

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. _____

WASTE DISCHARGE REQUIREMENTS
FOR
MARTIN'S AIR CONDITIONING, INC.
FOR
OPERATION
AMERICAN TIRE TECH LANDFILL
KERN COUNTY

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

1. Martin's Air Conditioning, Inc. (hereafter Discharger), a California corporation, owns and operates the American Tire Tech Landfill (facility) about two miles south of McFarland in Section 19, T26S, R26E, MDB&M, as shown in Attachment A, which is incorporated herein and made part of this Order by reference.
2. The facility contains one existing unlined waste management unit (Unit) covering 7.5 acres, as shown in Attachment B, which is incorporated herein and made part of this Order by reference. The facility is on Assessor's Parcel Number (APN) 060-200-18.
3. On 11 June 1999, the Regional Water Board adopted Waste Discharge Requirements Order No. 99-078, in which the Unit was determined to be an unclassified solid waste disposal site for the discharge of inert solid wastes in accordance with the regulations in effect when the order was issued.
4. On 29 March 2007, the Discharger submitted an amended Report of Waste Discharge (RWD) as part of the Joint Technical Document (JTD) for the landfill. The information in the RWD/JTD has been used in writing these waste discharge requirements (WDRs). The RWD contains the information required by Title 27, California Code of Regulations (CCR), Chapter 4, Subchapter 3, Article 4.
5. The Unit is a former borrow area for highway construction fill that averages 45 feet in depth and has a maximum depth of 55 feet. The Unit will receive two to twenty-five loads per day of wastes. The area is expected to receive approximately 250,000 cubic yards of waste over an anticipated life of ten years.

SITE DESCRIPTION

6. The measured hydraulic conductivity of the native soils underlying the Unit is 3.12×10^{-5} cm/sec.

7. The facility is in a topographically flat region of the Tulare Lake Hydrologic Basin of the San Joaquin Valley. The native ground surface elevation is approximately 375 feet above mean sea level. The ground surface slopes approximately 30 feet per mile toward the northwest.
8. The closest Holocene faults are approximately 15 miles to the east. Recorded magnitudes of seismic events along these faults are less than 4.0 on the Richter scale. The maximum credible acceleration for the site is 0.05 g.
9. Land uses within 1,000 feet of the facility are agricultural in all directions.
10. The facility receives an average of 6.8 inches of precipitation per year and the mean pan evaporation is 57.7 inches per year as measured at the CIMIS McFarland/Kern Farms Station.
11. The 100-year, 24-hour precipitation event is estimated to be 2.4 inches, based on the Department of Water Resources bulletin entitled *Rainfall Depth-Duration-Frequency for California*, revised November 1982, updated August 1986.
12. The Unit is not within a 100-year flood plain based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map, Community-Panel Number 060075-0425 B.

WASTE CLASSIFICATION AND UNIT CLASSIFICATION

13. Section 20230 of Title 27, CCR, Section 20005 et seq. (Title 27), defines inert waste as a subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste. Section 20230 of Title 27 also states that inert waste does not have to be discharged at classified units and that the Regional Water Board can prescribe individual or general WDRs for discharges of inert waste.
14. The Discharger proposes to discharge wastes consisting of approximately 95% baled and shredded tires, rubber scraps, concrete, asphalt concrete, asphalt paving pieces and fragments, rock, sand, brick, road mix, glass, asphalt composite roofing tiles, clay roofing tiles, and up to 5% consisting of dried soil from potato shed washings. Information submitted by the Discharger demonstrates that these wastes do not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and do not contain significant quantities of decomposable waste.
15. The wastes identified in Finding No. 14 are consistent with the definition of inert wastes using the Title 27 criteria described in Finding No. 13.

16. The Unit does not satisfy the criteria set forth in Title 27 and is thus unclassified and suitable to receive inert wastes only.
17. Inert wastes do not require a liner system in accordance with Title 27.

