

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF FEBRUARY 6, 2004  
Prepared on December 26, 2003

ITEM NUMBER: 21

SUBJECT: Order No. R3-2004-0006, General Waste Discharge Requirements For Post-Closure Maintenance of Closed, Abandoned or Inactive Nonhazardous Waste Landfills Within The Central Coast Region

KEY INFORMATION:

**Location:** Central Coast Region.  
**Type of Waste:** Non-hazardous municipal solid wastes.  
**Waste In Place:** Unknown  
**Liner System:** All listed landfill sites are unlined.  
**Groundwater Contamination:** Several listed landfill sites have confirmed groundwater impacts (volatile organic compounds detected in groundwater). However, at most of the listed sites groundwater impacts are suspected, yet unknown at this time.  
**Existing Orders:** All listed landfill sites were closed, abandoned, or inactive prior to the promulgation of landfill regulations. As a result, only a small number are presently regulated by an individual order.

SUMMARY:

Proposed Order No. R3-2004-0006, General Waste Discharge Requirements for Post-Closure Maintenance of Closed, Abandoned or Inactive Nonhazardous Waste Landfills Within the Central Coast Region (General Order No. R3-2004-0006) (**Attachment 1**) and Monitoring and Reporting Program No. R3-2004-006 (General MRP No. R3-2004-0006) (**Attachment 2**) are essential to facilitate the regulation of all nonhazardous solid waste landfill sites, which were closed, abandoned, or inactive (CAI Landfills) on or before November 27, 1984. Proposed General Order No. R3-2004-0006 is designed to ensure that CAI Landfills within the Central Coast Region do not impair or degrade water quality.

Although the proposed General Order covers CAI Landfills both with and without individual WDRs, all CAI Landfills proposed for coverage by the proposed General Order must meet

eligibility criteria via the submittal of a complete report of waste discharge (ROWD). Upon review of a complete ROWD, the Executive Officer will confirm eligibility and determine the extent of coverage by the proposed General Order for each CAI Landfill listed. Also, based on site-specific conditions, Dischargers must comply with the applicable general closure monitoring and reporting requirement, as necessary and appropriate. CAI Landfills presently covered by individual WDRs will also be considered for coverage under this General Order when the individual WDRs are scheduled for review or renewal.

**The proposed General Order establishes minimum standards for post-closure maintenance and monitoring of CAI Landfills and includes:**

- A listing of CAI Landfills, which contain significant quantities of decomposable waste and have leaked waste constituents to

underlying groundwater (Attachment 1 to the proposed General Order WDRs).

- A listing of CAI Landfills, which do not contain significant quantities of decomposable waste, yet remain subject to these general waste discharge requirements due to an overriding threat to water quality. The typical sites covered include those operated by open burning of refuse (Burn Dumps), but may also include other types of disposal sites (Attachment 2 to the proposed General Order WDRs).
- Provisions to allow the Executive Officer to update the CAI Landfills listed in Attachments 1 and 2 to the General Order (i.e., to add and delete CAI Landfills), as necessary, when additional information warrants.
- Provisions requiring the Discharger to record a deed notation advising prospective buyers of the presence of a former landfill, in order to prevent nuisance.
- Provisions to require annual fees based on the facility's "Threat to Water Quality" and "Complexity Rating".
- Provisions that ensure CAI Landfills will not impair or degrade water quality.

Staff believes that regulation of CAI Landfills that pose a threat to water quality is necessary. Regulation via the proposed General Order will facilitate better control and management of sites that may be required to implement corrective action measures. Staff will be allowed to confirm the extent of groundwater impacts, and will require the Dischargers to file deed recordings for their respective sites.

Additionally, given the choice between site-specific and general waste discharge requirements, Dischargers tend to prefer being covered under general WDRs, as coverage can be obtained in a more expedient time frame. This benefit also allows Regional Board staff to address multiple threats to water quality in a more time-efficient manner, thus saving staff resources.

## DISCUSSION:

**Basis for General Closure Order:** Staff used two existing general orders as a basis and examples in developing the proposed General Order. The examples include a general order addressing wineries; and a general order concerning closed landfills, adopted by Region 9.

The proposed General Order WDRs include two lists of CAI Landfills (Attachments 1 and 2). The listed CAI Landfills were screened based on known site-specific conditions. For instance, sites with known groundwater impacts and/or complex hydrogeologic conditions, and significant quantities of in-place waste were placed on Attachment 1. These sites are believed to present a higher threat to water quality than those listed on Attachment 2. In fact, several of these CAI Landfills are known to have leaked waste constituents to groundwater, and their respective Dischargers are presently implementing appropriate corrective action measures. Staff believes these groundwater impacts may have occurred through landfill gas and or leachate migration and have the potential to cause long-term loss of designated beneficial uses.

Attachment 2 includes all CAI Landfills, for which water quality impacts are not confirmed, but due to historic disposal practices and/or setting, are believed to pose a significant threat to water quality. These CAI Landfills typically do not contain significant quantities of decomposable waste and may include, but are not limited to, sites operated by open burning of refuse (Burn Dumps). Burn dumps are believed to pose a threat to water quality since the residual waste material could contain soluble constituents, which are leachable to waters of the state under acidic conditions. Further, potential water quality impacts from these landfills could result in cases of extreme erosion of these landfill wastes.

