

ATTACHMENT NO. TWO
WASTE DISCHARGE REQUIREMENTS

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2005-0067

WASTE DISCHARGE REQUIREMENTS
FOR
COUNTY OF FRESNO
FOR
CONSTRUCTION AND OPERATION
AMERICAN AVENUE MUNICIPAL SOLID WASTE LANDFILL
FRESNO COUNTY

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

1. The County of Fresno (hereafter Discharger) owns and operates a municipal solid waste landfill approximately five miles southwest of the City of Kerman, in Sections 32 and 33, T14S, R17E, MDB&M, as shown in Attachment A, which is incorporated herein and made part of this Order.
2. The 440-acre waste management facility consists of an unlined waste management unit covering 30 acres (Phase I), a 160-acre composite-lined waste management unit (Phase II), and a proposed expansion area (Phase III), as shown in Attachment B, which is incorporated herein and made part of this Order. Phase I of the facility is comprised of Assessor's Parcel Numbers (APN) 02005204ST and 02005205ST, and Phase II of the facility is comprised of APN 02021026ST, 02021027ST, 02021033ST, 02021034ST, and 02021035ST.
3. The Discharger proposes to expand the waste management facility by constructing Phase III (250 acres). The proposed expansion lies in APN 02005206T, 02005209ST, and 02005213ST.
4. The Discharger proposes to excavate the existing inactive unlined waste management unit (Phase I). The removal process will include the excavation and mechanical sorting of solid waste from soils within the unlined cell, as a means of mitigating known landfill releases and to provide additional soil needs for landfill operations. Finer materials that pass through a screening process will be used as daily cover material on the landfill's active face. Objects that do not pass the screening process will be discharged into a composite-lined landfill cell. Excavation of the unlined unit will continue until the entire unlined waste cell is removed. The Discharger proposes to begin constructing a composite liner system in the place of the former unlined waste management unit contiguous with existing Phase II and proposed Phase III, once the unlined unit has been excavated.

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5. On 19 September 1997, the Regional Board issued Order No. 97-200, in which the facility was classified as a Class III waste disposal site for the discharge of municipal solid waste in accordance with Title 27, California Code of Regulations, §20005, et seq. (Title 27). The site and waste classification remain the same for this Order.

SITE DESCRIPTION

6. The measured hydraulic conductivity of the native soils underlying the units ranges between 1×10^{-3} cm/sec and 1×10^{-5} cm/sec.
7. The waste management facility is not within a fault hazard zone. The closest Holocene fault is the Coast Range /Central Valley Fault, approximately 23 miles southwest of the site. The Maximum Credible Earthquake (MCE) for this fault is a Magnitude 7.0 earthquake, which is predicted to produce a peak horizontal bedrock acceleration of 0.14 at the American Avenue Landfill site. The MCE associated with the San Andreas Fault, approximately 48 miles to the southwest, is a Magnitude 8.0 event. The estimated peak horizontal bedrock acceleration generated from this event is 0.096 g at the site.
8. Land uses within 1,000 feet of the facility are agriculture, rural residential housing, and open space.
9. The facility receives an average of 10.9 inches of precipitation per year as measured at the Fresno weather station. The mean pan evaporation for this facility is 79.8 inches per year as measured at the Tranquility weather station.
10. The 100-year, 24-hour precipitation event for the facility is estimated to be 2.86 inches, as calculated by a Pearson type III distribution.
11. The existing waste management units are not within a 100-year floodplain based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map, Community-Panel Number 06019C 2075F (19 July 2001). However, a portion of the northeast corner of the proposed expansion Phase III area is within a 100-year flood zone (Zone A) according to the FEMA Map.
12. There are 37 municipal, domestic, industrial, or agricultural supply wells within one mile of the site. No surface springs or other sources of groundwater supply have been observed.

WASTE AND SITE CLASSIFICATION

13. The Discharger disposes of municipal and industrial solid wastes, which are classified as "nonhazardous solid waste" or "inert waste" suitable for discharge to a Class III landfill as

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defined in Title 27 Section 20164. Nonhazardous solid waste includes municipal solid wastes, as referred to in the Code of Federal Regulations, Title 40, Part 258.2.

14. The Discharger proposes to accept treated wood waste at the American Avenue Landfill. "Treated wood" means wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 and following). Existing law regulates the control of hazardous waste, but exempts from the hazardous waste control laws, wood waste that is exempt from regulation under the federal Resource Conservation and Recovery Act of 1976, as amended (RCRA), if the wood waste is disposed of in a municipal landfill that meets certain requirements imposed pursuant to the Porter-Cologne Water Quality Control Act for the classification of disposal sites, and the landfill meets other specified requirements outlined in Sections 25143.1.5 and 25150.7 of the Health and Safety Code. Section 25150.8 of the Health and Safety Code also provides that if treated wood waste is accepted by a solid waste landfill that manages and disposes of the treated wood waste in the manner specified, the treated wood waste shall be deemed to be a solid waste, and not a hazardous or designated waste. The Discharger has indicated that all treated wood waste accepted at the American Avenue Landfill will be handled and disposed of in accordance with the provisions outlined in Sections 25143.1.5, 25150.7, and 25150.8 of the Health and Safety Code.
15. The site characteristics where the Unit is located (see Finding No. 6) do not meet the siting criteria for a new Class III landfill contained in §20260(a) and (b)(1) of Title 27. As such, the site is not suitable for operating new Units or lateral expansions of existing Units for the discharge and containment of Class III wastes as described in Finding Nos. 13 and 14, without the construction of additional waste containment features in accordance with §20260(b)(2) of Title 27 and State Water Resources Control Board Resolution No. 93-62.
16. Leachate generated from the existing lined Unit exhibits concentrations of volatile organic compounds and inorganic constituents of concern in excess of water quality standards. In addition, the site characteristics where the Unit is located (see Finding Nos. 6 and 19) do not permit adequate attenuation of the leachate in the event of a release from the Unit. However, this Order allows the return of collected leachate to the waste management unit from which it came, pursuant to Section 20340(g) of Title 27.

