

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM NO. 3 TO ORDER NO. 90-09

AN ADDENDUM TRANSFERRING RESPONSIBILITY FOR
ORDER NO. 90-09 FROM
COUNTY OF SAN DIEGO
TO
OTAY LANDFILL INC.,
AND ALLIED WASTE INDUSTRIES INC.
AND EXTENDING WASTE DISCHARGE REQUIREMENTS FOR
DISCHARGES OF NONHAZARDOUS SOLID WASTE AT OTAY LANDFILL
FORMERLY REGULATED UNDER ORDER NO. 74-44

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. On March 12, 1990, this Regional Board adopted Order No. 90-09, **Waste Discharge Requirements for the County of San Diego, Otay Annex Sanitary Landfill**. Order No. 90-09 established requirements for the disposal of nonhazardous wastes to the Otay Annex Landfill.
2. On August 16, 1993, this Regional Board adopted Order No. 93-86, **Waste Discharge Requirement Amendment for all MSW Landfills in this Region, to Implement State Water Board Resolution No. 93-62, Adopted June 17, 1993, as State Policy for Water Quality Control Under Section 13140 of the Water Code**. Order No. 93-86 amended waste discharge requirements for all landfills in this region which received waste after October 9, 1991, which includes Sycamore Landfill. By incorporating regulations contained in 40 Code of Federal Regulations, Part 258, Order No. 93-86 brought the above municipal solid waste landfills into compliance with State and Federal regulations.
3. By letter dated August 18, 1997, Mr. Joseph Minner, Director of Solid Waste Division, Department of Public Works, County of San Diego, requested to extend requirements for the disposal of nonhazardous solid waste (Class II-1 and 2) units from the former hazardous waste disposal area (Class I) at Otay Landfill, formerly regulated under Order No. 74-44, **Waste Discharge Requirements for the County of San Diego, Otay Disposal Site**. The detachment of the Class II unit from the Class I unit is necessary to permit the pending transfer of active landfills by the County of San Diego to Allied Waste Industries and its' subsidiaries. The application included a revised map (Attachment No. 1 to this Addendum), and a new legal description for the facility (Attachment No. 2 to this Addendum).

4. By letter dated August 19, 1997, Mr. Joseph Minner, Director of Solid Waste Division, Department of Public Works, County of San Diego, notified the Regional Board that the County of San Diego has sold the Otay/Otay Annex Sanitary Landfill to Otay Landfill, Inc. and Allied Waste Industries, Inc. At the close of escrow, on or after October 1, 1997, Otay Landfill, Inc. will assume full responsibility for the operation, and eventual closure and post-closure maintenance of the Otay/Otay Annex Landfill.
5. The Regional Board has notified all known interested parties of its intent to modify Order No. 90-09 to reflect the transfer of responsibility for compliance with Order No. 90-09.
6. The Regional Board in a public meeting heard and considered all comments pertaining to the modification of Order No. 90-09.
7. The Otay/Otay Annex Landfill is an existing facility and as such is exempt from the provisions of the California Environmental Quality Act in accordance with Title 14, California Code of Regulations, Chapter 3, Article 19, Section 15301.

In addition, on August 12, 1997, the County of San Diego Board of Supervisors approved the Negative Declaration for the sale of the Otay/Otay Annex Sanitary Landfill, in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et. seq.) and State guidelines. This project will not result in adverse impacts to water quality.

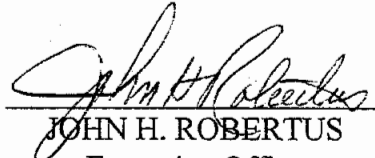
8. The County of San Diego, as former owner and operator of the Otay/Otay Annex Landfill, may be named as a responsible party for the purpose of compliance with a Cleanup and Abatement Order issued pursuant to WCS 13304 for correction of a condition of nuisance or pollution.

IT IS HEREBY ORDERED THAT Order No. 90-09 is modified as follows:

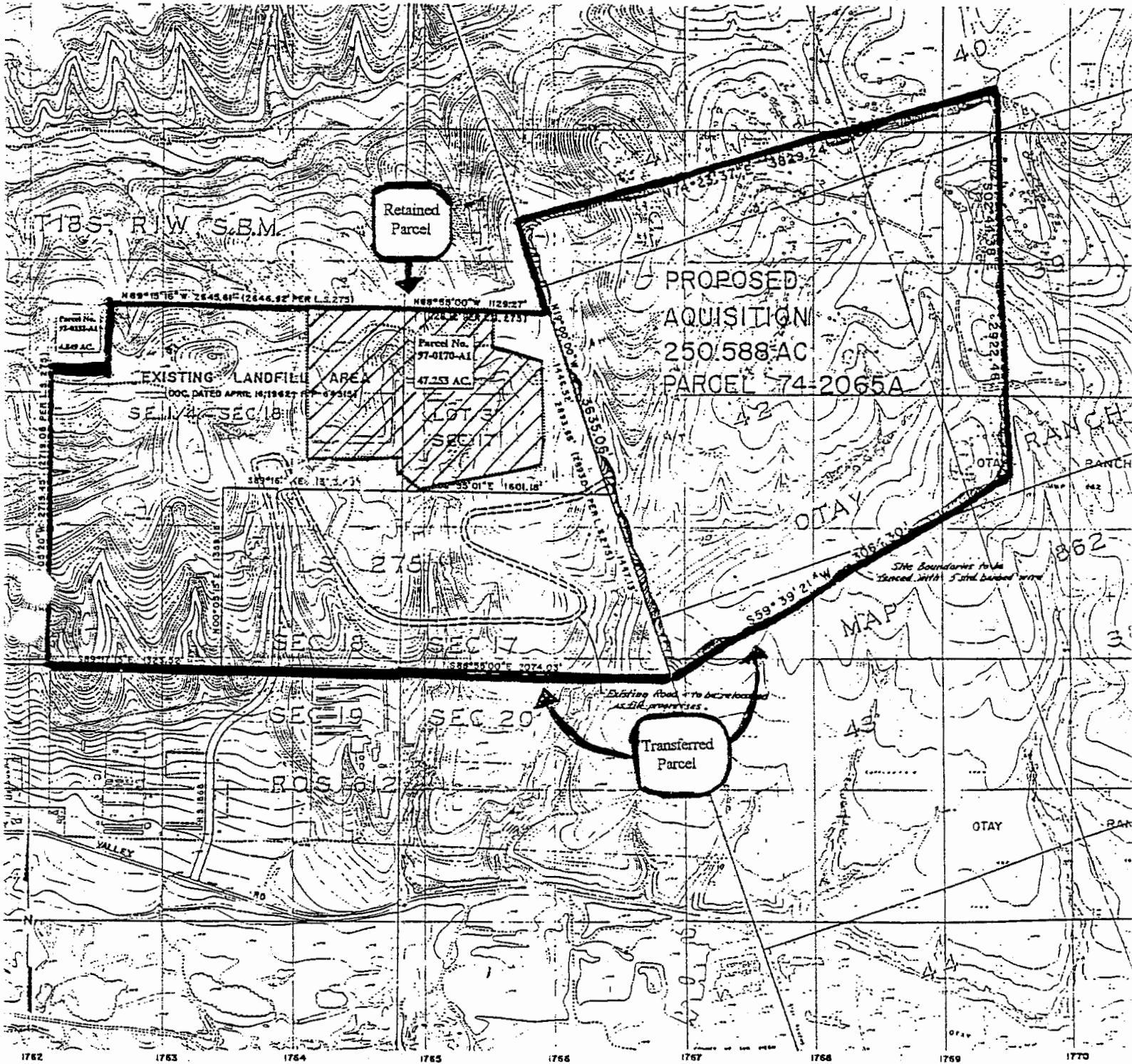
1. Order No. 90-09 shall henceforth be referred to as **Waste Discharge Requirements for Otay Landfill, Inc. and Allied Waste Industries, Inc., Otay/Otay Annex Landfill, San Diego County.**
2. The waste discharge requirements contained in Order No. 90-09 shall be extended to include the nonhazardous solid waste (Class II-1 and 2) units formerly regulated under Order No. 74-44, **Waste Discharge Requirements for the County of San Diego, Otay Disposal Site** and shall be applicable to Otay Landfill, Inc. and Allied Waste Industries, Inc. Order No. 74-44 has been modified as shown on Attachment No. 3 to this Addendum.

3. The word Discharger as it appears in Order No. 90-09 shall hereafter be construed to refer to Otay Landfill, Inc. and Allied Waste Industries, Inc.
4. The Discharger shall send copies of all monitoring reports, Reports of Waste Discharge or other technical reports required by the Executive Officer to the County of San Diego, Department of Public Works, concurrently with submittals of these reports to the Regional Board office.
5. Transfer of responsibility for Order No. 90-09 and addenda thereto will become effective upon written notification of close of escrow or completion of the transfer of solid waste assets from the County of San Diego to Allied Waste Industries, Inc.
6. In accordance with 27CCR, Chapter 6, Subchapter 2, Article 4, Allied Waste Industries, Inc. shall obtain and maintain assurances of financial responsibility for initiating and completing corrective action for all known or reasonably foreseeable releases from the Otay/Otay Annex Landfill.
7. In accordance with 27CCR, Chapter 6, Subchapter 2, Articles 1 and 2, Allied Waste Industries, Inc. shall within 30 days of the date of adoption of this Addendum to Order No. 90-09, establish an irrevocable closure fund to ensure closure and post-closure maintenance of the Otay/Otay Annex Landfill.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on October 15, 1997.