Site screening continues through the comment period to ensure only those CAI Landfills that should be covered by the proposed General Order remain on Attachments 1 and 2 of the WDRs. The CAI Landfills listed in the proposed General Order for either of the two categories

described above, may be updated by the Regional Board's Executive Officer, as necessary, when additional information warrants.

The issuance of this General Order establishing general closure waste discharge requirements for CAI Landfills is consistent with the goal to provide water resources protection, enhancement, and restoration, while balancing economic and environmental impacts, as stated in the Strategic Plan of the State Water Resources Control Board and the Regional Boards. Further, the proposed General Order is consistent with the provisions of State Water Resources Control Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California."

The proposed General Order automatically rescinds and replaces all existing individual Orders for all CAI Landfills listed on Attachments 1 and 2 of the WDRs, as of the effective date in the Executive Officer's notification of coverage. The adoption of proposed General Closure Order No. R3-2004-0006 for CAI Landfills will assist in:

- Protecting groundwater and surface waters of the state from pollution or contamination.
- Simplifying and expediting the application process for the Discharger.
- Reducing Regional Board time preparing and considering individual WDRs for each landfill.

**Regulatory and Compliance History:**

Nonhazardous solid waste landfills (which include former Class II-2 landfills, closed Class III landfills and burn dumps) have been regulated by the State Water Resources Control Board and the Regional Boards since the 1960's. The existing regulations governing landfills are California Code of Regulations, Title 27, Division 2, Subdivision 1, Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste (Title 27), and Code of Federal Regulations Title 40 Part 257 and Part 258 (40 CFR 258). The federal regulations do not apply to CAI Landfills.

Pursuant to Title 27, section 20080 (g), the person, agency or corporation (hereafter Discharger), responsible for discharges at landfills which were closed, abandoned, or inactive (CAI Landfills) on or before November 27, 1984, may be required to develop and implement a detection monitoring program in accordance with Division 2, Subdivision 1, Chapter 3, Article 1, Subchapter 3, of Title 27 (§20380 et seq.). If water quality impairment is found, the Discharger may be required to develop and implement a corrective action program under that article. Appropriate corrective action measures may include, but are not limited to, construction of a final cover system and/or implementation of necessary post-closure maintenance measures.

Pursuant to California Water Code, Section 13263, this Regional Board can issue waste discharge requirements for post-closure maintenance of CAI Landfills. In accordance with Section 13263(d) the Regional Board may prescribe requirements although no Report of Waste Discharge has been filed.

In 1987, the California Water Code was amended to include Section 13273. Water Code Section 13273 requires the State Water Resources Control Board to develop a ranked list of all known landfills throughout the state on the basis of the threat to water quality. The list developed included a total of 15 ranks including up to 15 sites per rank. Section 13273 also requires the operator of each solid waste disposal site on the ranked list to conduct and submit to the appropriate Regional Board the results of a solid waste water quality assessment test (SWAT report) to determine if the site is leaking hazardous waste. The SWAT reports were required on a yearly basis, beginning with Rank 1 in 1987.

Implementation of the SWAT Program was very successful in identifying leaking landfill sites throughout the State. However, SWAT Program funding was suddenly terminated by the Legislature in the early 1990's. The lack of funding forced the Regional Boards to stop requesting and reviewing SWAT Reports. Landfill Dischargers were specifically instructed that while the SWAT reporting requirements are still mandated by the Water Code, our Regional

Board would not pursue enforcement action for non-compliance.

To date, funding for the SWAT Program has not been replaced. Although most of the active and permitted landfill sites were addressed during implementation of the SWAT Program, groundwater assessment activities for most sites in the higher ranks (above Rank 6) stopped. The majority of the CAI Landfills specifically targeted by the proposed General Order includes solid waste disposal sites identified from the SWAT Program database.

The proposed Order will only include CAI Landfills for which a responsible party has been identified and site conditions are known. CAI Landfills for which a Discharger is not identified or there is insufficient site-specific information, will be kept off of the proposed General Order until further follow-up information may be obtained to make an appropriate determination.

**Groundwater Monitoring and Reporting:**

The proposed General Order establishes minimum standards for detection monitoring and post-closure maintenance of CAI Landfills. However, Dischargers must comply with any more stringent relevant standards in the Basin Plan. In the event of a conflict between the provisions of this Order and the Basin Plan, the more water quality protective provision shall prevail.

The proposed General MRP requires the Dischargers to perform regular monitoring and reporting of surface and groundwater quality and to perform necessary post closure maintenance activities. Except for CAI Landfills covered by individual MRPs, the General MRP applies to all CAI Landfills listed in Attachments 1 and 2. However, all CAI Landfills currently covered by a site-specific monitoring and reporting program (individual MRP) will retain the individual MRP, unless otherwise specified by the Executive Officer. Both individual and the General MRPs may be modified at any time by the Executive Officer.

**PROPOSED ORDER CONTENTS:** The proposed General Order consists of:

**General Information:** This section includes discussions of the applicability of the General Order to CAI Landfills, descriptions of the CAI Landfills covered, regulatory basis for the proposed General Order including the proposed General MRP and annual fees.