SURFACE AND GROUND WATER CONDITIONS

17. The *Water Quality Control Plan for the Tulare Lake Basin, Second Edition* (hereafter Basin Plan), designates beneficial uses, establishes water quality objectives, and contains implementation plans and policies for all waters of the Basin.
18. Surface drainage is toward James Bypass of the Fresno Slough in the Lower Kings River Hydrologic Area (551.80) of the Tulare Lake Basin. The Fresno Slough discharges to the San Joaquin River.
19. The landfill is located on the floor of the southern San Joaquin Valley. The designated beneficial uses of surface waters on the valley floor, as specified in the Basin Plan, are agricultural supply, industrial service and process supply, contact and non-contact water recreation, warm fresh water habitat, preservation of rare, threatened and endangered species, and groundwater recharge.
20. The first encountered groundwater is about 120 to 132 feet below the native ground surface. Groundwater elevations range from 51 feet MSL to 60 feet MSL. The groundwater is unconfined. The depth to groundwater fluctuates seasonally as much as 20 feet.
21. Monitoring data indicates background groundwater quality has an electrical conductivity (EC) ranging between 1450 and 2400 micromhos/cm, with total dissolved solids (TDS) ranging between 960 and 1900 mg/l.
22. The direction of groundwater flow is toward the southeast. The direction of groundwater flow varies seasonally and periodically flows toward the south during the high agricultural demand season. The average groundwater gradient is approximately 0.0026. The average groundwater velocity is approximately 18 feet per year.
23. The designated beneficial uses of the groundwater, as specified in the Basin Plan, are domestic and municipal, agricultural, and industrial supply.

GROUNDWATER MONITORING

24. The existing groundwater detection monitoring system consists of two background monitoring wells (BMW-1, BMW-2), and fifteen downgradient monitoring wells (DMW-2, DMW-4, DMW-6, DMW-8, DMW-10, and DMW-11 through DMW-20).
25. The vadose zone monitoring system consists of two monitoring stations installed within the subgrade of Modules 1, 2, 3, and 4 of the Phase II area. One station is located near the middle of each module and one station is located beneath each module's leachate collection

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sump. Each station consists of two suction lysimeter/soil moisture block systems (16 lysimeters total) and ancillary extension lines and access riser pipes. Of these, one lysimeter (M3L-2, located beneath the center of Module 3) is not functioning properly. An additional suction lysimeter has been installed to provide for background unsaturated zone monitoring. At the present time, the only lysimeters that produce sufficient liquid for sampling are M1L3 and M1L4, installed beneath the leachate sump of Module 1. In addition, pan lysimeters were installed beneath the liner system of Cells 5 through 8 of Phase II for the purposes of vadose zone monitoring. The pan lysimeters consist of an underlying 60-mil HDPE liner on a prepared subgrade below the leachate sumps and the leachate collection and removal system troughs with ancillary drainage and access riser pipes.

26. The Discharger's detection monitoring program for groundwater at this Unit satisfies the requirements contained in Title 27.
27. Volatile organic compounds (VOCs) are often detected in a release from a landfill, and are the primary waste constituents detected in groundwater beneath a municipal solid waste landfill (see Finding No. 35). Since volatile organic compounds are not naturally occurring and thus have no background value, they are not amenable to the statistical analysis procedures contained in Title 27 for the determination of a release of wastes from a Unit.
28. Sections 20415(e)(8) and (9) of Title 27 provide for the non-statistical evaluation of monitoring data that will provide the best assurance of the earliest possible detection of a release from a Unit in accordance with §20415(b)(1)(B)2.-4. of Title 27. However, Title 27 does not specify a specific method for non-statistical evaluation of monitoring data.
29. The Regional Board may specify a non-statistical data analysis method pursuant to Section 20080(a)(1) of Title 27. Section 13360(a)(1) of the California Water Code allows the Regional Board to specify requirements to protect underground or surface waters from leakage from a solid waste site, which includes a method to provide the best assurance of determining the earliest possible detection of a release.
30. In order to provide the best assurance of the earliest possible detection of a release of non-naturally occurring waste constituents from a Unit, this Order specifies a non-statistical method for the evaluation of monitoring data.
31. The specified non-statistical method for evaluation of monitoring data provides two criteria (or triggers) for making the determination that there has been a release of non-naturally occurring waste constituents from a Unit. The presence of two non-naturally occurring waste constituents above their respective method detection limit (MDL), or one non-naturally occurring waste constituent detected above its practical quantitation limit (PQL), provides tentative evidence that a release of waste from a Unit has occurred. Following

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tentative indication of a release, verification testing will be conducted to determine whether there has been a release from the Unit, or there is a source of the detected constituents other than the landfill, or the detection was a false detection. Although the detection of one non-naturally occurring waste constituent above its MDL is sufficient to provide for the earliest possible detection of a release, the detection of two non-naturally occurring waste constituents above the MDL as a trigger is appropriate due to the higher risk of false-positive analytical results and the corresponding increase in sampling and analytical expenses from the use of one non-naturally occurring waste constituent above its MDL as a trigger.

GROUNDWATER DEGRADATION

32. "Pollution" means an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects: (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses [California Water Code, §13050(1)]. Water quality objectives are levels of constituents that are established for the reasonable protection of beneficial uses of waters. Exceedence of water quality objectives, including Maximum Contaminant Levels, constitutes pollution.

33. Section 13304(a) of the California Code states:

"Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action"

34. Section 13267(b)(1) of the California Water Code states:

"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 proposes to discharge waste 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 report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

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35. Volatile organic compounds were first detected in groundwater when the detection monitoring wells were installed in 1987. Several waste constituents were detected in 1987 at concentrations below primary water quality standards, including: chloroethane; chloromethane; dichlorodifluoromethane; cis-1,3-dichloropropylene; tetrachloroethylene; 1,1,1-trichloroethane; trichloroethylene; and trichlorofluoromethane. These and other volatile organics continue to be detected sporadically in detection monitoring wells at concentrations below primary water quality standards.
36. The inorganic, naturally-occurring waste constituents chloride, magnesium, and sodium have been detected in downgradient monitoring wells at concentrations in excess of tolerance limits established for the Unit.
37. The groundwater degradation was caused by a release (discharge of waste) from the waste management unit (see Finding Nos. 35 and 36).
38. The current plume of degraded groundwater creates or threatens to create a condition of pollution or nuisance.
39. California Water Code §13304 authorizes the Regional Board to require dischargers to cleanup waste and abate the effects of waste. Cleanup and abatement measures include corrective action measures as required under Title 27.
40. The Discharger is currently conducting evaluation monitoring in accordance with Cleanup and Abatement Order No. 98-702, issued by the Executive Officer in 1998. However, the final evaluation monitoring report has not been submitted to date.
41. The lateral and vertical extent of groundwater degradation has not been determined. Additional groundwater sampling locations are needed to delineate the nature and extent of waste constituents in groundwater.
42. This order requires completion of the evaluation monitoring program and submission of a final feasibility study for corrective action.

EVALUATION MONITORING PROGRAM

43. The discharge of waste constituents that has caused a degradation of groundwater is a violation of Waste Discharge Requirements Order No. 97-200, Prohibitions A.3, A.7, and A.10; Discharge Specification B.6; and General Provisions 1, 3, and 4 of the *Standard Provisions and Reporting Requirements for Waste Discharge Requirements for Discharges Regulated by Title 27 and/or Part 258, August 1997*, which requires that the discharge shall not create a condition of degradation or pollution.

