

**CALIFORNIA WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**ORDER NO. 97-40
WASTE DISCHARGE REQUIREMENTS**

**FOR CLOSURE AND POST-CLOSURE MAINTENANCE
FOR THE CLASS I WASTE MANAGEMENT CONTAINMENT CELL
OMAR RENDERING FACILITY, DARLING INTERNATIONAL**

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

Background

1. On January 28, 1980, this Regional Board adopted Regional Board Order No. 80-06, **Closure Requirements for the Omar Rendering Company Dumpsite In the Otay River Valley**. Regional Board Order No. 80-06 established requirements for closure of the industrial liquid hazardous waste disposal site.
2. On December 21, 1987, this Regional Board adopted Regional Board Order No. 87-141, **Closure Requirements for the Omar Rendering Company Dumpsite In the Otay River Valley**, as part of the update program.
3. The site of the former Omar Rendering Facility (Omar Rendering) is owned and operated by the Texas based Darling International, Incorporated (formerly Darling Delaware Inc.). The former Class I liquid hazardous waste disposal site operated from 1959 to 1978. The site is located in the City of Chula Vista, on the north side of Otay Valley Road approximately ½ mile east of Oleander Avenue, six miles downstream from the Lower Otay Reservoir. The site is located on Attachment 1 to this Order.
4. On June 8, 1982 the Regional Board approved a closure plan for the former Class I liquid hazardous waste disposal site. Closure of the site was achieved by the excavation and relocation of hazardous waste material from the former surface impoundments into a clay lined Class I containment facility constructed in the northwest corner of the property. The former surface impoundment areas were covered with clean fill material and compacted. The Class I containment facility is referred to as the Class I cell.
5. As part of the FY 1996/1997 **Waste Discharge Order Update Program**, this order updates Order No. 87-141 and includes a revised monitoring and reporting program in order to address current State and Regional Board policies, regulations, and the current status of the project.

6. Applicable regulations governing the closed Class I Waste Management Unit at the former Omar Rendering Facility are the California Code of Regulations, Title 23, Division 3, Chapter 15, Discharges of Waste to Land (23 CCR).

Water Quality and Site Investigations

7. Darling submitted a solid waste assessment test (SWAT) report dated June 1989 for Omar Rendering pursuant to Water Code Section 13273, which requires the operator to perform a SWAT to determine if the site is leaking waste constituents to surface or ground water.
8. The SWAT report identified inorganic and volatile organic compounds (VOCs) including tetrachloroethene, 1,1,2 trichloroethane, trichloroethene and methylene chloride in soil and groundwater beneath the former surface impoundments.
9. Based upon the results of the SWAT, Darling initiated an investigation in 1989, to define the nature and extent of hazardous waste migration from the former surface impoundments. In August and September 1995, Darling completed a health risk assessment, and investigation of soil and groundwater conditions.
10. On April 26, 1995, this Regional Board was designated the lead administering agency for cleanup oversight for the former Omar Rendering Site, pursuant to Chapter 6.65 of the Health and Safety Code, Section 25260 by the Cal/EPA Site Designation Committee. The cleanup and abatement of soil and groundwater impacts beneath the former surface impoundments are being completed under a separate administrative Order.

Site Description

11. The Class I cell at the site of the former Omar Rendering facility is located in the NE1/4 of the NW1/4 of Section 19, T18S, R1W, SBB&M.
12. The site is underlain by a veneer of terrace deposits overlying San Diego Formation sandstone, conglomerates, and bentonitic clays.

Water Quality Control Plan

13. The **Water Quality Control Plan Report, San Diego Basin (9)** (hereinafter Basin Plan), was adopted by this Regional Board on September 8, 1994, and subsequently approved by the State Water Resources Control Board (State Board) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the State Board. The Basin Plan designates beneficial uses and narrative and numerical water quality objectives, and prohibitions which are applicable to the discharges regulated under this Order.

