

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2012-XXXX

WASTE DISCHARGE REQUIREMENTS
FOR
CLOSURE AND POST-CLOSURE MAINTENANCE,
BIO INDUSTRIES, INC.
FORMER BIO-REMEDIATION FACILITY FOR PETROLEUM-CONTAMINATED SOILS
TEHAMA COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board) finds that:

1. Bio Industries, Inc., a California Corporation (hereafter Discharger), owns and operates a bio-remediation facility for petroleum-contaminated soils (hereafter facility) at 19760 Callahan Road, Tehama County. The facility is on 157 acres, comprising Assessor's Parcel 024-010-15-1, about 2 miles west of Red Bluff in a portion of the northern ½ of Section 22, Township 27 North, Range 4 West, Mount Diablo Baseline and Meridian. The facility is shown in Attachment A, which is incorporated herein and made part of this Order.
2. On 5 June 1998, Central Valley Water Board issued Waste Discharge Requirements Order No. 98-139. Order No. 98-139 no longer accurately

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describes operations at the facility, and is not consistent with the current policies and regulations of the Central Valley Water Board.

3. On 30 November 2011, in an amended Preliminary Closure and Post-Closure Maintenance Plan (PCPCMP), the Discharger notified the Central Valley Water Board of its intent to close the facility. Central Valley Water Board staff generally concurs with the amended PCPCMP, with the exception of proposed sampling of the inert cell. The attached Monitoring and Reporting Program No. R5-2012-XXXX, which is incorporated herein and made part of this Order, provides minimum sampling required for the inert cell. This Order is generally consistent with Title 27 California Code of Regulations, Division 2, Chapter 7, Subchapter 2, (Title 27) §21090, *Closure and Post-Closure Maintenance Standards for Disposal Sites*, with modifications that consider site-specific subsurface conditions.
4. The Discharger intends to continue operating a portion of its facility under an Industrial Storm Water Permit. This Order does not regulate discharges under the National Pollutant Discharge Elimination System (NPDES). The Discharger shall apply for such discharge separately, under NPDES General Permit No. CAS000001. This Order does regulate temporary storage of petroleum-contaminated soils. Find details in *Prohibitions*, below, and in Monitoring and Reporting Program No. R5-2012-XXXX.

FACILITY OPERATIONS

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5. The facility consists of five former soil treatment cells (hereafter former treatment cells), one inert soil cell (hereafter inert cell), and one sedimentation basin. The Discharger intends to use former Treatment Cell 4 for temporary storage of petroleum contaminated soils. The facility covers 15 total acres as shown in Attachment B, which is incorporated herein and made part of this Order. Storm water from treatment cells discharges to surface water. Storm water from the inert cell drains to the sedimentation basin, which has no outlet.
6. For former treatment cells and the inert cell, the Discharger constructed 24-inch thick compacted clay liners, each with maximum permeability of 1×10^{-6} centimeters/second (cm/sec). Liners meet the minimum specifications for a non-municipal solid waste, Class III Landfill as defined in Title 27 §20310.
7. Under Order No. 98-139, the facility accepted soils from sites throughout California. Prior to treatment, soils had petroleum-contamination, with occasional limited anti-freeze, fire-fighting foam, and metals associated with automotive engine wear. The facility accepted non-hazardous soils as defined in Title 27 §20005, et seq. Within treatment cells, the Discharger treated gasoline-contaminated soils primarily by aeration. For diesel-, waste oil-, and motor oil-contaminated soils, the Discharger added moisture and nontoxic nutrients. Post-treatment and after confirmation sampling, the Discharger classified soils as inert, and transferred them to the inert cell.

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8. As of 31 March 2010, the facility had about 44,125 total tons of soil in treatment cells, with diesel-contaminated soils comprising about 40% of the total, and gasoline-contaminated soils, mostly unleaded, about 39% of the total. Waste oil- and motor oil-contaminated soils were about 21% of the total.

FACILITY DESCRIPTION

9. The area around the facility has gently rolling hills at elevations ranging about 370 to 470 feet above mean sea level (amsl). Based on local descriptions by the U.S. Department of Agriculture, the facility overlies the Newville Gravelly Loam, a thin, eroded soil with slow drainage.
10. Below the Newville Gravelly Loam is the Pliocene (~2.6 million year-old) Tehama Formation. Based on nearby exposures, the Tehama Formation is mostly clays and silts in beds about 20 to 50 feet thick, with occasional, weakly cemented, consolidated, sandy gravels in lenses up to about 10 feet thick. The Tehama Formation extends to about 1,500 to 2,000 feet below grade surface (bgs).
11. About two to three miles south of the facility, the active Red Bluff and Corning-Willows Faults offset bedding at about 1,000 feet bgs. Within a 50-year period, local probability is 10% for peak ground acceleration during an earthquake to 0.1g.
12. Land uses within 1,000 feet of the facility are grazing and open space.