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44. The Discharger is in violation of Order No. 97-200, Detection Monitoring Specification E.4, which requires the Discharger not to exceed the water quality protection standard established pursuant to Monitoring and Reporting Program No. 97-200. Evidence of exceedence of the standard for volatile organics occurs when the constituent is detected by the appropriate method. Non-naturally occurring VOCs exceeding the water quality protection standard have been detected in monitoring wells (see Finding No. 35).
45. Subsections 20385(a) (2) and (4) of Title 27 requires the Discharger to initiate an evaluation monitoring program whenever there is significant evidence of a release from the Unit during a detection monitoring program, and to institute a corrective action program when the Regional Board determines that the assessment of the nature and extent of the release and the design of a corrective action program have been satisfactorily completed. These are considered cleanup and abatement activities pursuant to California Water Code §13304. These programs must be applied to all water bearing zones affected by the release, including perched water zones.
46. An evaluation monitoring program is used to assess the nature and extent of a release from a Unit and to design a corrective action program in accordance with §20430 of Title 27 [Title 27, §20425(a)(2)]. In assessing the nature and extent of a release from a Unit, the Discharger is obligated to include a determination of the spatial distribution and concentration of each constituent of concern throughout the zone affected by the release [Title 27, §20425(b)]. The extent of a release is determined when the constituents of concern are not detected above their respective water quality protection standard at groundwater sampling locations out from all sides of the Unit where the constituents of concern have exceeded the water quality protection standard.
47. Evaluation monitoring is required to be implemented when the detection monitoring program determines that waste constituents have leaked from the Unit (see Finding Nos. 35 and 36). In the case of organic compounds that are not naturally occurring, their presence in samples from detection monitoring wells is evidence of a release from the Unit. For naturally occurring compounds and constituents, evidence of a release is based on a measurably significant increase in their concentration(s) above the upper tolerance limit established in the water quality protection standard.
48. Non-naturally occurring organic compounds have been detected in samples from detection monitoring wells (see Finding No. 35). This detection of waste constituents constitutes evidence of a release from the Unit. The Discharger is therefore obligated to complete an evaluation monitoring program in accordance with §20425 of Title 27 in order to determine the extent of migration of the waste constituents, to assess their potential threat to the beneficial uses of the areal groundwater, and to prepare a corrective action program in accordance with §20430 of Title 27.

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49. Naturally occurring inorganic waste constituents have been detected in samples from detection monitoring wells at concentrations statistically greater than background (see Finding No. 36). This detection of waste constituents constitutes evidence of a release from the Unit. The Discharger is therefore obligated to initiate an evaluation monitoring program in accordance with §20425 of Title 27 in order to determine the extent of migration of the waste constituents, to assess their potential threat to the beneficial uses of the areal groundwater, and to prepare a corrective action program in accordance with §20430 of Title 27.
50. Section 20420(k)(5) of Title 27 requires that within 90 days of determining a measurably significant evidence of a release, a discharger shall submit to the Regional Board an amended report of waste discharge, including information specified in §20420(k)(5) of Title 27, to establish an evaluation monitoring program meeting the provisions of §20425 of Title 27.
51. Section 20420(k)(6) of Title 27 requires that within 180 days of determining a measurably significant evidence of a release, a discharger shall submit an engineering feasibility study for a corrective action program necessary to meet the requirements of §20430 of Title 27. At a minimum, the feasibility study shall contain a detailed description of the corrective action measures that could be taken to achieve background concentrations for all constituents of concern.
52. Section 20425(b) of Title 27 requires a discharger to complete an evaluation of the nature and extent of a release from the Unit and to submit the assessment to the Regional Board within 90 days of establishing an evaluation monitoring program.
53. Section 20425(c) of Title 27 requires a discharger to submit an updated engineering feasibility study for corrective action based on the results of the evaluation monitoring program and an amended report of waste discharge to establish a corrective action program meeting the requirements of §20430 of Title 27 to the Regional Board within 90 days of establishing an evaluation monitoring program.
54. Section 20425(d) of Title 27 requires a discharger to submit an amended report of waste discharge to establish a corrective action program meeting the requirements of §20430 of Title 27 to the Regional Board within 90 days of establishing an evaluation monitoring program. The proposed corrective action program is to be based on the data collected pursuant to §20425(b) of Title 27, and on the engineering feasibility study for corrective action submitted pursuant to §20425(c) of Title 27.

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55. An evaluation monitoring program was required to have been conducted within the regulatory time frame following the effective date of the Article 5 revisions to Title 23, CCR, § 2510 et seq. (Chapter 15, effective 1 July 1991) because evidence of a release has existed since 1987 (see Finding No. 35 and 36).
56. The Discharger has not complied with the time frames contained in former Chapter 15 or Title 27 for the completion of an evaluation monitoring program and the submission of a proposed corrective action program (see Finding Nos. 50, 51 and 52), and is therefore in non-compliance with the applicable provisions of Title 27.
57. The Discharger, being a public entity, is unable to comply with the regulatory time frames contained in Title 27 due to the time required to conduct the public bidding process and budgetary constraints. As such, the Discharger has requested an alternate time schedule by which to comply with the evaluation monitoring program requirements contained in Title 27.
58. This Order establishes a time schedule for the completion of an evaluation monitoring program, the submission of an updated engineering feasibility study for the establishment of a corrective action program, and the submission of a report of waste discharge for a corrective action program. Failure to comply with the time schedule contained in this Order may subject the Discharger to a civil monetary liability.

CONSTRUCTION AND ENGINEERED ALTERNATIVE

59. On 17 June 1993, the State Water Resources Control Board adopted Resolution No. 93-62 implementing a State Policy for the construction, monitoring, and operation of municipal solid waste landfills that is consistent with the federal municipal solid waste regulations promulgated under Title 40, Code of Federal Regulations, Part 258 (Subtitle D).
60. Resolution No. 93-62 requires the construction of a specified composite liner system at new municipal solid waste landfills, or expansion areas of existing municipal solid waste landfills, that receive wastes after 9 October 1993.
61. Resolution No. 93-62 also allows the Regional Board to consider the approval of engineered alternatives to the prescriptive standard. Section III.A.b. of Resolution No. 93-62 requires that the engineered alternative liner systems be of a composite design similar to the prescriptive standard.
62. Title 27 CCR Section 20080(b) allows the Regional Board to consider the approval of an engineered alternative to the prescriptive standard. In order to approve an engineered alternative in accordance with Title 27 CCR Sections 20080(c)(1) and (2), the Discharger

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must demonstrate that the prescriptive design is unreasonably and unnecessarily burdensome and will cost substantially more than an alternative which will meet the criteria contained in Title 27 CCR Section 20080(b), or would be impractical and would not promote attainment of applicable performance standards. The Discharger must also demonstrate that the proposed engineered alternative liner system is consistent with the performance goal addressed by the particular prescriptive standard, and provides protection against water quality impairment equivalent to the prescriptive standard in accordance with Title 27 CCR Section 20080(b)(2).

