



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger
Governor

January 3, 2007

Jeff Meberg
Nursery Products, LLC.
647 Camino De Los Mares #108-174
San Clemente, CA 92673

REQUEST FOR REPORT OF WASTE DISCHARGE, NURSERY PRODUCTS HAWES COMPOSTING FACILITY, SAN BERNARDINO COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has the responsibility for protection of water quality within the Lahontan Region. The Water Board issues waste discharge requirements (WDRs), takes enforcement actions, and monitors water quality of groundwater and surface waters.

The San Bernardino County Planning Commission considered the final Environmental Impact Report (EIR) for the above-cited project on November 30, 2006 (State Clearing House No. 2006051021). Nursery Products, LLC. (Hereafter referred to as "Discharger") is proposing to construct a biosolids and green material composting facility within the Lahontan Region. The EIR identified a potentially significant impact to water quality. Therefore, you are requested to submit a Report of Waste Discharge (ROWD) to the Water Board. This Request for ROWD explains the information required, highlights pertinent regulatory considerations, and outlines steps in processing a ROWD.

AUTHORITY

The California Water Code (CWC) requires Water Boards to regulate discharges to land or waters of the state to protect the designated beneficial uses. Pursuant to CWC Section 13260, any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of waters of the state, must file a ROWD with the appropriate Water Board. Water Boards may issue Waste Discharge Requirements (WDRs) in accordance with CWC Section 13263 or waive waste discharge requirements pursuant to CWC Section 13269. Any person failing to furnish a report or pay a fee under CWC Section 13260 when so requested by a Water Board is guilty of a misdemeanor and may be liable civilly pursuant to CWC Section 13261.



INFORMATION NEEDED

The ROWD should contain complete information on all proposed project activities that may affect water quality within Water Board jurisdiction. You should include information required for compliance with any applicable region-wide or state-wide general permits (e.g., State-wide National Pollutant Discharge Elimination System Permit for *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activities*) that you intend to seek coverage under for this project. After we have complete project information, we will consider whether or not to authorize the project using any existing general permits or combine all Water Board requirements into one comprehensive permit (i.e., one set of requirements and one monitoring and reporting program instead of several). A comprehensive permit could make your compliance and our oversight more manageable.

The following information must be submitted in the ROWD for the Hawes Composting Facility:

1. Completed Form 200 (enclosed). The developer responsible for the project and not the engineer, architect, or any other consultant for the project must sign Form 200. The Chief Executive Officer, or equivalent, must sign Form 200 when the applicant is a corporation. An electronic copy of Form 200 can be downloaded at the following link:

<http://www.waterboards.ca.gov/sbforms/form200.pdf>

2. The information requested on the enclosed checklist. The checklist addresses information required for compliance with CCR Title 27, sections 21710 through 21760. The checklist also addresses specific information requested for the facility, waste treatment processes, and a preliminary closure plan.
3. A delineation of waters of the state and the U.S. A jurisdictional determination from the U.S. Army Corps of Engineers (ACOE) will be required for the project. If waters of the U.S. are determined to be on or adjacent to your site, you will need to apply to the ACOE for a Clean Water Act (CWA) section 404 permit and to the Water Board for CWA section 401 Water Quality Certification (WQC). A WQC application form is enclosed. This application form must be completed if there are waters of the state or waters of the U.S. on the project site. A preliminary review of information presented in the EIR (e.g., floodplain map and site photographs) indicates that waters of the state are present on the proposed project site. Therefore, measures to avoid, minimize and mitigate impacts to beneficial uses of surface waters must be included in the ROWD.

4. Provide the information required for compliance with State Water Resources Control Board (State Water Board or "SWRCB") Order No. 99-08-DWQ, State-wide National Pollutant Discharge Elimination System (NPDES) Permit for *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activities* with the ROWD. Include information required in the Notice of Intent and the Stormwater Pollution Prevention Plan in the ROWD. SWRCB Order No. 99-08-DWQ can be accessed at the following link:

<http://www.swrcb.ca.gov/stormwtr/docs/finalconstpermit.pdf>

As stated above, this information will be evaluated to determine whether or not general permits or one comprehensive permit will be used.

5. Government Code section 84308(c) requires all applicants for WDRs to include a statement disclosing any contributions made by the applicant to any Water Board member, if the contribution(s) amounted to \$250.00 or more. For your information, the current Water Board includes the following members: John Brissenden, Jim Chapman, Jack Clarke, R. Keith Dyas, Amy Horne, Eric Sandel, and Susan Van Dam. Updated information on the Water Board may be obtained at the following link:

<http://www.waterboards.ca.gov/lahontan/>

PERTINENT REGULATORY CONSIDERATIONS

The following sections present regulatory considerations including applicable regulations and policies that may be relevant to your project.

