

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2005-0032
WDID NO. 1B84064OSON

CLOSURE
WASTE DISCHARGE REQUIREMENTS

FOR

TYRIS CORPORATION
AND
LOUISIANA PACIFIC CORPORATION

(FORMER) LP-CLOVERDALE
WOODWASTE DISPOSAL SITE

CLASS III LANDFILL

SONOMA COUNTY

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

1. On April 5, 2005, Tyris Corporation – Spight Properties submitted a Report of Waste Discharge to address the removal and clean closure of the Louisiana Pacific Woodwaste Disposal Site (WWDS) located at 100 Kelly Road in southeastern Cloverdale (Site). The ROWD further includes a proposal to sort, characterize and reclaim organic materials for re-use on site in accordance with grading and filling plans. The landfill has not been closed and the greater property has been slated for future development as a mixed-use resort, golf course, shopping center and housing development. Supplemental information to the filing of the application was submitted on June 2, 9, and 10, 2005.
2. The landfill units were originally constructed by Masonite Corporation - Western Lumber Division in 1976, under WDRs Order No. 76-184. The property and onsite sawmill operations were subsequently sold to Louisiana Pacific prior to August 1984 and the Regional Water Board issued amended WDRs in Order No. 84-64 to reflect the change in ownership. LP continued to operate the site and landfills from 1984 until the sawmill closure in 1994 when landfill operations ceased. The landfill units have not undergone formal cap construction and closure. WDR Order Nos. 76-184 and 84-64 remain in effect and require the proper closure of the woodwaste landfill units, in accordance with regulations.
3. Tyris Corporation- Spight LLC (Tyris) and Louisiana Pacific Corporation (LP) are hereinafter collectively referred to as the “Discharger” for the purposes of this Order. Tyris has submitted the required Final Closure Plans developed by PES

Environmental for this landfill, and as the current owner Tyris is taking the lead role in ensuring that this facility is adequately closed in accordance with the solid waste closure and financial assurance requirements of Title 27, California Code of Regulations (CCR) and the terms of this Order. LP is not currently an owner or operator on this Site and, as such, LP will be responsible for compliance with the terms of this order only if the Board or the Executive Officer finds that Tyris has failed to comply with its requirements.

4. The former LP Woodwaste Disposal Site is comprised of two Waste Management units (WMUs) known as the Eastern Waste Unit and Western Waste Unit as shown on **Attachment "A"** which is incorporated herein and made part of this Order. Both landfills have been intermediate-cover closed and inactive over the last 10 years following closure of the LP Sawmill and sale of the property to developers. The landfills are within the greater 250 acres comprising the former LP Cloverdale Sawmill parcels which are adjacent to the Russian River and accessed just off of Highway 101 on Santana Road and Kelly Road in Cloverdale.
5. Valley Construction and Development Company purchased the abandoned greater sawmill property in June 2000 from LP with plans to develop the site. No development plans were implemented and Valley Construction Company subsequently sold the property to Tyris Corporation for future development plans.
6. The greater sawmill parcel is also undergoing an unrelated groundwater remediation project associated with former Masonite Wood Treatment Facility's ponds and chemical releases to groundwater, under WDR Order No. R1-2003-043 (see Attachment A). Although in close proximity to the landfill units, the Masonite groundwater remediation project is unrelated and is being conducted by International Paper, successor to Masonite Corporation. As defined in these WDRs, the proposed Tyris landfill clean closure project should not impact the adjacent groundwater remediation project.
7. The LP WWDS is located within Sonoma County on the following Assessor Parcel No's: APN 117-050-015, 117-050-016, 117-050-018 and 117-050-019.
8. The Site has two intermediate covered Waste Management Units, the Eastern Waste Unit and the Western Waste Unit. The Site Plan showing the location of the waste footprint for both units, monitoring wells, surface water sampling stations, and receiving water, the Russian River, is incorporated herein and made part of this Order as **Attachment "B"**.
9. Waste Discharge Requirements (WDR) Order No. 76-184, adopted by the Regional Water Board on August 26, 1976, designated the Site as a Class II-2 landfill. The landfill classification system was later modified and Class II-2 landfills became Class III landfills under the revised nomenclature. The discharge is presently governed by WDR Order No. 76-184 and is amended by Order 84-64.
10. The Site is an unlined Class III landfill, as defined in the updated Title 27, California Code of Regulations (CCR), however Order No. 76-184 indicates a compacted clay soil component was to be constructed on the base grade of the landfill units prior to waste placement. The wastes contained in the landfill are

wood fines, sawdust, bark, roots, branches, soil and rock. All wastes came from Louisiana Pacific Corporation and Masonite activities. The Site began operating in 1975 and ceased accepting waste in ~1995.