63. Section 13360(a)(1) of the California Water Code allows the Regional Board to specify the design, type of construction, and/or particular manner in which compliance must be met in waste discharge requirements or orders for the discharge of waste at solid waste disposal facilities.
64. The Discharger has proposed the construction of an engineered alternative single-composite liner system for the proposed Phase III. The liner would be comprised of the following, in ascending order: a subgrade layer recompacted to 95 percent of maximum dry density; a geosynthetic clay liner (GCL); and a 60-mil thick high density polyethylene (HDPE) single-textured geomembrane (textured side down). The design includes a geocomposite composed of a drainage geonet and a filter geotextile atop the HDPE geomembrane, on which a two-foot thick soil operations layer will be placed.
65. The GCL will consist either of a 5 mm thick layer of sodium bentonite sandwiched between two nonwoven geotextiles (geotextile-type), or the bentonite layer affixed to a double-textured geomembrane by chemical adhesive (geomembrane-type). The geotextile-type GCL will be needle-punched or lock-stitched together through the bentonite layer to form a stable composite. The geomembrane-type GCL will be installed with the geomembrane side down, in contact with the subgrade. Overlaps of the GCL panels will be a minimum of six and twelve inches along lengthwise seams and at the end seams, respectively, for geotextile-type, and twelve and eighteen inches along lengthwise seams and at the end seams, respectively, for geomembrane-type.
66. Side slope liners are proposed to be constructed of the same materials and in the same sequence and manner as the bottom liner system, with the exception of the subgrade. The subgrade for side slopes will not be over excavated and replaced with an engineered fill. It will be prepared in an appropriate manner using accepted engineering and construction methods so as to provide a surface that is smooth and free from rocks, sticks, and other debris that could damage or otherwise limit the performance of the geosynthetic clay layers and/or geomembrane.
67. The Discharger has demonstrated that construction of a Subtitle D prescriptive standard liner system for Phase III would be unreasonable and unnecessarily burdensome when

compared to the proposed engineered alternative design. There is no clay source on-site or nearby and the cost of importing clay from off-site or mixing on-site soils with bentonite would cost substantially more than the alternative design. The Discharger has also demonstrated that the proposed engineered alternative is consistent with the performance goals of the prescriptive standard and affords at least equivalent protection against water quality impairment.

68. The proposed leachate collection and removal system (LCRS) design for each expansion cell of the new Unit consists of a geocomposite drainage layer placed on top of the geomembrane liner and extending to the top of each waste cell slope. A collection sump is to be installed above the HDPE geomembrane at the midpoint of the toe of the downgradient slope of each module liner system, in which extraction piping and drainage gravel will be installed. In addition, a leachate collection trench will be constructed along the toe of the downgradient slope. The sump will be lined with the GCL and two layers of the geomembrane, with one layer of filter geotextile in between the geomembrane layers. The sump will be filled with Class 1, Type A drainage gravel, over which the geonet, the geotextile and the operations layer will be placed. Each module's liner system will be gently sloped at 1% toward the downslope end and inward toward the module's centerline to allow gravity drainage of leachate through the geonet toward the leachate collection trench and sump. Each sump will be fitted with an automated submersible pump housed in a riser pipe accessible from the surface. A two-foot thick clean soil operations layer will be placed over the LCRS. The proposed LCRS design for the Phase III expansion cell was analyzed using the Hydrologic Evaluation of Landfill Performance (HELP). The results of the HELP analysis determined that the maximum leachate head on the liner system would be less than one inch and that the maximum daily leachate generation rate would be approximately 331 gallons per day per acre.
69. A pan lysimeter will be installed beneath the liner system for the purposes of vadose zone monitoring. The pan lysimeter will consist of: 1) an underlying GCL and 60-mil HDPE composite liner on a prepared subgrade below the leachate sump(s) and the leachate collection and removal system trenches; and 2) perforated or slotted 10-inch diameter HDPE piping wrapped with a filter fabric and encased in drainage rock (6-inch diameter along the trenches).
70. Construction will proceed only after all applicable construction quality assurance plans have been approved by Executive Officer.

LINER PERFORMANCE DEMONSTRATION

71. On 15 September 2000, the Regional Board adopted Resolution No. 5-00-213, titled *Request For The State Water Resources Control Board To Review The Adequacy Of The Prescriptive Design Requirements For Landfill Waste Containment Systems To Meet The*

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Performance Standards Of Title 27. The State Board responded, in part, that "a single composite liner system continues to be an adequate minimum standard" however, the Regional Board "should require a more stringent design in a case where it determines that the minimum design will not provide adequate protection to a given body of groundwater."

In a letter dated 17 April 2001, the Executive Officer notified owners and operators of solid waste landfills that "the Board will require a demonstration that any proposed landfill liner system to be constructed after 1 January 2002 will comply with Title 27 performance standards. A thorough evaluation of site-specific factors and cost/benefit analysis of single, double and triple composite liners will likely be necessary."

72. In accordance with the Executive Officer's letter of 17 April 2001, the Discharger submitted a landfill liner design performance report for the proposed Phase III waste management unit to demonstrate that the proposed engineered alternative design would meet the performance standard contained in Section 20310(c) of Title 27 for a Class III landfill. The demonstration utilized a model to predict the performance of the proposed liner design and the fate and transport of a release of waste constituents from Phase III.
73. To ensure proper installation of the engineered alternative landfill liner system, the Discharger has agreed to perform an electronic leak detection survey (ELDS) over the entire base of the liner system subsequent to placement of the operations layer on the liner and leachate collection and removal system to detect and repair any liner defects prior to placing waste. In addition to performing the ELDS, the County will place select waste over the operations layer to reduce the potential damage to the base liner during initial refuse filling operations.
74. Based on the results of the model showing that the engineered alternative liner design would contain the wastes discharged to the Unit, and the design and construction features of the engineered alternative liner system, the Regional Board finds that the engineered alternative liner meets the performance standard contained in Title 27. The Discharger has also demonstrated that the proposed liner system meets the approval criteria set forth in Section 20080(b) of Title 27 for engineered alternative designs. The Discharger therefore proposes a liner system which will be designed, constructed, and operated in accordance with the criteria set forth in Title 27, and the provisions in State Water Resources Control Board Resolution No. 93-62 for municipal solid wastes.

CEQA AND OTHER CONSIDERATIONS

75. 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, CCR, §15301.