Basin Plan Designated Beneficial Uses

The project site is located in the Mojave Hydrologic Unit and the Harper Valley Hydrologic subarea (Dept. of Water Resources Hydrologic Unit No. 628.42). Beneficial uses listed in Table 2-1 of the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) for minor surface waters in this subarea are:

MUN	Municipal and Domestic Supply
AGR	Agricultural Supply
GWR	Groundwater Recharge
REC-1	Water Contact Recreation
REC-2	Non-contact Water Recreation
WARM	Warm Freshwater Habitat
COLD	Cold Freshwater Habitat
WILD	Wildlife Habitat

Minor surface waters include, but are not limited to: ephemeral or intermittent stream channels, desert washes, and other unnamed water bodies.

The project site is located within the Harper Valley groundwater basin (Dept. of Water Resources Basin No. 6-47). Beneficial uses listed in Table 2-2 of the Basin Plan for the Harper Valley groundwater basin are:

MUN	Municipal and Domestic Supply
AGR	Agricultural Supply
IND	Industrial Supply
FRSH	Freshwater Replenishment

A copy of the Basin Plan can be accessed at the following link:

<http://www.waterboards.ca.gov/lahtontan/BPlan/Bplan.pdf>

Potential impacts to designated beneficial uses due to the implementation of the proposed project will need to be avoided and minimized. If potential impacts are unavoidable, the potential impacts must be mitigated (i.e., compensatory mitigation is required).

Basin Plan Prohibitions

The Water Board can prohibit specific types of discharges to certain areas pursuant to CWC Section 13243. Discharge prohibitions and exemption criteria are described in Section 4.1 of the Basin Plan. The only exemption mechanism in the Basin Plan for these region-wide prohibitions is for restoration projects that meet appropriate criteria.

Region-wide prohibitions include:

1. The discharge of waste¹ which causes violation of any narrative water quality objective contained in the Basin Plan, including the Non-degradation Objective, is prohibited.
2. The discharge of waste which causes violation of any numeric water quality objective in the Basin Plan is prohibited.
3. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste which causes further degradation or pollution is prohibited.

¹ Waste is defined to include any waste or deleterious material including, but not limited to, waste earthen materials (such as soil, silt, sand, clay, rock or other organic or mineral material) and any other waste as defined in CWC section 13050(d).

4. The discharge of untreated sewage, garbage, or other solid wastes, or industrial waste into surface waters of the Lahontan Region is prohibited.
5. For municipal and industrial discharges:
 - a. The discharge, bypass, or diversion of raw or partially treated sewage, sludge, grease, or oils to surface waters is prohibited.
 - b. The discharge of wastewater except to the designated disposal site (as designated in WDRs) is prohibited.

Non-degradation Objective

This objective applies to **all** waters of the Lahontan Region (including surface waters, wetlands, and groundwater). On October 28, 1968, the SWRCB adopted Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California." SWRCB Resolution No. 68-16 can be found in Appendix B of the Basin Plan and can be reviewed and downloaded from the following link:

<http://www.waterboards.ca.gov/plnspols/docs/wqplans/res68-16.pdf>

California Environmental Quality Act

San Bernardino County, acting as California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq.) Lead Agency, prepared a Draft EIR and circulated the Draft EIR for a public review and comment period from September 26, 2006 to November 13, 2006. The Final EIR was completed and a public hearing was held to consider the final EIR at a San Bernardino County Planning Commission public meeting on November 30, 2006.

When an EIR has been prepared for a project, a Responsible Agency shall not approve the project as proposed, pursuant to CEQA Guidelines, Section 15096(g)(2), if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.

The Water Board, acting as a CEQA Responsible Agency, will evaluate the final EIR for the Hawes Composting Facility for potentially significant impacts to water quality and may require feasible project alternatives or mitigation measures that would substantially lessen or avoid any significant effect the project would have on the environment.

California Code of Regulations Title 27

The Water Board regulates waste discharges to land for treatment, storage and disposal in waste management units. Waste management units include waste piles, surface impoundments, land treatment units, and landfills. CCR Title 27 contains the regulatory requirements for wastes other than hazardous waste. CCR Title 27 regulations can be reviewed and downloaded at the following link:

<http://www.waterboards.ca.gov/cwphome/land/docs/t27w97n.pdf>

The proposed Hawes Composting Facility involves the discharge of solid wastes to land for treatment and storage. The proposed project will be regulated under CCR Title 27. CCR Title 27 contains provisions to allow engineered alternatives to the prescriptive design requirements. Water Board policies allow consideration of engineered alternatives providing the alternatives offer equal or greater protection of water quality.