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13. The facility receives an average of about 22 inches of precipitation per year, most between October and April. Mean evaporation is approximately 70 inches per year based on information from the California Department of Water Resources (DWR). Average annual net evaporation is approximately 48 inches. The 1,000-year, 24-hour precipitation event is 6.46 inches as estimated from DWR Rainfall Analyses for Drainage Design, Bulletin No. 195.
14. The facility is not within a 100-year flood plain based on the Federal Emergency Management Agency flood insurance maps.

SURFACE WATER AND GROUNDWATER CONDITIONS

15. Surface drainage on the facility is in arroyos, which flow north into the locally ephemeral Brickyard Creek. The Brickyard Creek floodplain lies about 500 to 1,000 feet north of treatment cells. Brickyard Creek flows eastward across the Discharger's property, and is tributary to Reeds Creek and the Sacramento River. Brickyard Creek is within Red Bluff Hydrologic Area 504.20.
16. The Basin Plan, on page II-2.00 provides "*...beneficial uses of any specifically identified water body generally apply to its tributary.*" The Basin Plan does not specifically identify beneficial uses for Brickyard Creek, but does identify present and potential uses for the Sacramento River, to which Brickyard Creek and Reeds Creek are tributary. These beneficial uses are; municipal, agricultural,

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and industrial supply, contact and non-contact water recreation, warm- and cold-freshwater aquatic habitat, migration, spawning, wildlife habitat, and navigation.

17. Within 2,000 feet of the facility, sporadic perched groundwater occurs at various elevations above the Brickyard Creek floodplain, and likely flows from isolated gravels of the Tehama Formation into springs and ponds.
18. The main local water table is no shallower than 60 feet bgs, about 330 feet amsl, deeper than likely short-term infiltration from the Brickyard Creek channel. Based on current information, groundwater at the main water table has a northeast gradient, likely on the order of 0.01, typical for silt. Groundwater velocities range 0.001 to 0.1 feet per year (ft/yr).
19. Groundwater has a background electrical conductivity (EC) ranging between 300 and 400 micromhos/centimeter ($\mu\text{mhos/cm}$), and total dissolved solids (TDS), between 200 and 270 milligrams/Liter (mg/L).
20. The Basin Plan, on page II-3.00 provides “...*unless otherwise designated by the Regional Water Board, all ground waters in the Region are considered as suitable, or potentially suitable for municipal and domestic water supply (MUN), agricultural supply (AGR), industrial service supply (IND) and industrial process supply (PRO).*” These beneficial uses are applicable to groundwater beneath the facility.

UNSATURATED ZONE, GROUNDWATER, AND SURFACE WATER MONITORING

21. In 2000, the Discharger installed six pressure vacuum lysimeters at about 2 feet beneath the cells, as shown on Attachment B. To date, none have produced any samples. While in part due to mechanical issues, most lack of production likely correlates with high moisture tension of shallow soils.
22. From 1992 to 1999, the Discharger installed six shallow groundwater monitoring wells, and five deeper wells at the facility with air rotary equipment, as shown on Attachment B. Shallow wells target perched groundwater but rarely produce sufficient volume for sampling, and may not sample a common water-bearing unit. Deeper wells may sample more than one distinct hydraulically confined water-bearing unit, and some have filter media intervals that extend far above the targeted water-bearing unit. Extended filter media intervals may allow cross-contamination between shallow and deeper groundwater.
23. Shallow and deep monitoring wells both have shown occasional Total Petroleum Hydrocarbons as diesel (TPH-d), with maximum TPH-d in shallow groundwater of 12,000 micrograms/Liter ($\mu\text{g/L}$), and maximum TPH-d in deeper groundwater of 860 $\mu\text{g/L}$. TPH-d detections are atypical of diesel fuel, and could potentially be due to residual drilling fluids entering filter media. Other organic pollutants have included TPH as oil and grease (TPH-og), Ethylbenzene, Xylenes, and Methyl-tert Butyl Ether (MtBE). TPH-og could also be due to residual drilling fluid. Other pollutants may be due to cross-contamination between perched, and deeper confined groundwater.