SURFACE AND GROUND WATER CONDITIONS

18. 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.
19. The facility is on the floor of the southern San Joaquin Valley. Natural topographic drainage is toward the lower reaches of Poso Creek in the North Kern Hydrologic Area (No. 58.80) of the Tulare Lake Basin, where it becomes a Valley Floor Water. The designated beneficial uses of the Valley Floor Waters, as specified in the Basin Plan, are agricultural supply, industrial service, and process supply; water 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 125 to 174 feet below the native ground surface. Groundwater elevations range from 201 feet MSL to 250 feet MSL.
21. Results of sampling from a nearby regional aquifer groundwater well indicate that background groundwater has a specific electrical conductivity of 580 micromhos/cm and a Total Dissolved Solids concentration of 422 mg/l. Background concentrations of nitrate (72 mg/l) and iron (1,640 µg/l) exceed the Primary Maximum Contaminant Level (MCL) of 45 mg/l for nitrate, and the Secondary Maximum Contaminant Level of 300 µg/l for iron, established by California Department of Public Health.
22. The facility does not have any groundwater monitoring wells, but data from the McFarland-Delano Sanitary Landfill, about six miles to the north-northwest, indicates that the regional groundwater flow direction is toward the southeast.
23. The facility is in the Kern County Basin Hydrologic Unit, Detailed Analysis Unit (DAU) 256. The designated beneficial uses of the groundwater, as specified in the Basin Plan for DAU 256, are municipal and domestic water supply (MUN), agricultural supply, industrial service supply, and industrial process supply.
24. State Water Resources Control Board Order No. 97-03-DWQ (General Permit No. CAS000001), amended 17 April 1997, specifies waste discharge requirements for discharges of storm water associated with industrial activities, excluding construction activities, and requires submission of a Notice of Intent by industries to be covered under the permit. Waste disposal at landfills, including inert waste disposal facilities, is

considered an industrial activity requiring submission of a Notice of Intent for coverage under the general permit if storm water is to be discharged off-site. The Discharger has not filed a Notice of Intent but has been, and intends to continue, collecting storm water on-site. As such, the submission of a Notice of Intent is not required.

GROUNDWATER MONITORING

25. As the wastes to be discharged are inert (**Finding No. 14**) and pose no significant threat to water quality (**Finding No. 13**), no groundwater monitoring is required for this site as long as operations at the landfill are conducted in accordance with this Order.

CONSTRUCTION AND OPERATION

26. Daily cover will be obtained from either soils excavated and stock-piled on-site or dried soil from washings conducted at a nearby potato shed.
27. The final six-feet of fill in the landfill will be from soil excavated and stock-piled on-site or an imported clean dry soil.
28. The potato shed soils will dry at the potato sheds for one year to allow composting to decompose organic material and eliminate the potential for excessive odors prior to being discharged.
29. The wastes discharged to the facility will be presorted and inspected for removal of inappropriate material prior to placement in the landfill.
30. The site will not be open to the general public for waste discharge.
31. The proposed postclosure use of the site is an almond orchard.

CEQA AND OTHER CONSIDERATIONS

32. 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 Section 21000, et seq., and the CEQA guidelines, in accordance with Title 14 CCR, Section 15301.
33. This Order implements the *Water Quality Control Plan for the Tulare Lake Basin, Second Edition*.
34. The inert wastes proposed for discharged (**Finding No. 14**) contain very little moisture, the Unit itself annually experiences evaporation nearly ten times the precipitation, and the Unit is underlain by relatively impermeable vadose zone at least 70 feet in depth. No leachate is expected to form from the material discharged at the site under ambient environmental

conditions; if any leachate does form, pollutant content is expected to be inconsequential; and, in the improbable event any pollutant is solubilized in concentration and volume sufficient to be released from the Unit, the pollutants will be attenuated within the vadose zone. For these reasons, the Unit, if operated in accordance with this Order, will not cause or contribute to degradation of groundwater, and will not contribute to the existing exceedances of nitrate and iron MCLs in groundwater. Further antidegradation analysis is not needed. The permitted discharge is consistent with the antidegradation provisions of State Water Board Resolution No. 68-16.

35. 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 regional board requires. The burden, including costs of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports."
36. The technical reports required by this Order and Monitoring and Reporting Program No. _____ are necessary to monitor whether the Discharger maintains compliance with these waste discharge requirements. The Discharger owns and operates the facility and discharges the waste subject to this Order.