CCR Title 27 section 21710 requires that any person proposing to discharge solid waste at a waste management unit that is subject to regulation by both the California Integrated Waste Management Board (CIWMB) and the Water Board shall make all ROWD submittals (including updates to a previously submitted ROWD) in the form of a Joint Technical Document (JTD) to both agencies, as provided in CCR Title 27 section 21585.

Policy for Regulation of Discharges of Municipal Solid Waste

The State Water Board has adopted a policy for regulation of discharges of municipal solid waste. This policy, SWRCB Resolution No. 93-62, can be reviewed and downloaded at the following link:

http://www.waterboards.ca.gov/cwphome/land/resolution_93_62.html

The proposed Hawes Composting Facility involves discharge of municipal solid wastes to land for treatment and storage, therefore, SWRCB Resolution No. 93-62 is applicable to the project.

Potential Project Activities Affecting Waters

The following potential project activities may affect waters of the state and are within Water Board jurisdiction:

1. Dredging and filling activities (including grading and other excavations) that result in a) discharges of sediment, organic materials, or construction materials to surface waters, or b) removal of vegetation from surface waters, or c) hydromodifications to surface waters.

2. Planned or unplanned releases of wastes by stormwater, leachate, wind, off-site vehicle tracking, or any other means that could introduce pollutants (e.g., nutrients, metals, pesticides, pathogens) to surface waters or groundwater.
3. Discharge of wastes to land for treatment, storage, or disposal.

Additional project activities within Water Board jurisdiction may become evident when complete project information is provided in the ROWD.

TYPICAL PROCESSING OF A REPORT OF WASTE DISCHARGE

Water Board review and permit issuance process takes approximately six months, but may take longer depending upon the nature of the discharge and public concerns. The steps to obtain WDRs are:

1. File the ROWD form (Form 200) with the necessary supplemental information with the Water Board at least 140 days before beginning to discharge waste.
2. Water Board staff reviews the application for completeness and may request additional information.
3. Once the application is complete, Water Board staff determines whether the Water Board should adopt WDRs, prohibit the discharge, or waive the WDRs.
4. If it is determined that WDRs should be proposed to the Water Board, Water Board staff will develop tentative WDRs that will be circulated to you and other interested persons and agencies for a minimum 30-day period for review and comments.
5. After receipt of comments, proposed WDRs will be submitted to the Water Board for consideration at a public meeting. Water Board staff may modify the proposed WDRs based upon comments received from the Discharger and interested parties.
6. The Water Board holds a public hearing with at least a 30-day public notification. The Water Board may adopt the proposed WDRs or modify and adopt them at the public hearing by majority vote.

Nursery Products, LLC will be required to submit a payment that will serve as the first annual fee to complete your application. Except for dairies, all permitted dischargers must pay an annual fee. The Water Board will notify Nursery Products, LLC regarding the fee amount. In the mean time, additional information on fees can be obtained at the following link:

<http://www.waterboards.ca.gov/fees/index.html>

The annual fee amount will be based on the complexity and threat to water quality of the proposed discharge(s). Nursery Products, LLC will be billed for the required annual fee.

No discharge of waste can occur until the Water Board issues WDRs, or until 140 days after a complete ROWD has been submitted (if WDRs have not been issued by the Water Board), providing that the discharge does not cause, or threaten to cause, a nuisance or pollution.

We look forward to assisting you in conducting your project in a manner that protects water quality. If you should have any questions or concerns regarding this matter, please contact me at (530) 542-5571 or Doug Smith, Senior Engineering Geologist, at (530) 542-5453 or Cindi Mitton, Senior Water Resources Control Engineer, at (760) 241-7413.



John Steude
Engineering Geologist

Enclosure 1 - Form 200
Enclosure 2 - Checklist
Enclosure 3 - WQC application

cc w/o Enclosure 1:

Roxie Trost/U.S. Bureau of Land Management
Carl Benz/U.S. Fish and Wildlife
Gerry Salas/U.S. Army Corps of Engineers
Shannon Pankratz/U.S. Army Corps of Engineers
John Loane/California Integrated Waste Management Board
Gerald Stryker/California Integrated Waste Management Board
Denyse Racine/California Department of Fish and Game
Tracy Barreau/California Department of Health Services
Carrie Hyke/San Bernardino County Planning Department
Bill Postmus/San Bernardino County Board of Supervisors
Daniel Avera/San Bernardino County Environmental Health Services
Kirby Brill/Mojave Water Agency
Alan De Salvio/Mojave Desert Air Quality Management District
Lawrence Dale/City of Barstow
Michael Massimini/City of Barstow
Jerry Bergmans/Barstow Unified School District
Dave Singleton/Native American Heritage Commission
D.E. Henderson/Yermo Community Services District
Mike Luker/Eastern Municipal Water District