**Eligibility:** This section requires Dischargers to submit a complete report of waste discharge (ROWD) and an appropriate filing fee for each CAI Landfill proposed for coverage under the proposed General Order.

**Compliance with other Regulations, Orders and Standard Provisions:** This section directs the Discharger to comply with all applicable Post-closure maintenance requirements contained in the CCR Title 27. It also directs the Discharger to implement all appropriate and necessary storm water monitoring and reporting requirements, as specified in the General Closure MRP or individual MRP, and as directed by the Executive Officer for the protection of water quality.

**Prohibitions:** These discharge prohibitions are applicable to all CAI Landfills.

**Post-Closure Maintenance Specifications:** These are specifications that the Discharger must meet and/or implement to comply with site-specific aspects of CCR Title 27 pertaining to solid waste disposal practices at CAI Landfills. These specifications are categorized into two groups, a) General Specifications and b) Wet Weather Specifications.

**Water Quality Protection Standards:** These standards outline constituents of concern, monitoring parameters, concentration limits, monitoring points, points of compliance, and compliance period.

**Provisions:** These provisions address the Discharger's responsibilities regarding Landfill related impacts to water quality and provide: Regional Board access to the Landfill and related reports, Order severability, reporting and implementation provisions, a termination clause, and wet weather maintenance provisions.

**MONITORING AND REPORTING PROGRAM (MRP) CONTENTS:** The proposed General MRP will be site-specific for each listed CAI Landfill and consists of:

**Monitoring and Observation Schedule:** This section contains the following requirements: periodic routine Landfill inspections, drainage system inspections, rainfall data collection, detection monitoring of all groundwater and surface water monitoring points (as appropriate), analytical monitoring of groundwater and gas monitoring parameters (as appropriate), and quarterly determination of groundwater flow rate and direction.

**Sample Collection and Analysis:** This section establishes criteria for sample collection and analysis, methods to determine concentration limits, and specifies how these records shall be maintained. The proposed General MRP requires the preparation and submittal of a Sampling and Analysis Plan along with the required ROWD. This section also establishes acceptable statistical and non-statistical methods the Discharger must use to perform data analysis, and outlines acceptable re-test procedures.

**Reporting:** This section establishes formats and requirements that the Discharger must follow when submitting analytical data, annual reports, and summaries to the Regional Board including notification requirements, contingency response and reporting requirements.

**Definition of Terms:** This section defines a number of terms used in the General Closure MRP.

**ENVIRONMENTAL SUMMARY:**

This project involves the issuance of Waste Discharge Requirements initiated by the Regional Board. The action to adopt the WDRs is intended to maintain or improve water quality. These Waste Discharge Requirements contain prohibitions, discharge specifications, water quality protection standards, and provisions intended to protect the environment by mitigating or avoiding impacts to water quality and the environment. These Waste Discharge Requirements are for existing CAI Landfill facilities and as such are exempt from provisions

of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) in accordance with Title 14, California Code of Regulations, Chapter 3, Section 15301.

**ADDITIONAL ACTIONS STAFF EXPECTS TO TAKE:**

- All CAI Landfills, for which the identity of the site's responsible party has not been confirmed, will be excluded from the proposed General Order at this time.
- All CAI Landfills for which comments were not received due to incorrect mailing information or no response (comments) has been received, will be excluded from the proposed General Order at this time.
- All CAI Landfills that have been excluded from the proposed General Order at this time, including others that may be identified in the future, will remain on a priority list to be developed by the Regional Board. The excluded CAI Landfills will be prioritized based on all available information. Based on the CAI Landfills' priority, Regional Board staff will consider issuing formal requests to provide a complete report of waste discharge (ROWD), pursuant to Section 13260 of the California Porter-Cologne Water Quality Control Act (California Water Code). Based on the information contained in the requested ROWDs, these CAI landfills will be considered for coverage under the General Order.

**COMMENTS CONCERNING DRAFT GENERAL CLOSURE ORDER AND MRP NO. R3-2004-0006:**

Draft General Closure Order and MRP No. R3-2004-0006 were distributed to a list of interested parties and agencies that have been historically involved with the CAI Landfill(s) or have been identified as potential responsible parties. These interested parties include:

**Mr. Mark Schleich**, Santa Barbara County  
Public Works Department  
**Dianne Meester**, Santa Barbara County  
Planning & Development Department