11. Effective July 18, 1997, the Water Quality Regulations for Class II and Class III disposal facilities formerly contained in Chapter 15, Title 23 California Code of Regulations (CCR), and the Solid Waste Regulations formerly in Title 14 CCR, were re-codified into Chapters 1 through 7, Subdivision 1, Division 2, Title 27 CCR. Chapter 15 is therefore no longer applicable to this facility.
12. A maximum of approximately 600,000 cubic yards of sawmill-derived wastes are estimated to be contained within the two WMUs, up to approximately 150,000 cubic yards in the Eastern Waste Unit and up to approximately 450,00 cubic yards in the Western Unit.
13. Post closure land use for the Site is proposed as resort development and residential.

SITE DESCRIPTION

14. The total area of the Former LP Cloverdale Sawmill site is 254 acres with the two WMUs footprints comprising approximately 22 acres of this Site. The proposed project will involve a total of approximately 60 acres of the site as it will involve both borrow pit hillside excavation and cut and fill areas within the old logdeck areas. The base elevation is 360 feet Mean Sea Level (MSL) and the highest landfill elevation is 460 (MSL).
15. Land use within one mile of the former LP WWDS is a mixture of light industrial, agricultural, and residential. The eastern property boundary is a levee system for the Russian River. The Cloverdale Airport, vineyards, and residences border the site to the south, and light industrial uses are located to the north. Highway 101 and Asti Road parallel the western border of the property. The property is also bisected by the Northwestern Pacific Railroad in a north-south direction.

SURFACE WATER

16. The Site is within the Russian River Hydrologic Unit. The Russian River is the main watercourse in Sonoma County, and discharges into the Pacific Ocean at Jenner.
17. Pursuant to the Water Quality Control Plan for the North Coast Region (Basin Plan), including State Water Resources Control Board (State Water Board) Resolution No. 88-63, the existing and potential beneficial uses of the Russian River Plain Hydrologic Unit are:
 - a. Municipal and Domestic Supply (MUN)
 - b. Agricultural Supply (AGR)
 - c. Industrial Service Supply (IND)
 - d. Industrial Process Supply (PROC)
 - e. Groundwater Recharge (GWR)

- f. Navigation (NAV)
 - g. Hydropower Generation (POW)
 - h. Water Contact Recreation (REC-1)
 - i. Non-contact Water Recreation (REC-2)
 - j. Commercial and Sport Fishing (COMM)
 - k. Warm freshwater Habitat (WARM)
 - l. Cold Freshwater Habitat (COLD)
 - m. Wildlife habitat (WILD)
 - n. Migration of Aquatic Organisms (MIGR)
 - o. Spawning, Reproduction, and/or Early Development (SPWN)
 - p. Estuarine Habitat (EST)
 - q. Aquaculture (AQUA)
18. The Site is protected from the 100-year floodplain by the levee system constructed along the Russian River in southeastern Cloverdale.

STORM WATER

19. This Order does not replace the need for a National Pollutant Discharge Elimination System (NPDES) storm water permit, as required by provisions of the Clean Water Act. Tyris has obtained stormwater permitting coverage under the State Water Resources Control Board's permits for General Construction Activities (WDID Nos.: 1-49C332948) and General Industrial Activities (WDID No 1-49I018334).
20. The WMUs are configured to direct storm water off of the units. Surface drainage swales and features are directed towards the former log deck area runoff control ditches which discharge toward the southern property line. Surface water sampling stations are located on **Attachment B**.
21. The average annual rainfall for the area is 44.3 inches with the rainy season being from October through May. The highest average precipitation is 9.7 inches in January and the lowest average precipitation is 0.05 inches in July.

SITE GEOLOGY

22. There are no known Holocene faults at the LP Cloverdale WWDS. The Site is not within an Alquist-Priolo Special Studies Zone.
23. The nearest potentially active fault is the Chianti segment of the Maacama fault which is approximately 2.4 miles east of the site. The area is seismically active lying between the Maacama fault zone and the Healdsburg-Rogers Creek Fault Zone. The Maximum Probable Earthquake (MPE) event for the Maacama Fault Zone is of magnitude 6.2.
24. Once the landfill mass is removed, seismic concerns for the landfill waste mass stability are moot. Interim slope stability remains a concern as the Site is mined and reclaimed. Grading and removal plans will address interim slope stability concerns for the Site.

