

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2002-0171

WASTE DISCHARGE REQUIREMENTS  
FOR  
KROEKER, INC.  
JEFFERSON AVENUE INERT SOLID WASTE DISPOSAL SITE  
FRESNO COUNTY

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

1. Kroeker, Inc. (hereafter Discharger), a California corporation, owns and operates an inert solid waste landfill about 2 miles south of the City of Malaga, in the SE<sup>1</sup>/<sub>4</sub> of Section 1, T15S, R20E, MDB&M, as shown in Attachment A, which is incorporated herein and made part of this Order.
2. The facility consists of one existing unlined waste management unit (Unit) covering 14 acres, as shown in Attachment B, which is incorporated herein and made part of this Order. The facility is comprised of Assessor Parcel No. 334-330-36.
3. On 22 March 1996, the Regional Board issued Order No. 96-078, in which the facility was classified as an unclassified waste disposal site for the discharge of inert wastes in accordance with the regulations in effect when the order was issued (Title 23, CCR, §2510 et seq.). This Order updates the waste discharge requirements for conformance with Title 27, California Code of Regulations, §20005, et seq. (Title 27).

**SITE DESCRIPTION**

4. The facility is in a topographically flat region of the San Joaquin Valley. The native ground surface is at an approximate elevation of 290 feet above mean sea level.
5. Waste is placed to fill a former natural depression. The site is not open to the public and has a locked gate across the entrance.
6. Site soils are sandy with some silty material present at shallow depths. The soils are well drained and exhibit rapid permeabilities.
7. The closest Holocene fault is the Nunez Fault, approximately 60 miles to the southwest. Recorded magnitudes of seismic events along this fault range between 5.2 and 5.9 on the Richter scale. The maximum credible acceleration for the site is approximately 0.2 g.

8. Land use within 1,000 feet of the facility includes: agriculture to the east and west; residences and pastures to the north; and Fresno Irrigation District equalization ponds to the south.
9. The facility receives an average of 10 inches of precipitation per year as measured at the University of California Division of Agricultural Services Field Station at Kearney Agriculture Center in Parlier. The mean pan evaporation is 66 inches per year as measured at the Parlier station.
10. The 100-year, 24-hour precipitation event at the facility is 2.55 inches, as calculated by a Pearson type III distribution using data from the Hanford National Weather Service Station for a 32-year record from 1951 to 1982.
11. The site is not within a 100-year flood zone based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map, Community-Panel Number 065029 1200B.

#### **WASTES AND THEIR CLASSIFICATION**

12. Between 200 and 6,000 cubic yards of construction demolition waste, consisting of approximately 90% inert wastes (dirt, concrete, masonry, brick, and asphalt) and up to 10% non-inert waste (lumber, wood, sheetrock, and metal), are discharged per year. No liquid wastes, hazardous wastes, dead animals, infectious waste, septic waste, or semi-solid wastes are discharged at the facility. The total capacity of the disposal site is approximately 75,000 cubic yards, with 46,000 cubic yards remaining.
13. This waste management facility meets the criteria set forth in Title 27 for classification as an unclassified solid waste disposal site suitable to receive "inert" wastes.

#### **SURFACE AND GROUND WATER CONDITIONS**

14. 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.
15. Surface drainage is to the Fresno Irrigation District's equalization ponds to the south, in the Consolidated Hydrologic Area (551.70) of the Tulare Lake Basin. The equalization ponds feed the Oleander Canal system, which is a dead-end irrigation system.
16. The surface waters are valley floor waters. The designated beneficial uses of valley floor waters are agricultural supply; industrial process and service supply; groundwater recharge;

water contact and non-contact recreation; and preservation and enhancement of fish, wildlife, and other aquatic resources.

17. The first encountered groundwater is approximately 35 feet below ground surface at an approximate elevation of 255 feet above msl. The groundwater is unconfined and exhibits a specific conductance of about 520  $\mu\text{mhos/cm}$ .
18. The designated beneficial uses of the groundwater, as specified in the Basin Plan, are domestic and municipal, agricultural, and industrial supply.
19. Since the types of waste discharged at the facility do not pose a significant threat to groundwater quality, groundwater monitoring is not required.

#### **CEQA AND OTHER CONSIDERATIONS**

20. The action to update 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.
21. This Order is in conformance with the *Water Quality Control Plan for the Tulare Lake Basin, Second Edition*, and the performance goals of Title 27 of the California Code of Regulations, §20005 et seq. (Title 27).