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24. This Order requires the Discharger to continue monitoring groundwater as required in Monitoring and Reporting Program No. R5-2012-XXXX for the next three calendar years, and analyze all pollutant detections in groundwater for their measurable significance, as defined in Title 27 §20164. Unless pollutants are measurably significant during the next three years, this Order will then require the Discharger to provide a work plan for monitoring well destructions under Tehama County Environmental Health Department permit. Measureable significance of analytes could potentially warrant an Evaluation Monitoring Program, as described in Title 27 §20425.

25. The Discharger monitors surface water down-slope of the cells at effluent points E-1 and E-2, in Brickyard Creek at reference points R-1 and R-2, and in the sedimentation basin at SP-1, as shown on Attachment B. Points E-1, E-2, and SP-1 have shown occasional organic pollutants, largely TPH-d and TPH-og. This Order requires the Discharger to continue to monitor surface water under the requirements of the current NPDES permit.

CLOSURE, POST-CLOSURE MAINTENANCE, AND FINANCIAL ASSURANCE

26. In July 1995, the Discharger submitted preliminary financial assurances for the closure and post-closure maintenance in the amount of \$90,960, and assumes clean closure. This Order requires the Discharger to provide updated cost estimates for completing clean closure of the treatment cells based on current

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inflation factors. Financial assurances must also cover cleanup of reasonably foreseeable releases pursuant to Title 27 §20380.

CEQA AND OTHER CONSIDERATIONS

27. The action to revise waste discharge requirements for this existing facility is exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resource Code §21000, et seq., and the CEQA guidelines, in accordance with Title 14 §15301.

This order implements:

- a. *The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition*; and
- b. The prescriptive standards and performance goals of Chapters 1 through 7, Subdivision 1, Division 2, Title 27, of the California Code of Regulations, effective 18 July 1997, and subsequent revisions.

28. Section 13267(b) of California Water Code provides that: *"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposed to discharge within its region, or any citizen or domiciliary, or political agency or entity of this state who had discharged, discharges, or is suspected of having discharged or discharging, or who proposed to discharge waste outside of its region that could affect the quality of*

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the waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports."

29. The technical reports required by this Order, and the attached "Monitoring and Reporting Program No. R5-2012-XXXX," are necessary to assure compliance with these waste discharge requirements. The Discharger owns and operates the facility that discharges the waste subject to this Order.

GENERAL FINDINGS

30. This Order solely regulates the management of post-treatment soils in the inert cell to protect beneficial uses of groundwater and surface water that receives discharge from the facility.

31. For the purposes of this Order, 'waste' generally includes soils contaminated with organic constituents normally found in refined fractions of crude oil. Storm water is defined as storm water runoff, surface runoff, and drainage.

32. State Water Resources Control Board Resolution 68-16, *Statement of Policy with Respect to Maintaining High Quality Waters of Waters in California*, requires that the Central Valley Water Board maintain the high quality of waters of the State unless it has been demonstrated that any change will be consistent with the

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maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial uses of such water, and will not result in water quality less than that prescribed in the policies. Any activity that produces or may produce waste must be required to meet waste discharge requirements that will result in the best practicable treatment or control (BPTC) of the discharge necessary to assure that pollution or nuisance will not occur and that the highest water quality consistent with maximum benefit to the people of the State will be maintained. This Order is consistent with State Board Resolution 68-16. It does not authorize degradation of waters of the State. It prohibits the discharge of waste beyond the facility. It also prohibits the degradation of groundwater and surface water. This Order requires the Discharger to meet requirements that constitute BPTC. This Order requires the Discharger to meet waste discharge specifications, monitoring and reporting requirements, and other provisions.

33. The provisions of Title 27 require that waste be contained to protect the beneficial uses of surface water and groundwater, and to remediate any release to surface water and groundwater. The Order does not allow the degradation of surface water or groundwater. Therefore, further anti-degradation analysis is not needed.

34. This Order does not authorize violation of any federal, state, or local law or regulation. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the Discharger from its liabilities under federal, state, or local law.

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35. This Order is consistent with Title 27, Division 2, Chapter 7, Subchapter 2, California Code of Regulations that regulate solid waste.

PROCEDURAL REQUIREMENTS

36. All local agencies with jurisdiction to regulate land use, solid waste disposal, air pollution, and to protect public health have approved the use of this site for the discharges of waste to land stated herein.

37. The Central Valley Water Board notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge, and has provided them with an opportunity for a public hearing, and an opportunity to submit their written views and recommendations.

38. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

39. Any person affected by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with § 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812, within 30 days of the date of issuance of this Order. Copies of the laws and regulations applicable to the filing of a petition are available on the Internet at

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http://www.waterboards.ca.gov/water_laws/index.html and will be provided on request.

IT IS HEREBY ORDERED, pursuant to §13263 and 13267 of the California Water Code, that Order No. 98-139 is rescinded, and that Bio Industries, Inc., their agents, successors, and assigns, in order to meet the provisions of Division 7 of the California Water Code and the regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. The acceptance for treatment of any further soils with petroleum-contaminated soils is prohibited.
2. The temporary storage of petroleum-contaminated soils for a period **exceeding twenty-eight days** is prohibited.
3. The temporary storage of soils with detectable constituents other than petroleum, anti-freeze constituents, fire-fighting foams, and metals typical of automotive engine wear are prohibited. Example prohibited constituents may include, but are not limited to, chlorinated ethenes, chlorinated phenols, polychlorinated biphenyls, pesticides, herbicides, dioxins and furans, and metals other than Cadmium, total Chromium, Lead, Nickel, and Zinc.
4. The temporary storage of hazardous waste or designated waste is prohibited. For the purposes of this Order, the term 'hazardous waste' is as defined in Title 23, California Code of Regulations, §2510 et seq., and 'designated waste' is as

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defined in Title 27. If such soil has been transported to the facility due to an emergency, appropriate testing must be performed upon delivery. If such testing determines the soil to be either a hazardous or designated waste, the soil shall be removed from the facility immediately upon determination. Appropriate confirmation sampling shall be required to ensure no hazardous or designated wastes remain following removal. The Executive Officer shall concur with the adequacy of such confirmation sampling.

5. The temporary storage of soils with a pH less than or equal to 6, or greater than or equal to 8, is prohibited.
6. The discharge of wastes outside of a treatment cell or inert cell specifically designed for their containment is prohibited.
7. The discharge of waste constituents to the unsaturated zone or to groundwater is prohibited.
8. The discharge of solid or liquid waste to surface waters, surface water drainage courses, or groundwater is prohibited.
9. The temporary storage of waste containing free liquid or moisture in excess of the waste's moisture-holding capacity is prohibited. Free liquid or moisture refers to any liquid, whether petroleum, water, or any other liquid material.
10. The discharge of waste to ponded water from any source is prohibited.
11. The discharge of waste within 100 feet of surface waters is prohibited.

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12. The discharge of storm water from treatment cells and the inert cell is prohibited, unless the storm water has been tested and found to contain no petroleum hydrocarbons.

DETECTION MONITORING SPECIFICATIONS

1. The Discharger shall comply with the detection monitoring program provisions of Title 27 for groundwater, surface water, and the unsaturated zone, and in accordance with Monitoring and Reporting Program No. R5-2012-XXXX.
2. The Discharger shall provide Central Valley Water Board staff a minimum of **one week** notification prior to commencing any field activities related to the installation, repair, or abandonment of monitoring devices.
3. The Discharger shall comply with the Water Quality Protection Standard as specified in this Order, Monitoring and Reporting Program No. R5-2012-XXXX, and *Standard Provisions and Reporting Requirements for Waste Discharge Requirements for Nonhazardous Solid Waste Discharges Regulated by Title 27 and/or Subtitle D (27 CCR §20005 et seq., and 40 CFR 258*, dated January 2012 (Standard Provisions), which are hereby incorporated into this Order.
4. The Water Quality Protection Standard for organic compounds that are not naturally occurring and not detected in background groundwater samples shall be taken as the detection limits of the analytical methods used (e.g., U.S. EPA methods 8260B and 8270). The repeated detection of one or more non-naturally occurring organic compounds in samples above the Water Quality Protection

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Standard from detection monitoring wells is potential evidence of a release from the facility.

5. The concentrations of the constituents of concern in waters passing the Point of Compliance shall not exceed the concentration limits established pursuant to Monitoring and Reporting Program No. R5-2012-XXXX.
6. For each monitoring event, the Discharger shall determine whether the facility is in compliance with the Water Quality Protection Standard using procedures specified in Monitoring and Reporting Program No. R5-2012-XXXX and Title 27 §20415(e).
7. The Discharger shall maintain an approved Sample Collection and Analysis Plan. The Sample Collection and Analysis Plan shall at a minimum include:
 - Sample collection procedures describing purging techniques, sampling equipment, and decontamination of sampling equipment;
 - Sample preservation information and shipment procedures;
 - Sample analytical methods and procedures;
 - Sample quality assurance/quality control (QA/QC) procedures; and
 - Chain of Custody control.