GROUNDWATER

25. The major water producing formation in the area is the alluvial deposit along the Russian River. The coarse grained unconsolidated alluvial materials are characterized by high porosity and permeability.
26. Surface springs have been documented onsite and within one mile of the Site.
27. The surrounding area relies upon groundwater resources water provided by pumping wells onsite.
28. In 1989 Louisiana Pacific Corporation submitted a Solid Waste Assessment Test (SWAT) report describing a groundwater monitoring network installed at the landfill. Four wells, MW-2 through MW-5, were installed in the first water bearing zone at the perimeter of the landfill. Groundwater depths range from 13 to 40 feet below ground surface.
29. Based on the expected groundwater movement, well MW-2 is located upgradient of the landfill. Wells MW-3, MW-4 and MW- 5 are generally cross and downgradient of site, with groundwater gradient following the topography.
30. The 1989 SWAT Report and ongoing groundwater monitoring, including the first quarter 2005 Monitoring Report by PES Environmental, Inc. indicate that monitoring wells MW-2 and MW-3 have a confirmed measurably significant release of woodwaste leachate analytes to groundwater.
31. Corrective action proposed for the Site is complete source removal of the WMUs and continued groundwater and surface water monitoring to evaluate the effectiveness of remedial work, removal action and corrective action progress.
32. There are several domestic and water supply wells located towards the southern site boundary actively used as sole source water supply.
33. Beneficial uses of areal groundwaters include:
 - a. domestic water supply
 - b. agricultural water supply
 - c. industrial service supply
 - d. industrial process supply

CLOSURE CONSTRUCTION AND FINANCIAL ASSURANCES

34. The principal method of the clean closure is to recycle the recovered woodwaste material by blending the processed materials with on-site soils using a blending ratio of 1:1 and subsequently using a blending mix of material on site for use as soil amendment, mulch or landscaping materials. A portion of the processed wood waste materials may be distributed to outside markets.

35. Three borrow sources for blending soils have been identified for the project: 1) Approximately 390,000 cubic yards of materials will be excavated from the eastern portion of the Site, 2) Approximately 70,000 cubic yards of materials of borrow soils will be excavated from a previously graded plateau in the northwestern portion of the site, and 3) Approximately 140,000 cubic yards of materials will be imported from offsite.
36. The combined 1:1 mixture of soil and woodwaste to be placed as compacted fill within the former sawmill logdeck area is anticipated to comprise approximately 1,200,000 cubic yards.
37. Sonoma County Permit and Resource Management Department issued a Grading Permit for earth moving and placement of fill at this Site on March 24, 2005.
38. Based on pilot studies for processing and reclaiming the landfilled materials, it is anticipated that closure and removal of the WMUs may be completed within 2 or 3 construction seasons.
39. Field sampling and analysis plans will be conducted to characterize the woodwaste and to screen for potential unsuitable contaminants. A field-testing program including sample collection and laboratory analyses will be conducted on the woodwaste prior to its land application as soil amendment.
40. The Site is subject to the closure requirements of Subchapter 5, Chapter 3, Title 27 CCR.
41. Section 20950(f), Title 27 CCR, requires that the Discharger establish a formal financial mechanism to fund Site Closure and Known or Reasonably Foreseeable Releases from the facility.
42. In the event the facility is not completely removed, Section 22212, Title 27 CCR, requires the Discharger to establish a formal financial mechanism to fund the Site Post Closure Maintenance Fund.
43. The Discharger is required to update approved cost estimates annually to account for inflation, per Section 22221(a)(2) and 22236, Title 27 CCR.
44. *Construction Quality Assurances Documentation* is required in accordance with Title 27, CCR, to provide oversight of the remediation of the WMUs. Daily engineering logs of waste removal progress for woodwaste and leachate, site screening, analytical sampling, and blending and mixing of borrow soils are to be completed and are required for submittal with the Final Closure Report.
45. The interim cap surface is sloped to promote drainage away from the waste footprint. Slopes are no steeper than three to one nor flatter than three percent. The drainage ditches and contours were constructed to drain surface water away from the landfill surface. Erosion control consisted of seeding disturbed areas.