#### **PROCEDURAL REQUIREMENTS**

22. 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.
23. The Regional Board notified the Discharger and interested agencies and persons of its intent to adopt waste discharge requirements for this discharge, and provided them with an opportunity for a public meeting and an opportunity to submit their written views and recommendations.
24. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.
25. 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.swrcb.ca.gov/water\\_laws/index.html](http://www.swrcb.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. 96-078 is rescinded, and that Kroeker, 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:

**A. PROHIBITIONS**

1. The discharge of ‘hazardous waste,’ ‘designated waste,’ or ‘nonhazardous solid waste’ (except for inert waste, 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., while ‘designated waste’ and ‘nonhazardous waste’ are as defined in Title 27.
2. Discharge of wastes or waste constituents to surface waters, surface water drainage courses, or groundwater is prohibited.
3. 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. Waste materials deposited at this site shall be limited to ‘inert’ wastes, which is defined in §20230 of Title 27 as follows: “Inert waste is that 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.”
2. Wood, gypsum wallboard, and metal materials mixed with the inert wastes shall not constitute greater than 10 percent by volume of discharged waste.
3. The discharge shall remain within the designated disposal area at all times.

### 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 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 the waste discharge requirements.
5. Surface drainage within the waste management facility shall either be contained on-site or be discharged in accordance with applicable storm water regulations.
6. 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. REPORTING REQUIREMENTS

1. 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.
2. Each monitoring report shall include a compliance evaluation summary. The summary shall contain at least:
  - a. A summary and certification of completion of all **Standard Observations** for the Unit(s), for the perimeter of the Unit, and for the receiving waters. The Standard Observations shall include:
    - 1) For the Unit:

- a) Evidence of ponded water at any point on the facility (show affected area on map);
  - b) Evidence of odors - presence or absence, characterization, source, and distance of travel from source; and
  - c) Evidence of erosion and/or of day-lighted refuse.
- 2) Along the perimeter of the Unit:
- a) Evidence of liquid leaving or entering the Unit, estimated size of affected area, and flow rate (show affected area on map);
  - b) Evidence of odors - presence or absence, characterization, source, and distance of travel from source; and
  - c) Evidence of erosion and/or of day-lighted refuse.
- b. The quantity and types of wastes discharged and the locations in the Unit where waste has been placed since submittal of the last such report.

#### **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 comply with all applicable provisions of Title 27 that are not specifically referred to in this Order.
3. The Discharger shall comply with Monitoring and Reporting Program No. R5-2002-0171, 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. 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;
    - 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.”
6. 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 F.5. 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 Board.

7. The Discharger shall maintain financial assurance for closure and postclosure maintenance as required by Title 27 California Code of Regulations, Division 2, Chapter 6. The Discharger shall, by **30 April of each year**, 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 name the Regional Board as beneficiary and 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.
8. The Discharger shall complete the tasks contained in these waste discharge requirements in accordance with the following time schedule:

<u>Task</u>	<u>Compliance Date</u>
a. Financial Assurance Review	
1) Annual Review of Financial Assurance for closure and postclosure maintenance (see Provision E.7.)	<b>30 April each year</b>

I, THOMAS R. PINKOS, Acting 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 6 September 2002.

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THOMAS R. PINKOS, Acting Executive Officer



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM NO. R5-2002-0171  
FOR  
KROEKER, INC.  
JEFFERSON AVENUE INERT SOLID WASTE DISPOSAL SITE  
FRESNO COUNTY

Compliance with this Monitoring and Reporting Program, with Title 27, California Code of Regulations, Section 20005, et seq. (hereafter Title 27), and with 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)*, dated April 2000, is ordered by Waste Discharge Requirements Order No. R5-2002-0171.

**A. REQUIRED MONITORING REPORTS**

<u>Report</u>	<u>Due</u>
1. Facility Monitoring (Section C)	<b>As necessary</b>
2. Load Checking Program (Section D)	<b>Quarterly</b>

**B. REPORTING**

The Discharger shall report monitoring data and information as required in this Monitoring and Reporting Program and as required in Order No. R5-2002-0171 and the Standard Provisions and Reporting Requirements. Reports that do not comply with the required format will be **REJECTED** and the Discharger shall be deemed to be in noncompliance with the waste discharge requirements. In reporting the monitoring data required by this program, the Discharger shall arrange the data in tabular form so that the date, the waste types, and the volumes are readily discernible. Monitoring reports shall be submitted to the Regional Board by the 15<sup>th</sup> day of April, July, October, and January. The data shall be summarized in such a manner so as to illustrate clearly the compliance with waste discharge requirements or the lack thereof. Quarterly self-monitoring reports and data shall also be submitted in a digital format acceptable to the Executive Officer.

Monthly, quarterly, semiannual, and annual monitoring reports shall be submitted to the Regional Board in accordance with the following schedule for the calendar period in which samples were taken or observations made.

<u>Sampling Frequency</u>	<u>Reporting Frequency</u>	<u>Reporting Periods End</u>	<u>Report Date Due</u>
Monthly	Quarterly	by Quarterly Schedule	<b>by Quarterly Schedule</b>
Quarterly	Quarterly	31 March 30 June 30 September 31 December	<b>30 April 31 July 31 October 31 January</b>

The results of **all monitoring** conducted at the site shall reported to the Regional Board in accordance with the reporting schedule above for the calendar period in which samples were taken or observations made.

