of a Report of Waste Discharge describing such a discharge, the Executive Officer shall determine if such discharge 1) involves 100,000 cubic yards or less of contaminated soil to be land treated, 2) involves a process that will bioremediate the contaminated soil to acceptable levels as determined by the Executive Officer, but not exceeding 1000 ppm, 3) will be completed within 365 days, and 4) is covered by adequate site assessment which characterizes the nature and extent of the soil contamination including sufficient water quality data, collected under the direction of an appropriate regulatory

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> agency, to determine the impact on ground water resulting from such soil contamination. In the event the Executive Officer so finds, he shall notify the applicant (hereinafter called the Discharger) in writing that the proposed land treatment operation is subject to this Order.

> Notwithstanding the provisions of the above paragraph, appropriate cases may be brought to the Board for adoption of individual requirements when the Executive Officer deems it desirable or necessary to do so.

- B. The operation of any temporary land treatment facility shall be in conformance with Title 23, Division 3, Chapter 15, of the California Code of Regulations, "Discharge of Waste To Land", including but not limited to Sections 2510; 2532(b-5); 2549; 2550; 2580; 2584; 2590 and the following special provisions:
 - 1. Wastes discharged on-site for biodegradation by a land treatment process shall be limited to hydrocarbon contaminated soil found on site. No other waste material shall be imported for land treatment on-site. The land treatment process, which includes water, nutrients and bacterial addition to soil along with soil aeration in the treatment zone, shall be conducted in such a way that no contaminants are added to surface water or ground waters.
 - 2. For any proposed development on-site during the land treatment, closure and post-closure period, as defined in Title 23, Division 3, Chapter 15 of the California Code of Regulations, the discharger shall submit to this Board, written notification of such development.
 - 3. During the land treatment operations, surface runoff from the drainage area tributary to this site shall be prevented from passing over or percolating through the treatment zone. Adequate facilities shall be provided to divert all surface runoff from storms away from the treatment area.
 - 4. The treatment zone shall be bermed in such a way that storm water falling directly on the treatment zone will be contained. Standing water within the contained treatment zone shall be pumped down immediately and

> removed to treatment facilities on site or disposed of at a legal disposal site. For the purpose of this requirement, a legal point of disposal is defined as one for which waste discharge requirements have been established by a California Regional Water Quality Control Board, and which is in full compliance therewith.

- 5. No condition of pollution or nuisance shall be caused by the handling, treatment or reuse of the wastes or from any excavation operation conducted in association with this land treatment operation.
- 6. Odors from the handling, treatment or reuse of these wastes shall not be perceivable beyond the limits of the property owned or controlled by the discharger. The discharger shall demonstrate, to the satisfaction of the Executive Officer, a positive method for odor control, prior to beginning a full-scale land treatment operation.
- 7. All required state and local health department permits and/or variances and air quality permits and/or variances shall be obtained by the discharger prior to commencing the land treatment operation.
- 8. During full-scale operation of the land treatment operation, a sampling and analysis program shall be implemented, in accordance with a Monitoring and Reporting program prescribed by the Executive Officer, to verify that complete degradation and transformation of the petroleum hydrocarbon is occurring to levels approved by the Executive Officer. Reporting of this data shall comply with the Monitoring and Reporting Section of this Order.
- 9. Maximum land treatment zone thickness shall not exceed 18 inches or the maximum depth of penetration of the aeration equipment, whichever is less, except with prior written approval of the Executive Officer.
- C. The following General Provisions Shall Apply:
 - 1. A copy of these requirements shall be maintained at the discharge facility and be available at all times to operating personnel.

- 2. In the event of any change in name, ownership, or control of these land treatment facilities, the discharger shall notify this Board in writing and shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Board.
- 3. 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 or negligence,
 - (c) Other causes such as acts of nature,
 - (d) Facility operations,

The discharger must notify this Board by telephone within 24 hours of the incident and confirm it in writing within one week of the telephone notification.

- 4. In accordance with Section 13260 of the California Water Code, the discharger shall file a report with this Regional Board of any material change or proposed change in the character, location or volume of the discharge.
- 5. In accordance with Section 13267 of the California Water Code, 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.
- 6. Wastes discharged or reclaimed for reuse as soil backfill shall not contain any substance in concentrations toxic to human, animal, plant, or aquatic life.
- 7. Any off-site disposal of wastes shall be to a legal point of disposal and in accordance with the provisions of Division 7.5 of the Water Code. A legal point of disposal is defined in item A4 above.

- 8. The Regional Board and other authorized representative shall be allowed:
 - (a) Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;
 - (b) Access to copy any records that are kept under the conditions of this Order;
 - (c) To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - (d) To photograph, sample, and monitor for the purpose of assuring compliance with this Order, or as otherwise authorized by the California Water Code.
- 9. Following completion of the land treatment program on site, the discharger shall, implement a land treatment facility closure plan, which complies with the requirements of Article 8, Chapter 15, Division 3, Title 23, of the California Code of Regulations. As a minimum the plan shall include but not be limited to the following:
 - (a) continue all operations necessary to maximize degradation of waste constituents within the treatment zone,
 - (b) continue all ground water and unsaturated zone monitoring,
 - (c) continue all operations in the treatment zone to prevent runoff from the site containing waste constituents, and
 - (d) maintain the precipitation and drainage control systems.

- 10. In accordance with Section 13263 of the Water Code, these waste discharge requirements are subject to periodic review and revision by this Regional Board.
- 11. These requirements do not exempt the discharger from compliance with any other laws, regulations, or ordinances which may be applicable, they do not legalize these land treatment and disposal facilities and they leave unaffected any further restraints on those facilities which may be contained in other statues or required by other regulatory agencies.
- 12. An appropriate Health and Safety Plan for all assessment and mitigation activities at the site shall be filed with this Board prior to commencing any land treatment activities.
- E. The attached Monitoring and Reporting Program is made a requirement of the order.
- F. The Waste Discharge Requirements regulating a specific short term land treatment expire 365 days after the Executive Officer has determined the applicability of this Order to the specific project.

I, Robert P. Ghirelli, Executive Officer, do hereby 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 October 22, 1990.

ROBERT P. GHIRELLI, D.Env. Executive Officer