JOHN H. ROBERTUS
Executive Officer

- Attachment No. 1 Map with new boundaries for Otay/Otay Annex Landfill
- Attachment No. 2 Legal description of Otay/Otay Annex Landfill
- Attachment No. 3 Modified version of Order No. 74-44



BASIS OF BEARING IS SOUTH LINE OF SEC 17, T18S, R1W, S1B.M. PER L.S. MAP NO. 275; i.e. S88°55'00"E

TRANSFERRED PARCEL (OTAY/OTAY ANNEX LANDFILL)

Parcel No. 97-0170-B1

(9-12-97)

(PET:dig)

That portion of Lots 39, 40, 41, 42 and 43 of Otay Ranch, in the County of San Diego, State of California, according to Map thereof No. 862, a plat of which is filed in the Office of the County Recorder of San Diego County, February 7, 1900 (June 4, 1915), described as follows:

COMMENCING at the Southwest corner of Fractional Section 17, Township 18 South, Range 1 West, San Bernardino Meridian, in said San Diego County, according to Licensed Surveyor's Map thereof No. 275, a plat of which is filed in the Office of the County Recorder of San Diego County, November 5, 1926; thence along the Southerly line of said Fractional Section 17, South 88°55'00" East, a distance of 2,074.03 feet (2,074.27 per said Licensed Surveyor's Map No. 275) to a point on the Westerly boundary of said Otay Ranch, said point being also the TRUE POINT OF BEGINNING; thence leaving said Southerly line, North 19°00'00" West, along said Westerly boundary a distance of 2,893.65 feet (2,893.04 feet per said Licensed Surveyor's Map No. 275) to the most Northerly Northeast corner of that land described in deed to the County of San Diego recorded April 16, 1962 as File/Page No. 64315 of Official Records, in the Office of the County Recorder of San Diego County, thence continuing along said Westerly boundary, North 19°00'00" West, a distance of 741.41 feet; thence leaving said Westerly boundary, North 74°23'37" East, a distance of 3,829.24 feet; thence South 02°44'38" East, a distance of 2,922.46 feet; thence South 59°39'21" West, a distance of 3,064.30 feet to the TRUE POINT OF BEGINNING.

The Southeast Quarter of Section 18, Township 18 South, Range 1 West, and Lot 3 and Lot 4 and the Southwest Quarter of the Southwest Quarter of Fractional Section 17, Township 18 South, Range 1 West, in the County of San Diego, State of California according to United States Government Survey.

EXCEPTING THEREFROM that portion of the Northwest Quarter of the Southeast Quarter of said Section 18, Township 18 South, Range 1 West, conveyed to Otay Water District in deed recorded August 12, 1996 as File/Page No. 1996-0406406 of official records, described as follows:

The North 480.00 feet of the West 440.00 feet of the Northwest Quarter of the Southeast Quarter of said Section 18.

ALSO EXCEPTING THEREFROM those portions of the South Half of Fractional Section 17, Township 18 South, Range 1 West and of the East Half of the Southeast Quarter of Section 18, Township 18 South, Range 1 West, San Bernardino Base and Meridian in the County of San Diego, State of California, described as follows:

BEGINNING at the East Quarter corner of said Section 18 as shown on Miscellaneous Survey No. 768, on file in the Office of the County Engineer of said San Diego County; thence along the Northerly line of the South Half of said Section 18, North 88°51'55" West (Record North 88°52'34" West) 726.87 feet; thence leaving said line South 0°00'00" West, 1,146.92 feet; thence North 89°52'45" East, 668.10 feet; thence South 01°03'26" East, 92.83 feet; thence South 53°27'10" East, 224.75 feet; thence North 79°31'03" East, 945.27 feet; thence North 7°04'32" East, 183.00 feet thence North 00°28'27" East, 156.77 feet; thence North 02°14'32" West, 447.43 feet; thence North 75°20'29" West, 381.82 feet; thence North 01°27'22" East, 286.08 feet to a point on the Northerly line of said South Half of Section 17; thence along said Northerly line North 88°32'38" West (Record North 88°32'12" West) 697.58 feet to the POINT OF BEGINNING to the POINT OF BEGINNING.