**Mr. Philip M. Demery**, Director, County of Santa Barbara Public Works Department

**Mr. Brian Baca**, County of Santa Barbara Planning and Development Department

**Mr. David C. McDermott**, Deputy County Counsel, Office of County Counsel

**John Zhao**, City of Santa Maria/Public Works

**Paul Karp**, City of Santa Maria Public Works Director

**City of Lompoc**, Public Works Director

**Mr. Patrick Maloy**, Solid Waste Manager Department of the Air Force (VAFB)

**John Ricker**, Santa Cruz County Health Department

**Michael Wochnick**, California Integrated Waste Management Board-Closure Branch

**Mr. Willy Jenkins**, California Integrated Waste Management Board

**Mr. David Brummond**, Supervising Environmental Health Specialist - County of Santa Barbara Public Health Department

**Mrs. Kate Sulka**, Santa Barbara County Fire Dept. Protection Services Division

**Ms. Lisa Sloan**, County of Santa Barbara Public Health Department

**Michael Schmaeling**, Santa Barbara County Environmental Health Services

**Jenny McCartney**, San Luis Obispo County Health Department

**Mr. Jon Jennings**, Monterey County Solid Waste Local Enforcement Agency

**Mr. Karen Schkolnick**, Monterey County Solid Waste

**Ray Stevenson**, San Benito County Public Health Department

**Ms. Imelda Cragin**, Santa Barbara County Public Works Department

**Mr. Chris Wilson**, Santa Barbara County Public Works Department

**Larry Allen**, San Luis Obispo County Air Pollution Control District

**Kenneth Selover**, Director of Environmental Programs California Army National Guard

**John C. Erwin**, Camp Roberts

**Mr. Patrick Mathews**, County of Santa Cruz Department of Public Works

**Joe Mello**, Land Disposal Unit Program Chief, State Water Resources Control Board

**Ms. Lori Okun**, State Water Resources Control Board, Office of Chief Counsel

**Luis G. Rivera**, North Coast RWQCB (1)

**Terry Seward**, San Francisco Bay Region (2)

**Dane S. Johnson**, RWQCB - Central Valley Region - Fresno (5F)

**Jack Del Conte**, Central Valley Region - Sacramento Office (5S)

**Chris Stetler**, Lahontan Region - South Lake Tahoe Office (6SLT)

**Paula Rasmussen**, Los Angeles Region (4)

**Dixie Lass**, Santa Ana Region (8)

**Liann Chavez**, Colorado River Basin Region (7)

**John Odermatt**, San Diego Region (9)

**Lisa Roberts**, US Fish & Wildlife

**Natash Lohmus**, Dept. of Fish & Game

**Jim Mace**, US Army Corps of Engrs/Ventura

**Michael Feeney**, Land Trust for Santa Barbara County

**Kristen Miller**, City of Goleta Chamber of Commerce/President

**Bill Chiat**, Solid Waste Taskforce Group

**Bill Albrecht**, City of Buellton Public Works Director

**Marlene Demery**, City of Solvang City Manager

**Mr. Steve Sterner**, Air Pollution Control District

**Thomas L. Bolich**, Director of Public Works, County of Santa Cruz

**Anthony Nisich**, Public Works Director, City of Santa Barbara

**Mr. Tang, So**

**Stephen T. Johnson**, Salinas Valley Solid Waste

**Mankins H**, Brisco Pit Landfill

**Celis Schade**, Creston Disposal Site

**Mr. Guerra, Robert**, Morro Bay Sanitary District

**Valenta, Jerome Et Al**, Valenta Dump Site

**Dye, Gary & Jan**, Dye Canyon/Old Cold Canyon Landfill Santa Barbara High School District

**Azevedo, Anthony**, Azevedo Fill Dump Site

**Kennolyn Camps**, Kennolyn Camp Disposal Site

**Telles Ranches, Inc** -Old City of Watsonville Disposal Site

**Peterson L K**, Peterson Illegal Dump Site

**Hart, Buzz** - Hartz Landfill

City of Guadalupe Public Works Department  
City Of Soledad

County Of Monterey Parks Department

Monterey Bay Development Corporation

Monterey County Public Works Director,  
US Army, Fort Ord

Veterans Memorial Park Landfill, City Of  
 Monterey  
 Texaco California, Inc.  
 Atascadero State Hospital  
 Calif. Dept Of Corrections  
 California Polytechnic University-San Luis  
 Obispo  
 Cambria Solid Waste Disposal Site  
 County Of San Luis Obispo, Government Center  
 RMC Pacific Materials  
 Lockheed Missiles & Space Company, Inc.  
 City Of Watsonville – Airport  
 City Of Gilroy Public Works Dept  
 South Valley Refuse Disposal Company

Written comments received (via mail, e-mail and fax) concerning the proposed General Order and MRP were considered and addressed in the staff report. A copy of all public comments received including this staff report, may be found on our web site at:  
<http://www.swrcb.ca.gov/rwqcb3/Permits/Ind ex.htm>.

Staff plans to proceed with the scheduled February 6, 2004 Regional Board hearing. However, considering the number of Dischargers the proposed General Order affects, comments received by January 5<sup>th</sup> were also considered and addressed. Most comments were either incorporated upon receipt or had previously been incorporated. The key issues referenced in the public comment letters are as follows:

**Jeff Hacket, CIWMB – (Comments received via e-mail):**

1. **Background 10, Page 2** - Is the intent only for burn dumps as stated? The sites in Santa Cruz that are included in Attachment 2 are not considered burn dumps. May want to restate to include other types of disposal sites and not state only as owner or operators of burn dumps. It is clarified under other sections, but you may want to clarify here.

**Staff Response:** Staff agrees with comment. **Finding No. 9** has been clarified to state that other types of disposal sites are also covered.

2. **Background 11, Page 2** - How would an owner propose to remove their site from the

respective attachment and not be subject to the order? Same process of filing a ROWD? Would it be a case-by-case basis and the owner would contact the RWQCB (as indicated in the footnote) to determine if the site is covered by the order?