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D. PROVISIONS

1. The Discharger shall maintain a copy of this Order at the facility and make it available at all times to facility operating personnel, who shall be familiar with its contents, and to regulatory agency personnel.
2. The Discharger shall comply with all applicable provisions of Title 27 that are not specifically referred to in this Order.
3. The Discharger shall comply with Monitoring and Reporting Program No. R5-2012-XXXX, which is incorporated into and made part of this Order.
4. In the event the Discharger does not comply or will be unable to comply with any prohibition or limitation of this Order for any reason, the Discharger shall notify the appropriate Central Valley Water Board office by telephone **as soon as** it or its agents have knowledge of such noncompliance or potential for noncompliance, and shall confirm this notification in writing **within two weeks**. The written notification shall state the nature, time, and cause of noncompliance, and shall describe the measures being taken to prevent recurrences and shall include a timetable for corrective actions.
5. All reports and transmittal letters shall be signed by persons identified below:
 - a. For a corporation: by a principal executive officer of at least the level of senior vice-president.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor.

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- c. For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected or appointed official.

6. A duly authorized representative of a person designated in a, b or c above if;

The authorization is made in writing by a person described in a, b, or c of this provision;

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, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

The written authorization is submitted to the Central Valley Water Board.

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

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

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8. The Discharger shall take all reasonable steps to minimize any adverse impact to the waters of the State resulting from noncompliance with this Order. Such steps shall include accelerated or additional monitoring as necessary to determine the nature, extent, and impact of the noncompliance.
9. The owner of the facility shall have the continuing responsibility to assure protection of waters of the state from discharged wastes and from gases and leachate generated by discharged waste during the active life, closure, and post-closure maintenance period of the treatment cells and inert cell, and during subsequent use of the property for other purposes.
10. The fact that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order shall not be regarded as a defense for the Discharger's violations of the Order.
11. To assume ownership or operation under this Order, the succeeding owner or operator must apply in writing to the Central Valley Water Board requesting transfer of the Order within 14 days of assuming ownership or operation of this facility. The request must contain the requesting entity's full legal name, the State of incorporation if a corporation, the name, address, and telephone number of the persons responsible for contact with the Central Valley Water Board, and a statement. The statement shall comply with the signatory requirements contained in Provision F.5. and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California

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Water Code. Transfer of this Order shall be approved or disapproved by the Central Valley Water Board.

12. The Discharger shall establish and maintain an approved cost estimate for initiating and completing corrective action for all known or reasonably foreseeable releases from the facility.
13. The Discharger shall obtain and maintain assurances of financial responsibility for initiating and completing corrective action for all known or reasonably foreseeable releases from the facility in the amount of the approved cost estimate.
14. The Discharger shall update the preliminary closure and post-closure maintenance plan (PCPCMP) any time there is a change that will increase the amount of the closure and post-closure maintenance cost estimate. The updated PCPCMP shall be submitted to the Central Valley Water Board, and the Local Enforcement Agency. The PCPCMP shall meet the requirements of Title 27 §21769(b), and include a lump sum estimate of the cost of carrying out all actions necessary to close each cell, to prepare detailed design specifications, to develop the final closure and post-closure maintenance plan, and to carry out the first thirty years of post-closure maintenance. A final (or partial final) closure and post-closure maintenance plan shall be submitted prior to closure and closure shall not be conducted in the absence of closure WDRs.
15. The Discharger shall obtain and maintain assurances of financial responsibility for closure and post-closure maintenance costs in the amount of the cost estimates

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in the approved preliminary or final closure and post-closure maintenance plan, as applicable.

16. The Discharger shall complete the tasks contained in these waste discharge requirements in accordance with the following time schedule:

Task

Compliance Date

A. Inert Cell Characterization

Characterize inert cell, as required in Monitoring and Reporting Program No. R5-2012-XXXX.

Submit report of findings on inert cell.

By 1 November 2012

B. Evaluation Monitoring Program

Develop and submit an Evaluation Monitoring Program to determine the extent of release of petroleum constituents from the facility into the unsaturated zone, groundwater, and surface water.

Within 90 days of any measurably significant constituent detection.

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C. Monitoring Well Destruction Work Plan

Submit a work plan to destroy groundwater monitoring wells to the Tehama County Environmental Health Department.

Assuming no measurably significant analytical results or other reasons based on characterization of the inert cell, after the next twelve calendar quarters of monitoring.

I, PAMELA C. CREEDON, 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, Central Valley Region, on _____.

PAMELA C. CREEDON, Executive Officer

___: ___/___/200_