Wesley Sperry/Newberry Community Services District
Maureen Reilly/Sludge Watch
D. Norman Diaz/HelpHinkley.org
David Marx/URS

ENCLOSURE 2

CHECKLIST OF INFORMATION TO SUPPLEMENT A REPORT OF WASTE DISCHARGE FOR THE NURSERY PRODUCTS HAWES COMPOSTING FACILITY

GENERAL INFORMATION

1. Location maps or sketch not larger than 8-1/2 x 11 inches.
2. Written description of the project, specifically describing the phasing, if any, and the construction time schedule.
3. Statement of land ownership.
4. Copies of any pertinent permits or approvals that have been granted by any local, state, regional, or federal agencies or copies of applications for these permits or approvals.
5. An appropriate environmental document prepared and completed pursuant to the California Environmental Quality Act (CEQA). Include documentation indicating the final acceptance of the CEQA document by the Lead Agency.

SPECIFIC INFORMATION

1. Waste Characteristics (CCR Title 27 section 21740):
 - a. Constituents and Reference Numbers – A list of the types, quantities, and concentrations of wastes proposed to be discharged at each waste management unit (Unit) addressed by the ROWD. Wastes and waste constituents shall be specifically identified according to the most descriptive nomenclature. A listing of all anticipated hazardous constituents that could be discharged to the Unit(s). Where available, this listing shall include constituent (or waste) reference numbers from listing established by the California Department of Toxic Substances Control or the U.S. Environmental Protection Agency (e.g., Appendix IX to Title 22, section 66264 of the CCR).
 - b. Treatment, Storage, and Disposal Methods – A description of proposed waste treatment, storage, and disposal methods. The description should provide details on treatment and storage processes, including but not limited to:
 - I. Types of wastes to be treated and expected volumes of each type

- II. Composting technologies to be utilized (e.g., passive, aerated static piles, windrows, or in-vessel)
 - III. Locations and capacities of treatment and storage facilities
 - IV. Acceptable range for initial feedstock carbon to nitrogen ratios and plans to ensure adequate carbon sources are available
 - V. Size and distribution of feedstock particles
 - VI. Plans to ensure appropriate moisture content is maintained at different processing stages and locations
 - VII. Water balance analyses and volumes of water needed to maintain appropriate moisture contents
 - VIII. Measures to be taken to maintain acceptable ranges of pH and temperature at various stages of waste processing
 - IX. Methods used to ensure acceptable pathogen reduction has been achieved at appropriate stages in the treatment process (i.e., biological stability or maturity tests)
 - X. Equipment, methods, and criteria for turning wastes
 - XI. Methods and facilities for preventing or minimizing on-site wind erosion of wastes and dust control
 - XII. Methods and facilities for preventing or minimizing releases of leachate to all water resources, including groundwater
 - XIII. Methods and facilities for preventing or minimizing releases of pollutants in stormwater
 - XIV. Methods and facilities for odor control
 - XV. Methods and facilities for disposal of waste materials that cannot be treated and stored on-site.
- c. Expected decomposition Products/Rates – An analysis of projected waste decomposition processes for each Unit indicating intermediate and final decomposition products and the period during which decomposition will continue following discharge.
2. Identify Potential Impairment – Provide an analysis describing how surface water could affect the Unit(s) and how the Unit(s), including how any waste, if it escapes

from the Unit(s) could affect the beneficial uses of groundwater (including, but not limited to, any aquifers or perched water underlying the facility) and surface waters.

3. Support Proposed Classification – Provide the data regarding the physical characteristics of the Unit(s) and the surrounding region in order to demonstrate suitability for the appropriate Unit classification(s). Criteria for classification of wastes and Units are provided in CCR Title 27 sections 20200 through 20270. The ROWD shall present this information in understandable written, tabular, and graphical format, as appropriate, and this information shall be at a level of detail appropriate to support the Water Board's approving the proposed classification(s). Maps, plans, diagrams, and other graphics shall be prepared to appropriate scale and each shall include a legend identifying the information presented. All sources of data shall be identified.
4. Topography
 - a. Topographic Map – A map of the Unit(s) and surrounding region within one mile of the perimeter of the facility, showing elevation contours, natural ground slopes, drainage patterns, and other topographic features.
 - b. Floodplain – Identification of whether the facility is located within a 100-year floodplain. This identification must indicate the source of data for such determination and include a copy of relevant Federal Emergency Management Agency (FEMA) flood map, if used or the calculations, assumptions, modeling, and maps used where a FEMA map is not available. The submittal shall also identify the 100-year floodplain and any other special flooding factors (e.g., wave action, flash flood potential), which must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood. Facilities located in the 100-year floodplain shall provide the following information:
 - I. Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood;
 - II. Structural or other engineering studies showing the design of the Unit(s) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout; and
 - III. Unit(s) accepting municipal solid waste shall demonstrate that:
 - A. For Class II Unit(s), the Unit meets the flooding requirements of CCR Title 27 section 20250(c) or
 - B. For Class III Unit(s), the Unit meets the requirement of CCR Title 27 section 20260(c).