**Staff Response:** During the comment period, staff will attempt to collect as much site-specific information concerning all sites listed. Based on the information gathered (public comments, file search, etc.,) a determination will be made on a site-by-site basis, as to which sites will be included in the finalized version of the proposed General Order. Once a site has been included, the Discharger has an opportunity to contest the inclusion of the site during our public meeting process (Regional Board meeting). After the proposed Order has been adopted by the Regional Board, the Discharger may submit a ROWD demonstrating that the facility poses no threat to water quality, and requesting a determination by the Executive Officer that coverage under the General Order should terminate (See **Eligibility Provision A.4.**). All requests must include adequate information to substantiate the request.

However, CAI Landfills for which contact with the respective Dischargers was not made, were not listed at this time. Staff intends to gather additional information concerning all excluded CAI Landfills and will consider requesting a report of waste discharge, as deemed appropriate.

3. **Provisions 29, Page 11** - States this order supersedes any other existing order, however, on Page 2, part 12 indicates sites currently under individual WDRs will be considered for coverage under the general order when the individual WDRs are scheduled for review. Be consistent on the requirement.

**Staff Response:** Staff's intention is to cover all sites listed on Attachments 1 and 2 immediately upon adoption of the proposed General Order, including those CAI Landfills with individual WDRs. **Finding No. 11** addresses those sites with individual WDRs that are not presently covered by the proposed General Order, but may, in the future, be considered for coverage.

Staff has revised this finding to clarify the intent and added a provision regarding termination of individual WDRs.

4. Since a majority of the sites may not have any type of monitoring systems in place (either for ground water monitoring or gas monitoring), will they be required to install monitoring systems? Will there be a time frame by which this would have to be done? Would this be part of the MRP, which is required within 90 days of receipt of the order? Will there be an exclusion for "small" sites, which were ranked, very low on the original SWAT list. Such a requirement would be a big economic impact on the owner requiring time to attain the resources to complete and comply with the requirements.

**Staff Response:** All sites listed on Attachments 1 and 2 of the WDRs will be required to provide a Report Of Waste Discharge (ROWD) within six months of Order adoption. A specific request for an ROWD by July 6, 2004 has been included in the Reporting Provision and the Report and Task Implementation Date Summary. The ROWD must include a proposal to comply with the applicable General MRP.

5. The CIWMB provided updated information concerning the following CAI Landfills: RMC Lonestar, Kennolyn Camps, Lockheed, Old City of Watsonville, Peterson Illegal Dump Site, and the Gilbertson site.

**Staff Response:** Based on the updated information provided by CIWMB, it does not appear additional follow-up is necessary at the following sites: RMC Lonestar, Kennolyn Camps, Lockheed, and the Peterson Illegal Dump Site. Thus, staff will drop these sites from the proposed General Order. However, staff intends to work closely with and encourage the Dischargers to record a deed notation on the landfill properties. The request to record a deed notation on the property will be made pursuant to Water Code Section 13267. Further, based on the lack of updated information provided, staff will also drop the Old City of Watsonville dumpsite, and the Gilbertson Sites from the proposed General Order at this time. However,

staff intends to follow-up with a formal request for a Report of Waste Discharge after adoption of the proposed General Order. The request for a ROWD will be made pursuant to Water Code Section 13260. Based on the information provided in the ROWD, the Executive Officer will determine whether these sites should be covered by the General Order at some future point following review of data.

**Mike Schmaeling, Santa Barbara County, Environmental Health Services – (Comments provided via e-mail):**

1. The Santa Maria Airport dump site consists of two separate landfills, and to my knowledge, neither was a "burn dump".

**Staff Response:** Staff is aware these landfill sites within the Santa Maria Airport are not former "burn dumps". However, these sites contain significant volumes of waste and, until the waste is adequately characterized and stabilized, are believed to present a potential threat to water quality.

2. The Ventucopa Landfill has been "clean - closed". There is no longer any refuse at this site and soil analyses verified that the site is clean.

**Staff Response:** Staff is aware of this information and will delete this site from the proposed General Order.

3. Please review the CIWMB's web page concerning additional closed landfill sites within Santa Barbara County. Many of the sites listed may be of interest to the Regional Board.

**Staff Response:** Staff intends to review all available information concerning all existing CAI Landfills within our entire region. The proposed General Order will authorize the Executive Officer to include any additional CAI Landfills, as deemed appropriate in the future, based on threat to water quality.

**Comments From Lisa Sloan, Santa Barbara County Environmental Health Services – (Comments provided via e-mail):**



1. **Attachment 1** [of the WDRs] includes the Carpinteria City Dump site. However, hydro-punch tests indicated no impacts to groundwater. The Carpinteria City site is a former burn dump, relatively small in size. It more closely fits the characteristics described for those sites listed under Attachment 2.

**Staff Response:** Staff has removed the Carpinteria City Dump Site from the proposed Order. Please refer to comment No. 13, concerning Santa Barbara County Public Works Department, below

2. **Attachment 2** includes the Elings Park landfill. This site was ranked a 7 based upon the 1988 Air SWAT. The Water SWAT has yet to be completed. Perhaps it should be moved to Attachment 1.

**Staff Response:** Staff concurs with this recommendation and has moved the Elings Park site from Attachment 2 to Attachment 1. Based on the results of planned site assessment activities, the site may be moved back to Attachment 2.