14. The Class I cell at the site of the former Omar Rendering facility is located within the Otay Hydrologic Subunit (10.20) of the Otay Hydrologic Unit.
15. The Basin Plan identifies the following beneficial uses of inland surface and ground waters of the Otay Hydrologic Subunit (10.20):
- | | |
|---|---|
| <p>a. Surface waters</p> <ol style="list-style-type: none"> 1. Municipal and domestic supply 2. Agricultural supply 3. Industrial service supply 4. Wildlife habitat 5. Preservation of rare and endangered species | <p>b. Ground water</p> <ol style="list-style-type: none"> 1. Municipal 2. Agricultural 3. Industrial service supply |
|---|---|
16. The Basin Plan established the following water quality objectives for waters of the Otay Hydrologic Subunit (10.20):

CONSTITUENT	SURFACE WATER	GROUND WATER
Total Dissolved Solids	1000 mg/l	1500 mg/l
Chloride	400 mg/l	500 mg/l
Percent Sodium	60%	60%
Sulfate	500 mg/l	500 mg/l
Nitrate (as NO ₃)	---	10 mg/l
Nitrogen & Phosphorus	a	---
Iron	0.3 mg/l	0.3 mg/l
Manganese	0.05 mg/l	0.05 mg/l
Methylene Blue Active Substances	0.5 mg/l	0.5 mg/l
Boron	0.75 mg/l	0.5 mg/l
Odor	none	none
Turbidity	20 NTU	5 NTU
Color	20 Units	15 Units
Fluoride	1.0 mg/l	1.0 mg/l

The above concentrations not to be exceeded more than 10% of the time.

Note: mg/l = milligrams per liter NTU = Nephelometric Turbidity Units

*Concentrations of nitrogen and phosphorus, by themselves or in combinations with other nutrients, shall be maintained at levels below those which stimulate algae and emergent plant growth. Threshold total Phosphorus (P) concentrations shall not exceed 0.05 mg/L in any stream at the point where it enters any standing body of water, nor 0.025 mg/L in any standing body of water. A desired goal in order to prevent plant nuisances in streams and other flowing waters appears to be 0.1 mg/L total P. These values are not to be exceeded more than 10 percent of the time unless studies of the specific water body in question clearly show that water quality objective changes are permissible and changes are approved by the Regional Board. Analogous threshold values have not been set for nitrogen compounds; however, natural ratios of nitrogen to phosphorus are to be determined by surveillance and monitoring and upheld. If data are lacking, a ratio of N:P = 10:1 shall be used.

CEQA and Other Legal References

17. The Class I cell at the site of the former Omar Rendering facility is an existing facility and as such is exempt from the provisions of the California Environmental Quality Act in accordance with Title 14, California Code of Regulations, Chapter 3, Article 19, Section 15301.
18. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to the following:
 - a. Past, present, and probable future beneficial uses of water.
 - b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.
 - c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.
 - d. Economic considerations.
 - e. The need for developing housing within the region.
 - f. Beneficial uses to be protected and water quality objectives reasonably required for that purpose.
 - g. Other waste discharges.
 - h. The need to prevent nuisance.
19. The Regional Board has considered all water resource related environmental factors associated with the discharge of waste associated with Omar Rendering.
20. The Regional Board has notified interested agencies and all known interested parties of its intent to issue closure and post-closure maintenance requirements for Omar Rendering.
21. The Regional Board in a public meeting heard and considered all comments pertaining to post-closure maintenance for Omar Rendering.