PROCEDURAL REQUIREMENTS AND OTHER CONSIDERATIONS

46. The Sonoma County Permitting and Resource Department approved a Mitigated Negative Declaration for Project on March 24, 2005 to satisfy the requirements of CEQA. The Regional Water Board, acting as a responsible agency under CEQA, has considered this negative declaration and mitigation pursuant to Title 14, California Code of Regulations, Section 15096.
47. Mitigation requirements were included in the project analyzed by the Mitigated Negative Declaration described in finding above. A summary list of required water quality and non-water quality related mitigations are included as **Attachment C** to this Order.
48. The Regional Water Board finds that all potentially significant adverse environmental impacts of this project have been identified, analyzed and mitigated to below a level of significance.
49. The Regional Water Board Water Quality Control Plan for the North Coast Region includes water quality objectives and receiving water limitations.
50. This order implements:
 - a. *The Water Quality Control Plan for the North Coast Region (Basin Plan)*; and
 - b. The prescriptive standards and performance goals of Chapters 1 through 6, Subdivision 1, Division 2, Title 27, of the CCR, effective July 18, 1997, and subsequent revisions
51. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit written comments and recommendations.
52. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
53. The permitted discharge is consistent with the provisions of State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. Implementation of the provisions and prohibitions contained in this order will prevent measurably significant degradation of waters of the State.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Orders No. 76-184 and 84-64 are rescinded. It is further ordered that the Discharger, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not disclosed by the Discharger and of any waste disclosed by the Discharger but not reasonably anticipated to occur is prohibited.
2. The discharge of solid and liquid wastes at this landfill is prohibited. Water may be discharged in amounts reasonably necessary for dust control, compaction, and the establishment and maintenance of vegetation.
3. The Discharger shall not cause the concentration of any Constituents of Concern (COC) to exceed its respective concentration limit in any monitored medium. The concentration limit for each monitoring parameter shall be set at the background concentration. Data analysis shall be performed in accordance with the approved Monitoring and Reporting Program.
4. The discharge of “hazardous wastes” and “designated wastes” at this facility as defined in Title 27 CCR is prohibited. The discharge of leachate from the landfill is prohibited. For the purposes of this Order, the terms “hazardous wastes” and “designated wastes” are as defined in Title 27 CCR.
5. The discharge of waste, including leachate, solid, or waste derived gas to surface waters, surface water drainage systems, or groundwater is prohibited.
6. The discharge of waste to surface waters or within 50 feet of surface waters is prohibited.
7. The discharge of wastes into ponded water from any source is prohibited.
8. Ponding of liquids, including rainfall runoff and leachate, over solid waste disposal cells is prohibited.
9. The discharge of any waste in any manner not specifically described or quantified in the findings and regulated by this Order is prohibited.
10. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the CWC, is prohibited.

B. DISCHARGE SPECIFICATIONS

1. Any leachate generated and collected at the Site shall be fully characterized, contained and managed in accordance with the ROWD and approved amendments, “Addendum No.1, Leachate Management Plan, Report of Waste Discharge,” dated June 10, 2005, and prepared by PES Environmental, Inc. The

Leachate Collection and Removal System Detail are included as an attachment to this Order as **Plate 1**.

2. All stockpiled woodwaste and processed material waste piles shall be managed to prevent surface and groundwater discharge violations.
3. The discharge of wastes shall not cause water quality degradation by allowing a statistically or non-statistically significant increase over background or baseline concentrations, as determined in accordance with the Monitoring and Reporting Program.
4. Surface drainage from tributary areas or internal site drainage from surface or subsurface sources shall not contact or percolate through wastes discharged at the Site.
5. During the landfill reclamation project, precipitation and control systems for storm water shall be designed and constructed to limit, to the greatest extent possible, ponding, inundation, erosion, slope failure, washout and overtopping from precipitation conditions of a 100-year, 24-hour storm event.
6. Prior to the anticipated rainy season, but no later than **October 1, Annually**, any necessary erosion control measures shall be implemented, and any necessary construction, maintenance, or repairs of precipitation and drainage control facilities shall be completed to prevent erosion or flooding of the facility and to prevent surface drainage from contacting or percolating through wastes. By **October 1, Annually**, the Discharger shall submit a report to the Executive Officer describing measures taken to comply with this specification.