**C. FACILITY MONITORING**

**1. Facility Inspection**

Annually, prior to the anticipated rainy season, but no later than **30 September**, the Discharger shall conduct an inspection of the facility. The inspection shall assess damage to the drainage control system and shall include the Standard Observations contained in section D.2.a. of Order No. R5-2002-0171. Any necessary construction, maintenance, or repairs shall be completed by **31 October**. By **15 November** of each year, the Discharger shall submit an annual report describing the results of the inspection and the repair measures implemented, including photographs of the problem and the repairs.

**2. Storm Events**

The Discharger shall inspect all precipitation, diversion, and drainage facilities for damage **within 7 days** following *major storm events*. Necessary repairs shall be completed **within 30 days** of the inspection. The Discharger shall report any damage and subsequent repairs within 45 days of completion of the repairs, including photographs of the problem and the repairs.

**D. LOAD CHECKING PROGRAM**

By **15 August 2002**, the Discharger shall submit a proposed load checking program for approval by Regional Board staff. The Discharger shall implement the load checking program upon approval by Regional Board staff.

The daily entries shall be summarized and recorded on a monthly basis and reported on a quarterly basis, including the quantity (cubic yards) and type (e.g., concrete rubble, asphalt) of inert materials discharged at this site. The Discharger may use the attached reporting form.

Ordered by: \_\_\_\_\_  
THOMAS R. PINKOS, Acting Executive Officer

\_\_\_\_\_ 6 September 2002  
(Date)

DEE:dee/rac

MONITORING AND REPORTING PROGRAM NO. R5-2002-0171  
REPORTING FORM  
FOR  
KROEKER, INC.  
JEFFERSON AVENUE UNCLASSIFIED SOLID WASTE DISPOSAL SITE  
FRESNO COUNTY

QUARTER: \_\_\_\_\_

<u>MONTH</u>	<u>WASTE TYPE</u>	<u>VOLUME (cu. yds.)</u>
_____	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

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.

Certified by: \_\_\_\_\_

Title: \_\_\_\_\_  
(Date)

## INFORMATION SHEET

ORDER NO. R5-2002-0171  
KROEKER, INC.  
JEFFERSON AVENUE INERT SOLID WASTE DISPOSAL SITE  
FRESNO COUNTY

Kroeker, Inc., owns and operates an inert landfill on the south side of Jefferson Avenue between South Maple and South Chestnut Avenues, approximately one mile west of State Route 99. The site comprises approximately 14 acres on property owned by Kroeker, Inc. The facility is currently regulated by Waste Discharge Requirements Order No. 96-078, adopted 22 March 1996, which predates Title 27.

The site is not open to the public. The facility is in a topographically flat region of the San Joaquin Valley. The native ground surface is at an approximate elevation of 290 feet above mean sea level. Waste is placed to fill a former natural depression. The site is not within a 100-year flood zone according to FEMA maps. The facility receives an average annual precipitation of 10 inches. The mean pan evaporation is approximately 66 inches per year. The 100-year, 24-hour precipitation event at the facility is 2.55 inches. Site soils are sandy with some silty material present at shallow depths. The soils are well drained and exhibit rapid permeabilities.

Between 200 and 6,000 cubic yards of construction demolition waste, including asphalt and concrete rubble, are discharged per year. The total capacity of the landfill is approximately 75,000 cubic yards, with 46,000 cubic yards remaining. This waste management facility meets the criteria set forth in Title 27 for classification as an unclassified solid waste disposal site suitable to receive "inert" wastes.

Surface drainage is to the Fresno Irrigation District's equalization ponds to the south, which feed the Oleander Canal system, a dead-end irrigation system. The designated beneficial uses of the surface waters are agricultural supply; industrial service and process supply; groundwater recharge; water contact and non-contact recreation; and preservation and enhancement of fish, wildlife, and other aquatic resources.

Depth to groundwater is approximately 35 feet below ground surface. The groundwater exhibits a specific conductance of about 520  $\mu$ mhos/cm. The designated beneficial uses of the groundwater are domestic, municipal, agricultural, industrial service, and industrial process supply; water contact recreation; and wildlife habitat. Since the types of waste that are discharged at the facility do not pose a significant threat to groundwater quality, groundwater monitoring is not required.

This Order updates the waste discharge requirements for conformance with Title 27, California Code of Regulations, §20005, et seq. (Title 27). The action to update 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.

ITEM:

SUBJECT: Uncontested Waste Discharge Requirements

REPORT: **KROEKER, INC., JEFFERSON AVENUE UNCLASSIFIED  
SOLID WASTE DISPOSAL SITE, Fresno County**

The proposed order classifies the proposed facility as an unclassified solid waste landfill for disposal of inert wastes. The Discharger disposes of between 200 and 6,000 cubic yards per year of construction demolition waste, including asphalt and concrete rubble. The Order implements a load-checking program.

RECOMMENDATION: Adopt the proposed waste discharge requirements.