3. **Attachment 2** includes the Santa Barbara Transfer Station. However, the Foothill Dump underlies a portion of the Transfer Station. There is no separate closed landfill at the Transfer Station. Thus, this listing is redundant.

**Staff Response:** Staff has corrected this redundancy by deleting the Foothill Dump from the proposed General Order.

**County of Santa Barbara Public Works Department – (Comments provided via e-mail and fax):**

1. **General WDRs – Page 2 Background Finding.** The County has reviewed Code of Regulations Title 23, Division 3, Chapter 9, Section 2200 and has interpreted that the Threat to Water Quality and Complexity Rating for CAI Landfills containing significant quantities of decomposable waste, as described in Finding 7 of the Draft General WDRs, are “III-B” rather than “III-A”. Complexity Rating “A” is for Class I

waste management units. The CAI Landfills operated by the County would be classified as Class III waste management units under today’s classification, and therefore should be c Complexity Rating “B”.

Please clarify if the CAI Landfills in Attachment I (Revised) are III-Bs, and the CAI Landfills in Attachment 2 are III-Cs. Clarification will assist the County in budgeting for the annual fees associated with the General WDRs for CAI Landfills previously operated by the County.

**Staff Response:** Staff has determined CAI Landfills listed in Attachment 1 will be classified as “III-A” and those on Attachment 2 will be “III-C”. The existing TTWQ/Complexity Ratings were specifically developed for waste water treatment plants, not landfills. Based on consultation with our State Landfill Program Manager, it appears that new TTWQ/Complexity Ratings are being developed specifically for landfills. We anticipate the classification for CAI Landfills listed on Attachments 1 and 2 will be consistent with the landfill-specific TTWQ/Complexity Ratings being developed. Future annual fees are not known at this time, as they are in the process of being revised. As soon as the new annual fees become available, all affected Dischargers will be notified.

2. **Page 3 Background Finding 15 and 17.** Please specify which CAI Landfills will fall under the General WDRs and which CAI Landfills will fall under current WDRs and Monitoring & Reporting Programs (MRPs). Currently, the New Cuyama Landfill has individual WDRs and an MRP, and the Ballard Canyon/Chalk Hill Road and Santa Ynez Airport Landfills have individual MRPs.

**Staff Response:** The proposed General Order applies strictly to CAI Landfills that were closed, abandoned or inactive as of November 27, 1984. The New Cuyama Landfill was active after that date, therefore the proposed General Order does not apply. The General MRP will only apply to those CAI Landfills without individual MRPs. However, for those CAI Landfills with individual MRPs, as is the case

with Ballard Canyon and Santa Ynez Airport Landfills, the General MRP will not apply, unless otherwise determined by the Executive Officer. Staff has removed the New Cuyama Landfill from the proposed General Order.

3. **Page 4 Background Finding 27.** This finding implements the prescriptive standards and performance goals of Title 27, as promulgated on July 18, 1997, and 40 CFR 258. 40 CFR 258.1 (c) states "These criteria do not apply to municipal solid waste landfills units that do not receive waste after October 9, 1991".

Since all of the County's CAI Landfills, except for the New Cuyama Landfill, stopped receiving waste prior to October 9, 1991, would any part of the General WDRs that include prescriptive standards and performance goals of 40 CFR 258 apply? This section should be clarified to specify that only Title 27 applies to landfills that stopped receiving waste before October 9, 1991.

**Staff Response:** As explained in response to the previous comment, the proposed General Order does not apply to the New Cuyama Landfill. The General Order has been revised to clarify that the federal landfill regulations do not apply to CAI Landfills.

4. **Page 5 Finding B.1.** Since 40 CFR does not apply to landfills that stopped receiving waste before October 9, 1991, it would not apply to any of the County's CAI Landfills except for the New Cuyama Landfill. This section should be clarified to specify that only Title 27 applies to landfills that stopped receiving waste before October 9, 1991.

**Staff Response:** Please refer to staff responses to Santa Barbara County Comments Nos. 2, 3, and 5.

5. **Page 5 Finding B.3.** CAI Landfills previously operated by the County have been inactive for between five and over 30 years. The County believes that potential releases from the site related to storm water runoff are minimal and in the worse case scenario, would be limited to erosion. We

believe that requiring the County to comply with all the requirements contained in the "State Water Resources Control Board Water Quality Order No. 97-03-DWQ National Pollution Discharge Elimination System (NPDES) General Permit No. CAS000001 Waste Discharge Requirements for Discharge of Storm Water Associated with Industrial Activities Excluding Construction Activities" is overly burdensome and will not provide additional protection of water quality.

The County requests that the California Regional Water Quality Control Board (CRWQCB) review each CAI Landfill on an individual basis and determine the site's threat to water quality, and develop an appropriate storm water monitoring program for each site.

**Staff Response:** Staff agrees that, where they do not already apply, the general storm water requirements are overly burdensome and will not provide additional protection of water quality. Staff believes the general storm water requirements within the Specifications section of the proposed Order address storm water concerns. Further, staff intends to provide more specific storm water requirements, based on site-specific conditions for those CAI Landfills with individual MRPs. Also, CAI Landfills are only those that were closed, abandoned or inactive as of November 27, 1984. Staff will consider developing a separate general order for closed or abandoned landfills that are not CAI Landfills.