5. Climatology

- a. Isohyetal Map – A map showing isohyetal contours for the proposed Unit(s) and its surrounding region within ten miles of the facility perimeter, based on data provided by the National Weather Service or other recognized federal, state, local, or private agencies.
- b. Precipitation – Estimated maximum and minimum annual precipitation at the proposed Unit(s).
- c. Design Storm – Maximum expected 24-hour precipitation for the Unit's design storm (i.e., for storm conditions specified as design criteria for the particular class of Unit as prescribed in Table 4.1 of CCR section 20310).
- d. Evapotranspiration – Estimated mean, minimum, and maximum evaporation, with the months of occurrence of maximum and minimum evaporation, for the Unit(s).
- e. Runoff Volume/Pattern – Projected volume and pattern of runoff for the Unit(s) including peak stream discharges associated with the storm conditions specified as design criteria for the particular class of Unit, as prescribed in Table 4.1 of CCR section 20310.
- f. Wind Rose – An estimated wind rose for the Unit(s) showing wind direction, velocity, and percentage of time for the indicated direction.

6. Geology

- a. Map and Cross-Sections – A comprehensive geologic map and geologic cross section of the Unit(s) showing lithology and structural features. Cross-sections shall be indexed to the geologic map and shall be located to best portray geologic features relevant to discharge operations.
- b. Materials – A description of natural geologic materials in and underlying the location of both the Unit(s) and surroundings, including identification of each rock's type, relative age, distribution and dimension features, physical characteristics, special physical or chemical features, distribution, the extent of any weathered zones, susceptibility to natural surface/near-surface process, and all other pertinent lithologic data, all in accordance with current industry-wide practice (e.g., California Division of Mines and Geology (CDMG) Note 44 "*Guidelines for Preparing Engineering Geologic Reports*," April, 1986).
- c. Geologic Structure – A description of the natural geologic structure of materials underlying the location of the Unit(s) and surrounding areas, including: the attitude of bedding (if any); thickness of beds (if any); the location, attitude, and condition (tight, open, clay- or gypsum-filled, etc.) of any fractures; the nature,

type (anticlinal, synclinal, etc.) and orientation of any folds; the location (surface and subsurface), age, type of surface displacement, attitude, and nature if any faults; and all other pertinent, related structural data, (all of the foregoing) in accordance with current industry-wide practices (e.g., CDMG Note 42 "Guidelines for Geologic/Seismic Reports," May , 1986 and CDMG Note 49 "Guidelines for Evaluating the Hazard of Surface Fault Rupture" May, 1986).

- d. Engineering and Chemical Properties – The results of a testing and estimation program, carried out by a registered civil engineer or certified engineering geologist, as needed to formulate and support detailed site design criteria, including:
 - I. Determination of engineering and chemical properties of geologic materials underlying and surrounding the Unit(s), and of the containment structure components (i.e., liner, leachate collection and removal system (LCRS), and cover) for the Unit(s).
 - II. Determination, or estimation, of the engineering and chemical properties of the waste and other layers placed, or to be placed, within the Unit(s).
- e. Stability Analysis – A stability analysis report, including a determination of the expected peak ground acceleration at the Unit(s) associated with the maximum credible earthquake (for Class II Units) or the maximum probable earthquake (for Class III Units) shall be provided. The stability analysis shall comply with CCR Title 27 section 21750(f)(5).
- f. Fault Identification and Proximity – For any Class II Units, identify any known Holocene fault within 200 feet of the facility (including any portions of such a fault underlying the Unit) in accordance with a procedure approved by the Water Board. For any Class III Units, identify any known Holocene fault underlying the Unit according to a procedure approved by the Water Board.

7. Hydrogeology

- a. General – An evaluation of the water bearing characteristics of the natural geologic materials identified in the geologic characterization described above, including determination of hydraulic conductivity, delineation of all groundwater zones, including perched water, and the data used to make the evaluations.
- b. Hydraulic Conductivity – An evaluation of the in-place hydraulic conductivity of soils immediately underlying the facility. This evaluation shall include:
 - I. Hydraulic conductivity data, in tabular form, for selected location within the perimeter of the Unit(s);