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76. This order implements:

- a. *The Water Quality Control Plan for the Tulare Lake Basin, Second Edition, 1995;*
- 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;
- c. The prescriptive standards and performance criteria of RCRA Subtitle D, Part 258; and
- d. State Water Resources Control Board Resolution No. 93-62, *Policy for Regulation of Discharges of Municipal Solid Waste*, adopted 17 June 1993.

77. 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 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 discharging, or who proposed to discharge waste outside of its region that could affect the quality of the waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the 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. The monitoring and reporting program required by this Order and the attached Monitoring and Reporting Program No. R5-2005-0067 are necessary to assure compliance with these waste discharge requirements. The Discharger operates the facility that discharges the waste subject to this Order.

PROCEDURAL REQUIREMENTS

78. 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.
79. The Regional 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.
80. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.

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81. Any person affected by this action of the Regional Board may petition the State Water Resources Control Board to review the action in accordance with Sections 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 http://www.waterboards.ca.gov/water_laws/index.html and will be provided on request.

IT IS HEREBY ORDERED, pursuant to Sections 13263 and 13267 of the California Water Code, that Order Nos. 97-200 and 98-702 are rescinded, and that the County of Fresno, its 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 discharge 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, Section 2510 et seq., and 'designated waste' is as defined in Title 27.
2. The discharge of wastes outside of a Unit or portions of a Unit specifically designed for their containment is prohibited.
3. The discharge of waste to a closed Unit is prohibited.
4. The discharge shall not cause the release of pollutants, or waste constituents in a manner which could cause a condition of nuisance, degradation, contamination, or pollution of groundwater to occur, as indicated by the most appropriate statistical or nonstatistical data analysis method and retest method listed in this Order, the Monitoring and Reporting Program, or the Standard Provisions and Reporting Requirements.
5. The discharge of solid or liquid waste or leachate to surface waters, surface water drainage courses, or groundwater is prohibited.
6. The discharge shall not cause any increase in the concentration of waste constituents in soil-pore gas, soil-pore liquid, soil, or other geologic materials outside of the Unit if such waste constituents could migrate to waters of the State — in either the liquid or the gaseous phase — and cause a condition of nuisance, degradation, contamination, or pollution.

B. DISCHARGE SPECIFICATIONS

1. Nonhazardous wastes shall be discharged to either:
 - a. The existing single-composite-lined Unit; or
 - b. To a new Unit equipped with a single-composite liner containment system that meets the requirements for both liners and leachate collection and removal systems specified under D. Construction Specifications.
2. The discharge shall remain within the designated disposal area at all times.
3. The waste discharged to the initial three feet of all new waste management units or any expansion of an existing waste management unit, as measured from the top of the operations layer of the liner system, shall consist only of "packer waste" or other waste that will not pose a threat of physical damage to the liner system.
4. "Treated wood" wastes may be discharged, but only to an area equipped with a composite liner and leachate collection and removal system, as described in Construction Specification D.3, and shall be handled in accordance with California Health and Safety Code Sections 25143.1.5 and 25150.7. "Treated wood" means wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 and following). This may include but is not limited to waste wood that has been treated with chromated copper arsenate (CCA), pentachlorophenol, creosote, acid copper chromate (ACC), ammoniacal copper arsenate (ACA), ammoniacal copper zinc arsenate (ACZA), or chromated zinc chloride (CZC).
5. Treated wood must be managed to ensure consistency with Sections 25143.1.5 and 25150.7 of the Health and Safety Code. If a verified release is detected from the waste management unit where treated wood is disposed, the disposal of treated wood shall be terminated at the unit with the verified release until corrective action ceases the release.
6. Discharge Specifications B.4 and B.5, above, apply only to treated wood waste that is a hazardous waste solely due to the presence of a preservative in the wood, and is not subject to regulation as a hazardous waste under the federal act.

C. FACILITY SPECIFICATIONS

1. The Discharger shall, in a timely manner, remove and relocate any wastes discharged at this facility in violation of this Order.
2. The Discharger shall immediately notify the Regional Board of any flooding, unpermitted discharge of waste off-site, equipment failure, slope failure, or other change in site conditions which could impair the integrity of waste or leachate containment facilities or precipitation and drainage control structures.
3. Water used for facility maintenance shall be limited to the minimum amount necessary for dust control, and construction.
4. The Discharger shall maintain in good working order any facility, control system, or monitoring device installed to achieve compliance with these waste discharge requirements.
5. Methane and other landfill gases shall be adequately vented, removed from the Unit, or otherwise controlled to prevent the danger of adverse health effects, nuisance conditions, or the impairment of the beneficial uses of surface water or groundwater due to migration through the unsaturated zone.
6. Surface drainage within the waste management facility shall either be contained on-site or be discharged in accordance with applicable storm water regulations.
7. The Discharger shall maintain a *Storm Water Pollution Prevention Plan and Monitoring Program and Reporting Requirements* in accordance with State Water Resources Control Board Order No. 97-03-DWQ, or retain all storm water on-site.

D. CONSTRUCTION SPECIFICATIONS

1. The Discharger shall submit for Executive Officer review and approval either prior to, or concurrent with, submission of the Construction Quality Assurance Plan as per Construction Specification D.2.a., below, a Design Report for each expansion cell of the proposed unit that includes detailed plans, specifications, and descriptions for the liner components and leachate collection and removal system (LCRS) components. The Design Report shall incorporate design rationale, with supporting calculations, for all components of the proposed containment system, and shall describe design details that allow for annual integrity testing of the LCRS to demonstrate whether the LCRS was designed and is operating to function without clogging, pursuant to Title 27 CCR Section 20340(d).

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2. The Discharger shall submit for Executive Officer review and approval **prior to** construction, design plans and specifications for new Units and expansions of existing Units, that include the following:
 - a. A Construction Quality Assurance Plan meeting the requirements of Title 27 CCR Section 20324; and
 - b. A geotechnical evaluation of the area soils, evaluating their use as the base layer; and
 - c. An unsaturated zone monitoring system, which is demonstrated to remain effective throughout the active life, closure, and postclosure maintenance periods of the Unit, which shall be installed beneath the composite liner system in accordance with Title 27 CCR Section 20415(d).
3. The liner systems of all new waste management units and expansion areas of the existing waste management unit shall be constructed in accordance with the following engineered alternative composite liner design:
 - a. The bottom liner shall be comprised, in ascending order, of the following:
 - 1) An eight-inch thick engineered soil foundation layer that shall be constructed of select fine-grained soil materials with a maximum particle size of ½-inch and exhibiting rounded to subrounded clasts, and which shall be scarified and re-compacted to 95% of maximum dry density and within 2% of optimum moisture content, and which will either attain a hydraulic conductivity of 1×10^{-5} cm/sec or less or meet the following gradation criteria:
 - a) At least 30% of the material, by dry weight, passing the No. 200 U.S. Standard sieve; and
 - b) A gradation series (i.e., well-graded) that is amenable to compaction.
 - 2) A GCL that shall exhibit appropriate strength characteristics to accommodate stresses associated with specific landfill design parameters, with particular attention to interface, long-term creep shear, and bearing capacity.
 - 3) A 60-mil thick high density polyethylene (HDPE) single-textured geomembrane (textured side down).
 - 4) A geonet drainage layer that shall be of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover

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materials, and by any equipment used at the Unit, and that shall be designed to convey twice the maximum anticipated daily volume of leachate generated from the Unit, and that shall be designed to ensure that there is no buildup of hydraulic head on the liner.