C. CLOSURE AND REMEDIATION SPECIFICATIONS

1. The reclamation project as proposed will involve complete removal of the material in both the Eastern and Western WMUs and incorporation of the re-useable materials onsite into grading and filling plans over a 2-3 year construction period. In the event that the clean closure is not successful, the Discharger must develop traditional Construction Closure Plans (for a landfill cap), Post-Closure Maintenance Plan, and Financial Assurance Demonstrations (for closure, post-closure, and corrective action) in accordance with Title 27, CCR.
2. The **February 15, Annual Report** shall summarize progress (by percentage) of waste removed and expected construction sequencing for the next season to complete the project in accordance with the Dischargers approved schedule.
3. Waste Management Unit (WMU) containment structures shall be maintained during the reclamation project to prevent, to the greatest extent possible, ponding,

infiltration, inundation, erosion, slope failure, washout, and overtopping under 100-year, 24-hour precipitation conditions.

4. All WMU Closure activities shall be conducted under the direct supervision of a California registered professional civil engineer, or a certified engineering geologist, and shall be certified by that individual as meeting the prescriptive standards Title 27 CCR.
5. Interim closed landfill units shall be graded to at least a three-percent grade and maintained to prevent ponding and infiltration.
6. Vegetation shall be established immediately upon completion of the final grading activities.
7. The reclamation project Quality Assurance and Closure Report shall be submitted to the Regional Water Board within 90 days of completing the closure of the site.

D. PROVISIONS

1. A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel. Key operating personnel shall be familiar with its contents.
2. The Discharger shall comply with these WDRs and the attached Monitoring and Reporting Program, incorporated herein by this reference. This program requires preparation and submittal of technical and monitoring reports pursuant to CWC Section 13267(b). A violation of the Monitoring and Reporting Program is a violation of these waste discharge requirements.
3. The Discharger shall comply with the attached General Monitoring and Reporting Provisions, which are hereby incorporated into this Order. A violation of any of the standard provisions and reporting requirements is a violation of these waste discharge requirements.
4. The Discharger may file a written request, including appropriate supporting documents, with the Executive Officer proposing modifications to Monitoring and Reporting Program. The Discharger shall implement any changes in the revised Monitoring and Reporting Program upon receipt of a signed copy of the revised Monitoring and Reporting Program.
5. The Discharger shall comply with all applicable provisions of Title 27 not specifically referred to in this Order.
6. By **October 1st Annually**, any necessary erosion control measures shall be implemented and any necessary construction, maintenance, or repairs of drainage

control facilities shall be completed to minimize erosion and prevent flooding at the Site. All disturbed areas shall be provided with interim cover and seeded with an appropriate vegetation mixture to minimize sedimentation. Any plans for wet weather operations shall be submitted for Regional Board staff approval. Rainfall runoff from disturbed areas shall be channeled through sedimentation basins or other appropriate structures to minimize sedimentation in surface drainage courses downgradient of the Site. Sedimentation basins and other appropriate structures shall be cleaned out during the rainy season as necessary to maintain adequate sedimentation capacity.

7. Prior to any construction, the Discharger shall obtain any and all permits required under federal, state, or local laws.
8. The Discharger shall provide proof to the Board within sixty days after completing final closure that the deed to the landfill facility property, or some other instrument that is normally examined during title search, has been modified to include, in perpetuity, a notation to any potential purchaser of the property stating that:
 - a. the parcel has been used as a solid waste landfill; and
 - b. in the event that the Discharger defaults on carrying out either the post-closure maintenance plan or any corrective action needed to address a release, then the responsibility for carrying out such work falls to the property owner.
9. The Discharger shall obtain and maintain adequate assurances of financial responsibility for closure and corrective action for all known and reasonably foreseeable releases from a WMU at the facility, in accordance with all applicable Sections of Title 27 CCR.
10. The Discharger is required to update approved cost estimates annually to account for inflation, in accordance with Section 22236, Title 27 CCR.
11. The Discharger shall by **February 1st, within the Annual Report**, submit the following:
 - a. Evidence that adequate financial assurance for the Site are in effect.
 - b. Adjustment to update approved cost estimates annually to account for inflation.
 - c. A statement that the amount of adequate financial assurance remains adequate or show the amounts of increase or decrease as necessary.
 - d. A statement that the all closure, post closure maintenance plans and release funds are still adequate and in conformance with the existing regulations.
12. In the event that the Regional Water Board determines that the Discharger has failed to pay or is failing to perform corrective action as required by law, the Regional Water

Board may direct the Discharger to pay such amounts as are necessary to ensure sufficient corrective action. The Discharger shall be obligated to use such funds for corrective action, in accordance with the directive of the Regional Water Board.