II. A map of the Unit(s) showing test locations where these hydraulic conductivity data were obtained, and

III. An evaluation of the test procedures and rationale used to obtain these hydraulic conductivity data.

- c. Flow Direction(s) – An evaluation of perennial direction(s) of groundwater movement within the uppermost groundwater zone(s) beneath and within one mile of the waste management facility perimeter.
- d. Capillary Rise – Estimates of the height to which water rises due to capillary forces above the uppermost groundwater zone(s) beneath and within one mile of the waste management facility perimeter. These estimates shall include an evaluation of the methods and rationale used in their development:
- e. Springs – A map showing the location of all springs within the waste management facility and within one mile of the facility perimeter. The map shall be accompanied by tabular data indicating the flow and the mineral quality of the water from each spring.
- f. Water Quality – An evaluation, supported by water quality analyses, of the quality of water known to exist within one mile of the waste management facility perimeter, including all data necessary to establish the water quality protection standard (Water Standard) for the Unit(s) pursuant to CCR Title 27 section 20390.
- g. Background – A tabulation of background water quality for all applicable Monitoring Parameters and indicator parameters identified for each applicable monitoring program under CCR Title 27 sections 20420-20435 and for all constituents of concern (COCs) identified pursuant to CCR Title 27 section 20395. Background values shall be determined as described in CCR Title 27 section 21750(g)(7).

8. Land and Water Use

- a. Well Map – A map showing the locations of all water wells, oil wells, and geothermal wells within the facility boundary and showing the locations of all such wells within one mile outside of the facility boundary.
- b. Well Owner – Name and address of the owner of each well indicated on the Well Map.
- c. Well Information – Well information, where available, for each water well indicated on the Well Map including , but not limited to:
 - I. Total depth of well;

- II. Diameter of casing at ground surface and at total depth;
 - III. Type of well construction (cable tool, rotary, etc.);
 - IV. Depth and type of perforations;
 - V. Name and address of well driller;
 - VI. Year of well construction;
 - VII. Use of well (agricultural, domestic, stock watering, etc.);
 - VIII. Depth and type of seals;
 - IX. Lithologic, geophysical, and other types of well logs, if available; and
 - X. Water levels, pump tests, water quality, and other well data, if available.
- d. Land Use – Current land use within one mile of the perimeter of the Unit(s), including:
- I. Types of land use (e.g., residential commercial, industrial, agricultural, recreational);
 - II. Types of crops;
 - III. Types of livestock; and
 - IV. Number and location of dwelling units.
- e. Groundwater Use – Current and estimated future use of groundwater within one mile of the facility perimeter. Include information regarding potential use for on-site operations of the facility, including but not limited to: dust control, treatment processes, truck washing, fire suppression, etc.
9. Design Report and Operations Plan for Class II or Class III Units
- a. Design Report
 - I. Preliminary and As-Built Plans – Submit, for each unit, detailed preliminary and (later, after completion) as-built plans, specifications, and descriptions for all liners (under section 20330) and other containment structures (e.g., final cover, under section 21090), leachate collection and removal system components (under section 20340), leak detection system components

(under section 20415 b through d), precipitation and drainage control facilities (under section 20365), and interim covers installed or to be installed or used (under section 20705). In addition, the ROWD shall contain a description of, and location data for, ancillary facilities including roads, waste handling areas, buildings, and equipment cleaning facilities, only insofar as the location and operation of these ancillary facilities could have an effect upon water quality.

- II. Monitoring System Plans and Rationale – Submit detailed plans and equipment specifications for compliance with groundwater and unsaturated zone monitoring requirements of Article 1, Subchapter 3, Chapter 3, Subdivision 1 of this division (section 20380 et seq.). Provide a technical report which includes rationale for the spatial distribution of groundwater and unsaturated zone monitoring facilities, (e.g., the location and design of Monitoring Points and Background Monitoring Points for each monitored medium under section 20415 b through e), and for the selection of other monitoring equipment. This report shall be accompanied by the following information, which shall be updated throughout the Unit's active life, closure period, and post-closure maintenance period as needed to reflect the as-built system:
 - A. Map – a map showing the locations of proposed monitoring facility components; and
 - B. Plans and Specifications – drawings and data showing construction details of proposed monitoring facilities. These data shall include:
 - i. Casing and test hole diameter;
 - ii. Casing materials (PVC, stainless steel, etc.);
 - iii. Depth of each test hole;
 - iv. The means by which the size and position of perforations shall be determined, or verified, in the field;
 - v. Method of joining sections of casing;
 - vi. Nature of filter material;
 - vii. Depth and composition of seals;
 - viii. Method and length of time of well development.
 - C. Unsaturated Zone Monitoring – specifications, drawings, and data for location and installation of unsaturated zone monitoring equipment.
- III. Inspection Procedures – Submit operation plans describing those Unit operations which could affect water quality, including but not limited to:
 - A. A description of proposed treatment, storage, and disposal methods;