- 5) A nonwoven filter geotextile.
- 6) A two-foot thick soil operations layer.
- b. The side slope liner shall be comprised of the same components and constructed in the same order as that described for base liner above, with the exception that the prepared subgrade shall meet the criteria contained in Construction Specification D.5, below.
4. The Discharger may propose changes to the liner system design prior to construction, provided that approved components are not eliminated, the engineering properties of the components are not substantially reduced, and the proposed liner system results in the protection of water quality equal to or greater than the design prescribed by Title 27 and this Order. The proposed changes may be made following approval by the Executive Officer. Substantive changes to the design require reevaluation and approval by the Regional Board.
5. The subgrade for the bottom and the side slopes of the Unit shall be prepared in an appropriate manner using accepted engineering and construction methods so as to provide a smooth surface that is free from rocks, sticks, or other debris that could damage or otherwise limit the performance of the GCL.
6. After the operations layer is installed, the entire base liner system shall be tested for the presence of defects using the electrical leak detection survey method. All detected defects shall be repaired before waste is discharged to the unit. The location and nature of each detected defect shall be noted in the construction report.
7. Construction shall proceed only after all applicable construction quality assurance plans have been approved by Executive Officer.
8. Following the completion of construction of a Unit or portion of a Unit, and prior to discharge onto the newly constructed liner system, the final documentation required in Title 27 CCR Section 20324(d)(1)(C) shall be submitted to the Executive Officer for review and approval. The report shall be certified by a registered civil engineer or a certified engineering geologist. It shall contain sufficient information and test results to verify that construction was in accordance with the design plans and specifications, and with the prescriptive standards and performance goals of Title 27.

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9. A third party independent of both the Discharger and the construction contractor shall perform all of the construction quality assurance monitoring and testing during the construction of a liner system.
10. If monitoring reveals substantial or progressive increases of leachate generation above the design leachate flow volume of 331 gallons per day per acre (see Finding No. 68) by the Unit or portion of the Unit, such that the depth of fluid on any portion of the LCRS (excluding the leachate removal pump sump) exceeds 30 cm, the Discharger shall immediately notify the Regional Board in writing within seven days. The notification shall include a timetable for remedial or corrective action necessary to achieve compliance with the leachate depth limitation.
11. Closure shall not proceed in the absence of closure waste discharge requirements.

E. DETECTION MONITORING SPECIFICATIONS

1. The Discharger shall comply with the detection monitoring program provisions of Title 27 for groundwater and the unsaturated zone, and in accordance with Monitoring and Reporting Program No. R5-2005-0067. A detection monitoring program for a new Unit shall be installed, operational, and one year of monitoring data collected prior to the discharge of wastes [Title 27 CCR Section 20415(e)(6)].
2. The Discharger shall provide Regional Board staff a minimum of **one week** notification prior to commencing any field activities related to the installation, repair, or abandonment of monitoring devices, and a minimum 48 hour notification prior to the collection of samples associated with a detection monitoring program, evaluation monitoring program, or corrective action program.
3. The Discharger shall comply with the Water Quality Protection Standard as specified in this Order, Monitoring and Reporting Program No. R5-2005-0067, and the Standard Provisions and Reporting Requirements, dated April 2000.
4. The Water Quality Protection Standard for organic compounds which are not naturally occurring and not detected in background groundwater samples shall be taken as the detection limit of the analytical method used (i.e., US-EPA methods 8260 and 8270). The repeated detection of one or more non-naturally occurring organic compounds in samples above the Water Quality Protection Standard from detection monitoring wells is evidence of a release from the Unit.
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. R5-2005-0067.

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6. For each monitoring event, the Discharger shall determine whether the landfill is in compliance with the Water Quality Protection Standard using procedures specified in Monitoring and Reporting Program No. R5-2005-0067 and §20415(e) of Title 27.
7. For any given monitored medium, the samples taken from all monitoring points and background monitoring points to satisfy the data analysis requirements for a given reporting period shall all be taken **within a span not to exceed 30 days**, unless the Executive Officer approves a longer time period, and shall be taken in a manner that ensures sample independence to the greatest extent feasible.
8. Specific methods of collection and analysis must be identified. Sample collection, storage, and analysis shall be performed according to the most recent version of USEPA Methods, such as the latest editions, as applicable, of: (1) *Methods for the Analysis of Organics in Water and Wastewater* (USEPA 600 Series), (2) *Test Methods for Evaluating Solid Waste* (SW-846, latest edition), and (3) *Methods for Chemical Analysis of Water and Wastes* (USEPA 600/4-79-020), and in accordance with the approved Sample Collection and Analysis Plan.
9. If methods other than USEPA-approved methods or Standard Methods are used, the exact methodology shall be submitted for review and approval by the Executive Officer prior to use.
10. The **methods of analysis and the detection limits** used must be appropriate for the expected concentrations. For the monitoring of any constituent or parameter that is found in concentrations which produce more than 90% non-numerical determinations (i.e., "trace" or "ND") in data from background monitoring points for that medium, the analytical method having the lowest method detection limit (MDL) shall be selected from among those methods which would provide valid results in light of any matrix effects or interferences.
11. **"Trace" results** - results falling between the MDL and the practical quantitation limit (PQL) - shall be reported as such, and shall be accompanied both by the estimated MDL and PQL values for that analytical run.
12. **MDLs and PQLs** shall be derived by the laboratory for each analytical procedure, according to State of California laboratory accreditation procedures. These MDLs and PQLs shall reflect the detection and quantitation capabilities of the specific analytical procedure and equipment used by the lab, rather than simply being quoted from USEPA analytical method manuals. In relatively interference-free water, laboratory-derived MDLs and PQLs are expected to closely agree with published USEPA MDLs and PQLs.