6. **Page 8.E.8.** Since all of the County's CAI Landfills, except for the New Cuyama Landfill, stopped receiving waste before October 9, 1991, 40 CFR does not apply. This section should be clarified to specify that only Title 27 applies to landfills that stopped receiving waste before October 9, 1991.

**Staff Response:** Staff concurs and has deleted this item from the General Order.

7. **Page 12 Report and Task Implementation Date Summary.** This item requires a Sampling and Analyses Plan (SAP) within 90-days. This requirements appears to

conflict with Monitoring and Observation Schedule Page 2.C.2 which states "Within 120 days of receipts of this Order, the Discharger shall submit either, a proposed Monitoring Plan for its landfill site, or a request for a waiver from monitoring".

Due to the significant effort to develop individual SAPs for nine sites, the County requests the Regional Board consider requiring that "Within 180 days of receipt of this Order, the Discharger shall submit either, a proposed Monitoring Plan for its landfill site, or a request for waiver from monitoring". The County believes that 180 days is more reasonable than 90 or 120 days in the Draft General WDRs.

**Staff Response:** Staff agrees that 180 days is a more reasonable deadline. Thus, staff is now requesting submittal of a report of waste discharge that includes a proposed monitoring plan and SAP within 180 days (July 6, 2004) from the adoption date of the proposed General Order (See Reporting Provision F.12).

8. **Monitoring and Observation Schedule, Page 1.A.1.** The County believes requiring site inspections to be performed on each CAI Landfill following each storm event producing a minimum of 1" rain within a 24-hour period is overly burdensome and unnecessary. The County's CAI Landfills have been closed for a minimum of five years, and therefore would have experienced erosion or drainage problems by now. The County believes the CRWQCB should establish a on a site-by-site basis, and that a general requirement to follow the Site Inspection Schedule and Standard Observations as proposed in the Draft General WDRs is overly burdensome and unnecessary.

**Staff Response:** Staff agrees the inspection requirements as initially proposed are, in most cases, overly burdensome. Thus, Section "Site Inspection Schedule and Standard Observations" has been modified to only require one site inspection prior to and one inspection after the rainy season, unless otherwise directed by the Executive Officer based on site-specific conditions or after severe rain events.

9. **Page 3. D.2.** This section specifies that gas monitoring probes shall be monitored semi-annually for methane, carbon dioxide and volatile organic constituents, yet the next sentence specifies that volatile organic compounds be tested annually. The County suggests that the testing of volatile organic constituents (compounds) be performed when, during the monitoring of a probe, methane is detected above its lower explosive limit (LEL), and that the testing for volatile organic constituents (compounds) is limited to the probe with highest methane concentrations in case methane is detected above its LEL in more than one probe.

This section requires that gas monitoring probes shall be monitored for volatile organic compounds either semi-annually or annually. This conflicts with Page 2.C.3, which states, "If required, gas monitoring points shall be sampled on a yearly basis". Please clarify if the gas monitoring probes are to be monitored semi-annually or annually, or if required.

**Staff Response:** Gas monitoring requirements have been clarified. Gas probe monitoring is required semi-annually. However, if required, VOC monitoring will be required annually and only at sampling locations where high methane levels are present. Section, "Analytical Monitoring, Section D.2" has been revised as follows: "Gas monitoring probes shall be monitored semi-annually for methane, carbon dioxide, and oxygen. Testing for volatile organic compounds shall be performed annually using method TO-14 *and only at monitoring points where methane is detected above its lower explosive limit (LEL). In case methane is detected above its LEL in more than one probe, VOC analyses will be limited to the probe with highest concentrations.* Monitoring results shall be included in the Annual Monitoring Reports and include information specified in Title 27, §20934."

10. **Page 7 A.** Considering the County is responsible for nine CAI Landfills covered by the General Order, we request that staff of the Regional Board work with the County on a schedule due date for the Annual

Reports. The County has the potential to be required to submit eleven reports by January 30<sup>th</sup>. The County believes the requirement to submit eleven reports simultaneously is overly burdensome, and proposes that the annual reporting period be changed so that annual reports would be submitted for two to three sites each quarter.

**Staff Response:** Staff does not propose to change the schedules submittal schedule for annual reports at this time. However, staff is sensitive to the annual requirements for Santa Barbara County and suggests the County provide for Executive Officer consideration, a **proposed Report Submittal Schedule** along with the required ROWD.

11. **Page 10.3.b.ii.** 40 CFR Section 258.55(g)(1)(ii) would only apply to the New Cuyama Landfill, as the other County CAI Landfills on Attachments 1 and 2 stopped receiving waste before October 9, 1991. Please clarify this section.

**Staff Response:** Staff has deleted the reference to 40 CFR Section 258. However, staff believes this is an appropriate requirement for a monitoring program, and has decided to retain this requirement.

12. **Attachment 1** [of the WDRs] identifies the Santa Maria Airport landfill as a burn dump. In 1995, Earth Systems Consultants performed a site assessment on the older of the two landfills located on Santa Maria Airport property. The investigations entitled 'Subsurface Site Assessment, Santa Maria Airport Property, Former County Landfill Northwest Corner of Foster and Blosser Roads, Santa Maria, California included trenching and borings within the landfill.