IT IS HEREBY ORDERED, That Darling International (hereinafter discharger), in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following at the Class I cell at the site of the former Omar Rendering facility:

A. Prohibitions

1. Discharges of wastes to lands which have not been specifically described to the Regional Board and for which valid Waste Discharge Requirements are not in force are prohibited.
2. The discharge of waste shall not:
 - a. Cause the occurrence of coliform or pathogenic organisms in waters pumped from the basin;
 - b. Cause the occurrence of objectionable tastes and odors in water pumped from the basin;
 - c. Cause waters pumped from the basin to foam;
 - d. Cause the presence of toxic materials in waters pumped from the basin;
 - e. Cause the pH of waters pumped from the basin to fall below 6.0 or rise above 9.0;
 - f. Cause this Regional Board's objectives for the ground or surface waters of the Otay Hydrologic Area, as established in the Basin Plan, to be exceeded; and
 - g. Cause pollution, contamination or nuisance or adversely affect beneficial uses of the ground or surface waters of the Otay Hydrologic Area as established in the Basin Plan.
3. Odors, vectors, and other nuisances of waste origin beyond the limits of the landfill site are prohibited.
4. The discharge of waste from Omar Rendering to surface drainage courses or to usable ground water is prohibited.
5. Disposal of liquid condensate generated by the extraction of landfill gas at the site is prohibited.
6. The Basin Plan prohibitions shall not be violated.

B. Post-Closure Maintenance Specifications for the Class I Containment Cell

1. Annually, prior to the anticipated rainy season but not later than **October 31**, 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, ponding, flooding, or to prevent surface drainage from contacting or percolating through wastes at the Class I cell.
2. The disposal site shall be compacted and provided with a final cover of at least three feet of clean soil. At least one foot of the final cover shall be compacted to attain a permeability no greater than 10^{-8} cm/sec.

3. The Class I cell shall be adequately protected from any washout, erosion of wastes or cover material. The surface drainage system shall be designed to adequately handle the rainfall from a 100-year 24 hour storm event.
4. Surface drainage from the Class I cell is subject to State Board Order No. 91-13-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, "Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities.
5. The structural integrity and effectiveness of all containment structures and existing cover shall be maintained as necessary to correct the effects of settlement or other adverse factors.
6. Vegetation used at the site shall be selected to require minimum irrigation and maintenance, and shall not impair the integrity of containment structures including the existing cover. Landscaping overlaying the Class I cell shall be shallow rooted native grasses and shrubs suited for inland valleys of Southern California.
7. The migration of landfill gas from the site shall be controlled as necessary to ensure that landfill gases and gas condensate are not discharged to surface waters or ground waters. Condensate shall be collected and removed from the site.

C. **Provisions**

1. General Provision

Neither the treatment nor the discharge of waste shall create a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code.

2. Duty to Comply

The discharger shall comply with applicable provisions of Chapter 15 and all conditions of this Order and **Monitoring and Reporting Program No. 97-40**. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. 97-40. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for: (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a Report of Waste Discharge in application for new or revised Waste Discharge Requirements.

3. Compliance

In an enforcement action, it shall not be a defense for the discharger to say, it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order.

4. Corrective Action

The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

5. Proper Operation and Maintenance

The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate laboratory and process controls including appropriate quality assurance procedures.

6. Permit Revision

This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Order;
- b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

7. Change in Ownership

This Order is not transferable to any person except after notice to the Executive Officer. The Regional Board may require modification or revocation and reissuance of this Order to, change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code. The discharger shall submit notice of any proposed transfer of this Order's responsibility and coverage to a new discharger as described under Reporting Requirement D.3.

8. Property Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state, or local laws, nor create a vested right for the owner and operator to continue the regulated activity.

9. Entry and Inspection

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law to:

- a. Enter upon the discharger premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

10. Permit Repository

A copy of this Order shall be maintained at the local offices of the discharger and shall be available to operating personnel at all times.

11. Severability

The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.

12. Effective Date

This Order becomes effective on the date of adoption by the Regional Board. This Order supersedes No. 87-141.