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13. If the laboratory suspects that, due to a change in matrix or other effects, the true detection limit or quantitation limit for a particular analytical run differs significantly from the laboratory-derived MDL/PQL values, the results shall be flagged accordingly, along with estimates of the detection limit and quantitation limit actually achieved. **The MDL shall always be calculated such that it represents the lowest achievable concentration associated with a 99% reliability of a nonzero result.** The PQL shall always be calculated such that it represents the lowest constituent concentration at which a numerical value can be assigned with reasonable certainty that it represents the constituent's actual concentration in the sample. Normally, PQLs should be set equal to the concentration of the lowest standard used to calibrate the analytical procedure.
14. All QA/QC data shall be reported, along with the sample results to which they apply, including the method, equipment, analytical detection and quantitation limits, the percent recovery, an explanation for any recovery that falls outside the QC limits, the results of equipment and method blanks, the results of spiked and surrogate samples, the frequency of quality control analysis, and the name and qualifications of the person(s) performing the analyses. Sample results shall be reported unadjusted for blank results or spike recoveries. In cases where contaminants are detected in QA/QC samples (i.e., field, trip, or lab blanks), the accompanying sample results shall be appropriately flagged.
15. Unknown chromatographic peaks shall be reported, flagged, and tracked for potential comparison to subsequent unknown peaks that may be observed in future sampling events. Identification of unknown chromatographic peaks that recur in subsequent sampling events may be required.
16. The statistical method shall account for data below the practical quantitation limit (PQL) with one or more statistical procedures that are protective of human health and the environment. Any PQL validated pursuant to §20415(e)(7) of Title 27 that is used in the statistical method shall be **the lowest concentration (or value) that can be reliably achieved** within limits of precision and accuracy specified in the WDRs for routine laboratory operating conditions that are available to the facility. The Discharger's technical report, pursuant to §20415(e)(7) of Title 27, shall consider the PQLs listed in Appendix IX to Chapter 14 of Division 4.5 of Title 22, California Code of Regulations, for guidance when specifying limits of precision and accuracy. For any given constituent monitored at a background or downgradient monitoring point, an indication that falls between the MDL and the PQL for that constituent (hereinafter called a "trace" detection) shall be identified and used in appropriate statistical or nonstatistical tests. Nevertheless, for a statistical method that is compatible with the proportion of censored data (trace and ND indications) in the data set, the Discharger can use the laboratory's concentration estimates in the trace range (if available) for

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statistical analysis, in order to increase the statistical power by decreasing the number of "ties".

17. Background for water samples or soil-pore gas samples shall be represented by the data from all samples taken from applicable background monitoring points during that reporting period (at least one sample from each background monitoring point). The Discharger may propose an alternate statistical method [to the methods listed under Title 27 CCR Section 20415(e)(8)(A-D)] in accordance with Title 27 CCR Section 20415(e)(8)(E), for review and approval by the Executive Officer.
18. The Discharger may propose an alternate statistical method [to the methods listed under Title 27 CCR Section 20415(e)(8)(A-D)] in accordance with Title 27 CCR Section 20415(e)(8)(E), for review and approval by the Executive Officer. Upon receiving written approval from the Executive Officer, alternate statistical procedures may be used for determining the significance of analytical results for common laboratory contaminants (i.e., methylene chloride, acetone, diethylhexyl phthalate, and di-n-octyl phthalate). Nevertheless, analytical results involving detection of these analytes in any background or downgradient sample shall be reported and flagged for easy reference by Regional Board staff.
19. The Discharger shall use the following non-statistical method for all analytes that are detected in less than 10% of the background samples. The non-statistical method shall be implemented as follows:
 - a. From the constituent of concern or monitoring parameter list, identify each analyte in the **current** sample that exceeds either its respective MDL or PQL. The Discharger shall conclude that the exceedence provides a preliminary indication of a release or a change in the nature or extent of the release, at that monitoring point, if *either*:
 - 1) The data contains two or more analytes that are detected in less than 10% of background samples that equal or exceed their respective MDLs; or
 - 2) The data contains one or more analyte that equals or exceeds its PQL.
 - b. **Discrete Retest** [Title 27 CCR Section 20415(e)(8)(E)]:
 - 1) In the event that the Discharger concludes (pursuant to paragraph 19.a., above) that there is a preliminary indication of a release, then the Discharger shall immediately notify Regional Board staff by phone or e-mail and, within 30

days of such indication, shall collect two new (retest) samples from the monitoring point where the release is preliminarily indicated.

- 2) For any given retest sample, the Discharger shall include, in the retest analysis, **only the laboratory analytical results for those analytes detected in the original sample.** As soon as the retest data are available, the Discharger shall conclude that there is measurably significant evidence of a release if two or more analytes equal or exceed their respective MDLs or if one or more analyte equals or exceeds its PQL and shall:
 - a) **Immediately** notify the Regional Board about any constituent or constituents verified to be present at the monitoring point, and follow up with written notification submitted by certified mail **within seven days** of validation; and
 - b) Comply with ¶20, below if any constituent or constituents were verified to be present.
 - 3) Any analyte that triggers a discrete retest per this method shall be added to the monitoring parameter list such that it is monitored during each regular monitoring event.
20. If the Discharger determines that there is measurably significant evidence of a release from the Unit at any monitoring point, the Discharger shall **immediately** implement the requirements of **XI. Response To A Release, C. Release Has Been Verified**, contained in the Standard Provisions and Reporting Requirements.

F. EVALUATION MONITORING SPECIFICATIONS

1. The Regional Board has identified the County of Fresno as the primary or active responsible discharger for purposes of California Water Code, Section 13307.1. **By 1 August 2005**, the County of Fresno shall submit a letter to the Regional Board that identifies all current record owners of fee title of the site. For purposes of this provision, the site includes the landfill property. The County of Fresno shall certify to the Regional Board that the required notifications have been made at the time a cleanup or site closure proposal is made or before the Regional Board makes a determination that no further action is required. If property ownership changes in the future, the County of Fresno must notify the Regional Board **within 30 calendar days** of the date on which it is informed of the change.