- B. Contingency plans for the failure or breakdown of waste handling facilities or containment systems, including notice of any such failure, or any detection of waste or leachate in monitoring facilities, to the Water Board, local governments, and water users down-gradient of Units; and
 - C. A description of inspection and maintenance programs which will be undertaken regularly during operations and the post-closure maintenance period.
- b. Operations Plan – Submit operation plans describing those Unit operations that could affect water quality, including but not limit to:
- I. A description of proposed treatment, storage and disposal methods;
 - II. Contingency plans for the failure or breakdown of waste handling facilities, or containment systems, including notice of any such failure, or any detection of waste or leachate in monitoring facilities, to the Water Board, local governments, and water users downgradient of Units; and
 - III. A description of inspection and maintenance programs that will be undertaken regularly during operation and the post-closure maintenance period.
10. Preliminary Closure Plan/Post-Closure Maintenance Plan – For any proposed Unit(s) and for any Unit(s) not yet required to undergo final closure, the ROWD shall contain a preliminary closure and post-closure maintenance plan, under CCR Title 27 section 21769, containing a generalized cost estimate for closure costs and for annualized post-closure costs, supported by sufficient detail to validate the plausibility of the estimate.
11. It anticipated that an acceptable financial assurance mechanism to conduct site closure (by a third-party, if necessary) and post-closure maintenance for thirty years may be required in the WDRs. Cost estimates and a proposed financial assurance mechanism for these activities must be provided in the ROWD.

ENCLOSURE 3

Water Quality Certification Application



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

WATER QUALITY CERTIFICATION APPLICATION FORM

1. APPLICANT/AGENT INFORMATION

Applicant (include contact name):	Agent (if applicable):
Address:	Address:
Phone No.	Phone No.
Fax No.	Fax No.
E-mail Address:	E-mail Address:

STATEMENT OF AUTHORIZATION

I hereby authorize _____ to act in my behalf as my agent in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.

Applicant's Signature

Date

2. PROJECT DESCRIPTION (Information included separately must be clearly referenced.)

a) Project Title:
b) Project Purpose:
c) Project Activities:
d) Type(s) of material to be discharged in water body(ies):
e) Provide drainage information (include Q ₁₀ and Q ₁₀₀) for pre- and post-project implementation:
f) Proposed Schedule (start-up, duration, and completion dates):

3. PROJECT SITE DESCRIPTION – GENERAL (Include areas outside of waters of U.S.)

a) Project Location (attach map of suitable quality and detail, 1:24K or equivalent): City or Area _____ County _____ Longitude/Latitude _____
b) Total Project Size: _____ acres
c) Site description of the entire project area (including areas outside of jurisdictional waters of the US):

4. WATER BODY IMPACTS

a) Water Body Name(s)¹: _____ Clearly indicate on a published map of suitable detail, quality, and scale (1:24K or equivalent) to allow the certifying agency to easily identify the area(s), name(s), and type(s) of water body(ies) receiving any discharge:				
b) SWANCC: Are any of the waters isolated (SWANCC-related)? Yes ____ No ____ (Provide copy of any ACOE decision on jurisdiction.) Identify non-jurisdictional waters:				
c) Fill and Excavation: Indicate in ACRES and/or LINEAR FEET (where appropriate) the proposed waters to be impacted, and identify the impacts(s) as permanent and/or temporary for each water body type listed below:				
Water Body Type	Permanent Impact		Temporary Impact	
	Acres	Linear Feet	Acres	Linear Feet
Wetland ²				
Riparian ³				
Streambed ⁴				
Lake/Reservoir				
Isolated Wetland ⁵				
Isolated Riparian ⁵				
Isolated Streambed ⁵				
Isolated Lake/Reservoir ⁵				
d) Provide the name, title, and affiliation of person that carried out wetland delineation (Include copy of delineation report):				
e) Dredging: Volume (cubic yards) of <u>dredged</u> material to be discharged in waters: _____ volume in waters of the U.S. _____ volume in isolated waters				

¹Both US Army Corps of Engineer (ACOE) jurisdictional- and non-jurisdictional or isolated waters.

²ACOE jurisdictional wetland as determined by current federal delineation protocol. Do **not** include California Department of Fish and Game (CDFG) jurisdictional areas.

³Characteristic riparian (stream or lakeside) vegetation/habitat, but not jurisdictional waters of the U.S. Include CDFG jurisdictional areas **only**.

⁴Below ordinary high water mark, non-vegetated (may be wet or dry) waters of the U.S., as determined by current federal delineation protocol. Do **not** include CDFG jurisdictional areas.

⁵SWANCC-related (isolated) water body.