D. Reporting Requirements

1. Change in Discharge

The discharger shall file the following reports in accordance with the following schedule:

a. Report of Waste Discharge

The discharger shall file a new Report of Waste Discharge at least 120 days prior to the following:

- 1) Significant change in post-closure maintenance activities which would significantly alter existing drainage patterns and slope configurations, or pose a potential threat to the integrity of the site;
- 2) Change in land use other than as described in the findings of this Order;
- 3) Significant change in disposal area, e.g. excavation and relocation of waste on site;
or
- 4) Any planned change in the regulated facility or activity which may result in noncompliance with this Order.

b. Workplan

The discharger shall submit a workplan at least 30 days prior to any maintenance activities that could alter existing surface drainage patterns or change existing slope configurations. These activities may include, but not be limited to, significant grading activities, the importation of fill material, the design and installation of soil borings, ground water monitoring wells and other devices for site investigation purposes.

c. Written Notification

The discharger shall provide written notification at least 2 working days prior to any maintenance activities that are minor and/or routine in nature, do not add a significant amount of water, do not inhibit drainage, have limited potential for impacts to beneficial use of water, and will not interfere with future routine maintenance. These activities may include, but not be limited to:

- 1) routine maintenance grading and dust control;
- 2) landscaping with minimal/no water application;
- 3) gas surveys with temporary probes; or
- 4) replacement/removal of gas collection wells.

2. General Reporting Requirement

The discharger shall furnish to the Executive Officer of this Regional Board, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Executive Officer upon request, copies of records required to be kept by this Order.

3. Change in Ownership

The discharger shall notify the Executive Officer, in writing, at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage between the current owner and new owner for construction, operation, closure, or post-closure maintenance of a waste management unit. This agreement shall include an acknowledgment that the existing owner is liable for violations up to the transfer date and that the new owner is liable from the transfer date on. The agreement shall include an acknowledgment that the new owners shall accept responsibility for compliance with this Order which includes the post-closure maintenance of the waste management unit.

4. Incomplete Reports

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

5. Endangerment of Health and Environment

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the owner becomes aware of the circumstances. A written submission shall also be provided within five days of the time the owner becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, or prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

6. SLOPE FAILURE

The discharger shall notify the Executive Officer immediately of any slope failure occurring in a waste management unit. Any failure which threatens the integrity of the containment features or the waste management unit shall be promptly corrected after approval of the method and schedule by the Executive Officer.

7. Monitoring and Reporting Program

The discharger shall comply with the attached Monitoring and Reporting Program No. 97-40. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program 97-40.

8. Report Declaration

All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:

- a. The Report of Waste Discharge shall be signed as follows:
 1. **For a corporation** - by a principal executive officer of at least the level of vice-president.
 2. **For a partnership or sole proprietorship** - by a general partner or the proprietor, respectively.
 3. **For a municipality, state, federal or other public agency** - by either a principal executive officer or ranking elected official.
 4. **For a military installation** - by the base commander or the person with overall responsibility for environmental matters in that branch of the military.
- b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:
 1. The authorization is made in writing by a person described in paragraph (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; and

3. The written authorization is submitted to the Executive Officer.
- 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."

9. The discharger shall submit reports required under this Order and other information requested by the Executive Officer, to:

Land Discharge Unit
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Blvd., Suite A
San Diego, California 92124-1324

E. Notifications

1. U.S EPA Review

These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.

2. Civil Monetary Remedies

The California Water Code provides that any person who intentionally or negligently violates any Waste Discharge Requirements issued, reissued, or amended by this Regional Board is subject to administrative civil liability of up to 10 dollars per gallon of waste discharged, or if no discharge occurs, up to 1000 dollars per day of violation. The Superior Court may impose civil liability of up to 10,000 dollars per day of violation or, if a cleanup and abatement order has been issued, up to 15,000 dollars per day of violation.

3. Penalties for Investigation, Monitoring or Inspection Violations

The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and may be subject to administrative civil liability of up to 1000 dollars per day of violation.

4. Other Closure Regulations

Closure of this waste management unit may be subject to regulations of the California Integrated Management Board and the San Diego County Air Pollution Control District.

5. Chapter 15 Definitions

Definitions of terms used in this Order shall be as set forth in California Code of Regulations Chapter 15.

I, John H. Robertus, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Water Quality Control Board, San Diego Region, on June 11, 1997.



JOHN H. ROBERTUS
Executive Officer