13. The Discharger shall continue to monitor groundwater throughout the post-closure maintenance period per Monitoring and Reporting Program. Monitoring shall continue until the Regional Water Board determines that the Site no longer threatens water quality.
14. The Discharger or persons employed by the Discharger shall comply with all notice and reporting requirements of the State Department of Water Resources with regard to the construction, alteration, destruction, or abandonment of all monitoring wells used for compliance with this Order or with the Monitoring and Reporting Program, as required by Sections 13750 through 13755 of the CWC.
15. If the Discharger determines that there is measurably significant evidence of a release from the WMUs, as defined in Section 20164, Title 27 CCR, the Discharger:
 - a. shall immediately notify the Regional Water Board verbally and take all necessary corrective actions. Written notification by certified mail shall be provided within 7 days of occurrence. [Section 20420(j)(1), Title 27 CCR]
 - b. can immediately initiate the verification procedure pre-approved by the Regional Water Board to verify the release. [Section 20420(j)(2), Title 27 CCR]
16. Immediately following detection of a release, or after completion of the retest, the Discharger:
 - a. Shall immediately sample all Monitoring Points in the affected medium at the WMUs and determine the concentration of all COCs. [Section 20420(k)(1), Title 27 CCR]
 - b. Within 90 days of determining measurably significant evidence of release, submit an amended ROWD to establish an evaluation monitoring program, in accordance with Section 20420(k)(5), Title 27 CCR.
 - c. Within 180 days of verifying measurably significant evidence of a release from a WMU, submit an engineering feasibility study for a corrective action program. The corrective action program shall, at a minimum, meet the requirements of Section 20430, Title 27 CCR. [Section 20420(k)(6), Title 27 CCR]
17. The Regional Water Board may make an independent finding that there is measurably significant evidence of a release. The Regional Water Board shall send written notification of such a determination to the Discharger by certified mail, return receipt requested. The Discharger shall comply with all provisions of Section 20420, Title 27

CCR and Provisions in this Order that are required in response to measurably significant evidence of a release.

18. The Discharger shall report to the Regional Water Board by certified mail the results of both the initial statistical test and the results of the verification procedure, as well as all analytical data from samples collected for use in these tests within seven days of the last laboratory analysis of the samples collected for the verification procedure. [Section 20415(e)(8)(E)(6), Title 27 CCR]
19. If the Discharger verifies that there has been a measurably significant release from the WMUs, the Discharger may demonstrate that a source other than the WMUs caused the evidence of a release or that the evidence is an artifact caused by an error in sampling, analysis, or the data analysis protocol. [Section 20420(k)(7), Title 27 CCR] The Discharger may make this demonstration in addition to or in lieu of submitting an amended report of waste discharge and an engineering feasibility study pursuant to Section 20420(k)(5), Title 27 CCR and Section 20420(k)(6), Title 27 CCR. The Discharger is not relieved of the requirements specified in Sections 20420(k)(5) and (k)(6), Title 27 CCR unless the demonstration report is accepted by the Executive Officer. In making a demonstration, the Discharger shall:
 - a. Within 7 days of determining measurably significant evidence of a release, submit a report to the Regional Water Board by certified mail stating that the Discharger intends to make a demonstration pursuant to Section 20420(k)(7)(A), Title 27 CCR.
 - b. Within 90 days of determining measurably significant evidence of a release, submit a report to the Regional Water Board that demonstrates that a source other than the WMU caused the apparent release. [Section 20420(k)(7)(B), Title 27 CCR]
 - c. Within 90 days of determining measurably significant evidence of a release, submit an amended report of waste discharge to make any appropriate changes to the detection monitoring program. [Section 20420(k)(7)(C), Title 27 CCR]
20. If the Discharger determines that there is significant physical evidence of a release, as described in Section 20385(a)(3), Title 27 CCR or that the detection monitoring program does not meet the requirements of Section 20420, Title 27 CCR, the Discharger shall:
 - a. notify the Regional Water Board by certified mail within 7 days of such a determination [Section 20420(1)(1), Title 27 CCR]; and
 - b. within 90 days of such a determination, submit an amended ROWD to the Regional Water Board to make any appropriate changes to the program [Section 20420(1)(2), Title 27 CCR]