5. COMPENSATORY MITIGATION

- a) Is compensatory mitigation proposed? Yes _____ No _____
- b) Is a Mitigation, Monitoring and Reporting Proposal provided as per guidelines? Yes ___ No ___
(Guidelines: http://www.spl.usace.army.mil/regulatory/mmg_2004.pdf)
- c) Indicate in ACRES and LINEAR FEET (where appropriate) the total quantity of **waters of the United States** and **isolated waters** proposed to be Created, Restored and/or Enhanced for purposes of providing Compensatory Mitigation:

<i>Water Body Type</i>	<i>Created</i>	<i>Restored</i>	<i>Enhanced</i>	<i>Set Aside for Protection</i>
Wetland				
Riparian				
Streambed				
Lake/Reservoir				
Isolated Wetland				
Isolated Riparian				
Isolated Streambed				
Isolated Lake/Reservoir				

d) Provide/attach a map with suitable detail, quality, and scale (1:24K or equivalent) that will easily provide information as to the location(s) and water body(ies) of the mitigation area.

e) If contributing to a Mitigation Bank, provide the following:

Mitigation Bank Name: _____

Name of Mitigation Bank Operator: _____

Office Address of Operator/Phone Number: _____

Mitigation Bank Location (Latitude/Longitude, County, and City): _____

Mitigation Bank Water Body Type(s): _____

Mitigation Area (acres or linear feet) and cost (dollar): _____

f) If other mitigation is proposed, provide details:

6. CLEAN WATER ACT SECTION 404 PERMIT(S)

- a) Will the project be regulated under a U.S. Army Corps of Engineers Permit?: Yes ___ No ___
- b) Permit Type(s) (please provide permit number(s) if known):
 Nationwide Permit No.(s) _____ Regional General Permit No.(s) _____
 Individual Permit _____ Other _____
- c) File No.(s) (if known) _____
- d) Provide copies of the licenses/permits/applications as attachments.

7. OTHER LICENSES/PERMITS/AGREEMENTS

a) Please list all other required licenses/permits/ agreements, including local regulatory approvals (submit final or draft copy if available). Include information on any Streambed or Lakebed Alteration Agreements or NPDES permits required.

Agency (include contact name)	License/Permit/Agreement	Permit No.	Approval Date

b) Does the project require an NPDES Storm Water Permit? No ___ Yes ___ (attach copy of NOI)

c) Has a Storm Water Pollution Prevention Plan been prepared? No ___ Yes ___ (attach copy)

d) Does the project involve impacts to isolated waters? No ___ Yes ___ (attach either a Report of Waste Discharge [Form 200] or a Notice of Intent for SWRCB Order No. 2004-0004-DWQ if the impact to isolated waters is less than 0.2 acres, 400 linear feet, and 50 cubic yards of dredge spoils.)

8. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Indicate CEQA Document (submit final or draft copy if available*):

Type of CEQA Document	Lead Agency Name and Date for Notice of Exemption/Preparation/Determination (attach copy)
Statutory Exemption/Class Title	
Categorical Exemption/Class Title	
Negative Declaration	
Mitigated Negative Declaration	
Environmental Impact Report	

*Note: Ample time must be provided to the certifying agency to properly review a final copy of a valid CEQA documentation before certification can occur.

9. THREATENED/ENDANGERED SPECIES

a) Does the project require coordination with the US Fish and Wildlife Service or National Marine Fisheries Service under the Federal Endangered Species Act?

Yes _____ (provide copies of Biological Report) No _____ (provide basis of determination)

b) Does the project require coordination with the State of California Department of Fish and Game under the California Endangered Species Act?

Yes _____ (provide copies of Biological Report) No _____ (provide basis of determination)

10. APPLICATION FEE

Provide an initial fee deposit of \$500.00 with the application. Please make the check payable to the State Water Resources Control Board.

Is a check enclosed? Yes _____ No. _____ Check Number _____ Amount \$ _____

11. OTHER ACTIONS/BEST MANAGEMENT PRACTICES (BMPs)

Briefly describe other actions and both temporary and permanent BMPs to be implemented to Avoid and/or Minimize impacts to waters, including preservation of habitats, erosion control measures, project scheduling, flow diversions, revegetation, etc. List temporary and permanent BMPs that will be used in the project and provide examples of use (including typical locations) to minimize impacts to water quality standards (water quality and beneficial uses) during and after construction. Briefly discuss BMP maintenance and monitoring activities and duration, including parties responsible for long-term maintenance of any permanent BMP installed. (Attach additional pages if necessary.)

12. PAST/FUTURE PROPOSALS BY THE APPLICANT

Briefly list/describe any projects carried out in the last 5 years or planned for implementation in the next 5 years that are in any way related to the proposed activity or may impact the same receiving body of water. Include estimated adverse impacts.

Applicant's Signature (or Agent)

Date