PROCEDURAL REQUIREMENTS

37. All local agencies with jurisdiction to regulate land use, solid waste disposal, and air pollution, and to protect public health have approved the use of this site for the discharges of waste as stated herein.
38. The Discharger and interested agencies and persons were notified of the intent to prescribe waste discharge requirements for this discharge, and provided an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
39. In a public meeting all comments pertaining to the discharge were heard and considered.
40. Any person affected by this action of the Regional Water 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 No. 99-078 is rescinded, and that Martin's Air Conditioning, Inc., 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 at the subject Unit:

A. PROHIBITIONS

1. The discharge of 'hazardous waste'; 'designated waste'; 'municipal solid waste' (MSW); liquid waste; 'nonhazardous solid waste'; or any waste not specifically authorized by this Order (**See** Discharge Specification B.1) 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' (Section 20210) and 'nonhazardous solid waste' (Section 20220) are as defined in Title 27.
2. Disposal of any authorized wastes (See Discharge Specification B.1) that came in contact with chemical processing or from "environmental clean-up" operations is prohibited.
3. Stock piling of tires is prohibited.
4. The discharge of wastes outside of the waste management unit as shown on Attachment "B" is prohibited.
5. The discharge of solid or liquid waste to surface waters or surface water drainage courses is prohibited.

B. DISCHARGE SPECIFICATIONS

1. Discharged wastes shall be limited to "inert" wastes consisting of dried soil from potato shed operations, rock, sand, brick, road mix, baled tires, tire scraps and pieces, rubber scraps and pieces, clay tile pieces, concrete tile pieces, glass and waste glass (not containing more than 1% of particles with diameter smaller than 15 microns, not containing fiberglass, and not containing glass "flour"), asphalt pieces, asphalt concrete pieces, and asphalt-composite roofing shingles (provided that the asphalt pavement or asphalt shingles had been in place for at least two rainy seasons and no fresh asphalt).

2. Disposal and use of soils from potato shed operations shall be limited to soils that have been dried and composted for at least one year and contain less than 5% moisture.
3. Wastes to be discharged shall be presorted and inspected for the removal of inappropriate wastes prior to placement in the Unit. Inappropriate wastes removed from the discharged wastes shall be disposed of at an appropriately classified waste disposal facility.
4. Where baled tires are disposed of, a four to six-inch layer of compacted permanent cover material shall be placed on completion of every two baled tire layers.
5. Neither the treatment nor the discharge of wastes shall cause a pollution or nuisance as defined by the California Water Code, Section 13050.

C. FACILITY SPECIFICATIONS

1. The Discharger shall immediately notify the Regional Water Board of any flooding, unpermitted discharge of waste off-site, equipment failure, slope failure, or other change in site conditions that could impair the integrity of waste containment facilities or precipitation and drainage control structures in accordance with Provision E. 6.
2. Water used for dust control shall be limited to the minimum amount necessary.
3. The Discharger shall maintain in good working order any facility, control system, or monitoring device installed to achieve compliance with this Order.
4. Storm water drainage within the facility and the Unit shall either be contained on-site or be discharged in accordance with 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.
5. Annually, prior to the anticipated rainy season, but no later than 1 October, any necessary erosion control measures shall be implemented, and any necessary construction, maintenance, or repairs of precipitation and drainage control facilities shall be completed to prevent erosion or flooding of the facility and to prevent surface drainage from contacting or percolating through wastes.

D. LANDFILL SPECIFICATIONS

1. The final cover or upper six feet of fill shall not contain any waste material (including soils from potato shed operations).

2. By **30 April 2008**, the Discharger shall submit a closure and post-closure maintenance plan, including cost estimates, for review and approval of the Executive Officer.
3. Closure shall not proceed in the absence of closure waste discharge requirements.