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2. **By 1 February 2006**, the Discharger shall submit a work plan to complete an Evaluation Monitoring Program that meets the provisions of §20425(b) of Title 27 and this Order.
3. **By 1 October 2006**, the Discharger shall complete an Evaluation Monitoring Program to the satisfaction of the Executive Officer and that meets the provisions of §20425(b) of Title 27, and a report shall be submitted that describes all actions and monitoring taken to complete the Evaluation Monitoring Program.
4. The Discharger shall submit a **semi-annual** status report to the Regional Board in accordance with the schedule for semi-annual self-monitoring reports contained in Monitoring and Reporting Program No. R5-2005-0067. The report shall describe the progress made to comply with this Order. The semi-annual status report shall include a description of all activities, water quality monitoring, and water quality analyses conducted, since the previous semi-annual status report was prepared, to comply this Order. More frequent reporting may be required as necessary to ensure the protection of human health or the environment.
5. At a minimum, the following documentation is needed to complete the Evaluation Monitoring Program:
 - a. An analysis of all the information gathered to determine the lateral and vertical extent of each waste constituent released from the Unit. This assessment shall include a determination of the spatial distribution and concentration of each constituent of concern throughout the zone affected by the release.
 - b. An assessment of the lateral and vertical extent for each waste constituent in groundwater shall be determined when the constituent no longer meets the trigger criteria for detection in accordance with the detection monitoring program contained in Monitoring and Reporting Program No. R5-2005-0067. For a non-naturally occurring waste constituent, the extent will be determined when groundwater sample analyses do not detect any non-naturally occurring waste constituents at or above the practical quantitation limit (PQL), or no more than one non-naturally occurring waste constituent is detected at or above the method detection limit (MDL) and below the PQL. For naturally occurring waste constituents, or waste constituents that have a statistically derived water quality protection standard, the extent will be determined when groundwater sample analyses do not detect a released constituent at a "measurably significant" concentration as defined by the water quality protection standard.

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- c. A determination of the water quality protection standard for evaluation monitoring shall be based on a sufficient number of background monitoring points that represent the quality of groundwater (organic and inorganic compounds) in the uppermost aquifer that has not been affected by a release from the Unit in accordance with §20415(b)(1) and §20415(b)(2) of Title 27. If more than one water bearing zone is present beneath the Unit and included in the evaluation monitoring program, then a water quality protection standard shall be established independently for each water bearing zone.
 - d. A table listing the constituents of concern that includes the concentration limit for metals and general water quality parameters based on a statistical evaluation of the background concentrations of these parameters.
 - e. A description of how the determination of the spatial distribution and concentration of each constituent of concern throughout the zone affected by the release was accomplished.
6. By **1 October 2006**, the Discharger shall submit, pursuant to §20425(c) of Title 27, a report containing a final engineering feasibility study for corrective action pursuant to §20420(k)(6) of Title 27. At a minimum, the feasibility study shall contain a detailed description of the corrective action measures that could be taken to achieve background concentrations for all constituents of concern.
7. By **16 December 2006**, the Discharger shall submit, pursuant to §20425(d) of Title 27, an amended Report of Waste Discharge, based on the data collected pursuant to Evaluation Monitoring Specification F.5 and on the engineering feasibility study submitted pursuant to Evaluation Monitoring Specification F.6, to establish a corrective action program meeting the requirements of §20430 of Title 27. The amended Report of Waste Discharge shall contain a plan and proposed time schedule to cleanup and abate the effects of all waste discharged to the soil and groundwater from the Unit.
8. In conjunction with the assessment conducted pursuant to Evaluation Monitoring Specification F.5, and while awaiting final approval of the amended Report of Waste Discharge, submitted pursuant to Evaluation Monitoring Specification F.7, the Discharger shall monitor groundwater, surface water, and the unsaturated zone to evaluate changes in water quality resulting from the release from the Unit. In conducting this monitoring, the Discharger shall comply with the requirements of §20425(e) of Title 27.

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G. 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 and 40 Code of Federal Regulations Part 258 (Subtitle D) that are not specifically referred to in this Order.
3. The Discharger shall comply with Monitoring and Reporting Program No. R5-2005-0067, which is incorporated into and made part of this Order.
4. The Discharger shall comply with the applicable portions of the 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 et seq.), dated April 2000, which are hereby incorporated into this Order.
5. 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 Regional 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.
6. 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.
 - c. For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected or appointed official.
 - d. A duly authorized representative of a person designated in a, b or c above if;
 - 1) The authorization is made in writing by a person described in a, b, or c of this provision;

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- 2) 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 Unit, 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
 - 3) The written authorization is submitted to the Regional Board.
- e. 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.”
7. 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.
 8. The owner of the waste management 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 postclosure maintenance period of the Unit(s) and during subsequent use of the property for other purposes.
 9. 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.
 10. To assume ownership or operation under this Order, the succeeding owner or operator must apply in writing to the Regional 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 and address and telephone number of the persons responsible for contact with the Regional Board, and a statement. The statement shall comply with the signatory requirements contained in Provision G.6 and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the

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request shall be considered a discharge without requirements, a violation of the California Water Code. Transfer of this Order shall be approved or disapproved by the Regional Board.

11. The Discharger shall conduct an annual review of the financial assurance for initiating and completing corrective action, and submit a report for Executive Officer review and approval. The assurances of financial responsibility shall provide that funds for corrective action shall be available to the Regional Board upon the issuance of any order under California Water Code, Division 7, Chapter 5. The Discharger shall adjust the cost annually to account for inflation and any changes in facility design, construction, or operation.
12. The Discharger shall conduct an annual review of the financial assurance for closure and postclosure maintenance, and submit a report for Executive Officer review and approval. The assurances of financial responsibility shall provide that funds for closure and postclosure maintenance shall be available to the Regional Board upon the issuance of any order under California Water Code, Division 7, Chapter 5. The Discharger shall adjust the cost annually to account for inflation and any changes in facility design, construction, or operation.
13. The Discharger shall complete the tasks contained in these waste discharge requirements in accordance with the following time schedule:

Task

Compliance Date

a. Construction Plans

Submit construction and design plans
for Executive Officer review and approval
(see Construction Specification D.2)

**A minimum of
120 days prior
to construction**

b. Construction Report

Submit a construction report upon completion
demonstrating construction was in accordance
with approved construction plans for Executive
Officer review and approval
(see Construction Specification D.8)

Prior to discharge

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c. Evaluation Monitoring

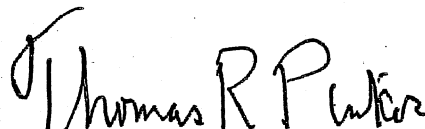
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|--|------------------|
| 1) Submit a work plan for completing an Evaluation Monitoring Program
(see Evaluation Monitoring Specification No. F.2) | 1 February 2006 |
| 2) Submit a report describing completion of the Evaluation Monitoring Program
(see Evaluation Monitoring Specification No. F.3) | 1 October 2006 |
| 3) Submit a final engineering feasibility study for a corrective action program
(see Evaluation Monitoring Specification No. F.6) | 1 October 2006 |
| 4) Submit an amended report of waste discharge to establish a corrective action program
(see Evaluation Monitoring Specification No. F.7) | 16 December 2006 |

d. Financial Assurance Review

- | | |
|---|--------------------|
| 1) Annual Review of Financial Assurance for initiating and completing corrective action
(see Provision G.11) | 30 April each year |
| 2) Annual Review of Financial Assurance for closure and postclosure maintenance
(see Provision G.12) | 30 April each year |

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provision of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

I, THOMAS R. PINKOS, 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 29 April 2005.



THOMAS R. PINKOS, Executive Officer