21. Any time that the Regional Water Board determines that the detection monitoring program does not satisfy the requirements of Section 20420, Title 27 CCR, the Regional Water Board shall send written notification of such a determination to the Discharger by certified mail, return receipt requested. The Discharger shall, within 90 days after receipt of notification by the Regional Water Board, submit an amended ROWD to make any appropriate changes to the program. [Section 20420(m), Title 27 CCR]

COMPLIANCE TIME SCHEDULE

22. Pursuant to Section 13267(b) of the CWC, the Discharger shall complete the tasks outlined in these waste discharge requirements in accordance with the following time schedule:

Action	Compliance Date
The Water Quality Protection Standard Report shall be submitted in accordance with Section 20390, Title 27 CCR, to address the duration and specific components of groundwater investigation progress and to improve background water quality parameters for the ongoing Corrective Action and waste source remedial goals.	November 15, 2005

23. The Discharger shall notify the Regional Water Board in writing of any proposed change of ownership or responsibility for construction, operation, closure or post-closure maintenance of the WMUs. This notification shall be given prior to the effective date of the change and shall include a statement by the new Discharger(s) that construction, operation, closure, and post-closure maintenance will be in compliance with any existing waste discharge requirements and any revisions thereof. Upon such notification, the Regional Water Board will amend the existing Waste Discharge Requirements to name the new Discharger(s).
24. The Regional Water Board considers the property owner at the time of waste placement to have continuing responsibility for correcting problems as a result of the waste discharge which may arise in the future. This responsibility continues during subsequent use of the land including use by subsequent owners.
25. After notice of and opportunity for hearing, this Order may be terminated or modified for cause, including but not limited to:
- a. violation of any term or condition in this Order;
 - b. obtaining this Order by misrepresentation, or failure to fully disclose all relevant facts; and

c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

26. The Discharger shall remove and relocate any wastes discharged at this Site in violation of this Order.

27. Severability

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

28. Operation and Maintenance

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

29. Change in Discharge

The Discharger shall promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge.

30. Signatory Requirements

a. All applications, reports, or information submitted to the Regional Water Board Executive Officer shall be signed by either a principal executive officer, ranking elected official, or a responsible corporate officer. For purposes of this provision, a responsible corporate officer means:

- i. a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
- ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. Reports required by this Order, other information requested by the Regional Water Board, and Permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:

- 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 such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - iii. the written authorization is submitted to the Regional Water Board prior to or together with any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]
- c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate 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 fine and imprisonment for knowing violations." [40 CFR 122.22(d)]

31. 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 shall notify the succeeding owner or operator of the following items by letter, a copy of which shall be forwarded to the Regional Water Board:

- a. existence of this Order, and
- b. the status of the Discharger's annual fee account.

32. 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 liability under federal, state, or local laws, nor create a vested right for the Discharger to continue the waste discharge.

33. Inspections

In accordance with the provisions of Water Code Section 13267(c), the Discharger shall permit authorized staff of the Regional Water Board:

- a. entry upon premises in which a waste 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 this Order;
- c. inspection of monitoring equipment or records; and
- d. sampling of any discharge.

34. 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 or negligence; or
- c. other causes such as acts of nature;

the Discharger shall notify the Executive Officer by telephone as soon as they or their agents have knowledge of the incident and shall confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

35. Accidental Spills, Incident Reporting and Monitoring

The Discharger shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2003-0064 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Order and incorporated herein. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services.

- a. Order No. 74-151 requires immediate incident reporting of unintentional or accidental spills (including Emergency Response actions) and diligent action to abate the effects of the discharge. Written confirmation of the incident is required within two weeks of notification.
- b. General Monitoring and Reporting Provisions require sampling and analysis performance criteria in addition to compliance reporting criteria and timeframes.

36. Revision of Requirements

The Regional Water Board will review this Order periodically and may revise requirements when necessary.

37. This Regional Water Board requires the Discharger to file a report of waste discharge at least 120 days before making any material change or proposed change in the character, location, or volume of the discharge.

Certification

I, Catherine E. Kuhlman, 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, North Coast Region, on June 22, 2005.

Catherine E. Kuhlman
Executive Officer