E. 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 maintain legible records of the volume and type of each waste discharged at the waste management unit, and the manner and location of the discharge. Such records shall be maintained at the facility. These records shall be available for review by representatives of the Regional Water Board and the State Water Resources Control Board at any time during normal business hours.
3. The Discharger shall comply with Monitoring and Reporting Program No. ____, 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 (Title 27 CCR Section 20005 et seq. and 40 CFR 258 et seq.)*, dated April 2000, which are hereby incorporated into this Order.
5. The Discharger shall, in a timely manner, remove and relocate any wastes discharged at this facility in violation of this Order.
6. In the event the Discharger does not comply or will be unable to comply with any prohibition or specification of this Order for any reason, the Discharger shall notify the Regional Water Board's Fresno office by telephone at (559) 445-5116 **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.
7. 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. A duly authorized representative of a person designated in a. if:

- 1) The authorization is made in writing by a person described in a. of this provision;
 - 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 Water Board.
- c. 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."

8. The Discharger shall take all reasonable steps to minimize any adverse impact to the waters of the State resulting from noncompliance with this Order. Such steps shall include accelerated or additional monitoring as necessary to determine the nature, extent, and impact of the noncompliance.
9. The owner of the facility shall have the continuing responsibility to assure protection of waters of the state from discharged wastes and from gases and leachate generated by discharged waste during the active life, closure, and postclosure maintenance period of the Unit(s) and during subsequent use of the property for other purposes.
10. The fact that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order shall not be regarded as a defense for the Discharger's violations of the Order.
11. To assume ownership or operation under this Order, the succeeding owner or operator must apply in writing to the Regional Water Board requesting transfer of the Order within 14 days of assuming ownership or operation of this facility. The request must contain the requesting entity's full legal name, the State of incorporation if a corporation, the name and address and telephone number of the persons responsible for contact with the Regional Water Board, and a statement. The statement shall comply with the signatory requirements contained in **Provision E.7.** and state that the new owner or operator assumes full responsibility for compliance with this Order.

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

12. The Discharger shall, by **30 April of each year**, submit for approval by the Executive Officer, a demonstration of assurances of financial responsibility to ensure closure and post-closure maintenance of the waste management unit in accordance with its approved closure and post-closure maintenance plans. The Discharger shall provide the assurances of financial responsibility to the Regional Water Board as required by Title 27 CCR, Division 2, Subdivision 1, Chapter 3, Section 20950 (f). The assurances of financial responsibility shall provide that funds for closure and post-closure maintenance with respect to water quality shall be available to the Regional Water Board upon the issuance of any order under California Water Code, Division 7, Chapter 5. The Discharger shall adjust the cost annually to account of inflation and any changes in facility design, construction, or operation.
13. The Discharger shall, **by 30 April of each year**, submit for approval by the Executive Officer, plans with detailed cost estimates and a demonstration of assurances of financial responsibility for initiating and completing corrective action for all known or reasonably foreseeable releases from the waste management unit. The Discharger shall provide the assurances of financial responsibility to the Regional Water Board as required by Title 27 CCR, Division 2, Subdivision 1, Chapter 3, Section 20380. The assurances of financial responsibility shall provide that funds for corrective action shall be available to the Regional Water Board upon the issuance of any order under California Water Code, Division 7, Chapter 5. The Discharger shall adjust the cost annually to account of inflation and any changes in facility design, construction, or operation.
14. If a single mechanism of financial assurances is used for closure and post-closure maintenance and corrective action, the financial assurance must be sufficient for all requirements.
15. The Discharger shall complete the tasks contained in these waste discharge requirements in accordance with the following time schedule:

Task

Compliance Date

A. CLOSURE AND POST-CLOSURE MAINTENANCE PLANS

Submit a detailed closure and post-closure maintenance plan, including cost estimates, for Executive Officer review and approval. (See [Landfill Specification D. 2](#)).

by 30 April 2008

B. FINANCIAL ASSURANCES COST ESTIMATES

Submit detailed cost estimates and financial responsibility for closure and post-closure maintenance, and corrective action, for Executive Officer review and approval. (See Provisions E. 12 and E. 13). **by 30 April 2008**

C. FINANCIAL ASSURANCES

Establish a mechanism(s) for financial assurance for closure and post-closure maintenance, and corrective action. (See Provisions E. 12, 13 and 14) **by 30 April 2008**

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

PAMELA C. CREEDON, Executive Officer