The investigation did locate some burn material, but it consisted of wood waste only. It may be incorrect to define the entire landfill as a burn dump, since the burning appears to be limited to wood waste, and the available information indicates it occurred at one of the two landfills. We suggest removal of the burn dump description for the Santa Maria Airport Landfill.

**Staff Response:** Staff has revised the description of CAI Landfills listed on Attachment 1 to Santa Maria Airport Landfill.

13. **Attachment 2** [of the WDRs] lists the Carpinteria City Dump, although it is unclear from the discharger identification, as listed, if this entry refers to the former Carpinteria Burn Dump site that has recently been investigated by the County, with oversight by the Regional Board. It should be noted that the former Carpinteria Burn Dump site has been characterized as reported in the following documents:

- "Padre Associates, Inc., June 2002, Additional Site Assessment, Former Carpinteria Burn Dump"
- "County of Santa Barbara, July 24, 2002, Carpinteria Burn Site Closure and Post-closure Maintenance Plan"
- "County of Santa Barbara, November 7, 2002, letter report to Lisa Sloan, "Additional Information for Conditional Approval of Closure and Post-closure Maintenance Plan Former Carpinteria Burn Site"

The information included in the above referenced reports was reviewed by CRWQCB staff with the conclusion that "there is a low probability of impact to surface water and groundwater at the site" July 30, 2002 letter from Roger Briggs to Phil Demery). No further surface water or groundwater monitoring was determined to be needed. On-going erosion control and cap maintenance for the site are each included with the Closure and Post-closure maintenance Plan.

On the basis of the above information, it is proposed that the "Carpinteria City Dump" and/or "former Carpinteria Burn Dump site" be removed from the list of sites required to implement the General WDR and MRP.

**Staff Response:** Staff concurs with the above justification for removing the Carpinteria Burn Dump site from the General Order.

14. The County requests that the Turnpike Dump site be removed from the CAI landfill list. According to a historical records search performed by the County, including communication with staff with the Santa Barbara County Public Health Department, Environmental Health Services, there is no record concerning that site. Further, local enforcement agency staff has already requested that the California Integrated Waste Management Board remove the Turnpike Dump from its SWIS database. It is speculated the Turnpike Dump site could have been the site of illegal dumping, and not a County operated landfill or dump.

**Staff Response:** The Turnpike Dump site has been removed from the General Order.

**Jeff Pyle, Geomatrix Consultants, Inc. on behalf of Monterey County Department of Public Works:**

1. The comment letter indicates there are ten sites listed in Attachment 2 of the draft WDR, which are under the oversight of Monterey County. Monterey County recommends the following four CAI Landfills be removed from the General Order : Lake San Antonio North Shore (North shore), Lake San Antonio South Shore (South Shore), Bradley Landfill, and San Ardo II Disposal Site. Following are reasons for the recommendation followed by staff's response:

- **Lake San Antonio North Shore (North Shore)** - The County is coordinating closely with Regional Board staff concerning the confirmation of a final cover system. Once final cover confirmation is demonstrated, the County anticipates requesting a "no further action" determination from the Regional Board.

**Staff Response:** Staff has consulted with the Regional Board staff person assigned to this site and has determined it is best to keep this site off of the General Order at this time. The County is in the process of demonstrating that the site has been equipped with an adequate final cover

system. Based on staff's evaluation of site-specific conditions, a final determination as to whether this site presents a significant threat to water quality is expected in the near future. If the site is determined to continue to pose a significant threat to water quality, staff will consider adding it to the General Order. Further, this site is presently covered by individual WDRs and an MRP. Thus, coverage via the General Order is not critical at this time.

- **Lake San Antonio South Shore (South Shore)** - This site closed pursuant to landfill closure regulations and was issued a "no further action" determination by the Regional Board.

**Staff Response:** Based on the Regional Board's "no further action" determination, this site has been removed from the proposed Order.

- **Bradley Landfill and San Ardo II Disposal Site** - These sites are closed pursuant to landfill closure regulations. However, these sites continue to be regulated by WDRs (revised in 2001). Semiannual groundwater monitoring is still required.

**Staff Response:** Although the existing WDRs for these sites were recently revised, the sites continue to present a threat to water quality and should continue to be regulated. Staff believes these are appropriate for coverage by the General Order. By regulating these sites via the General Order, staff will not be required to go through the lengthy process of revising the individual WDRs, every three to five years. Overall, it will be less time consuming and much easier to manage these types of sites via the General Order. Further, the proposed General Order will not require the County to do much more than is already required pursuant to the existing WDRs and MRPs. In fact, as addressed by the proposed Order, the County may choose to maintain their individual MRPs. Therefore, staff recommends incorporating this CAI Landfill to the General Order.

2. Further, Monterey County is in the process of locating any existing documentation related to the other six CAI Landfills (San

Ardo I Disposal Site, Chualar River Road Disposal Site, Greenfield Disposal Site, Lockwood Disposal Site, and the Parkfield Disposal Sites #1 and #2). Except for the Parkfield sites, the County has completed SWAT Reports and/or individual Closure Reports for all of the other CAI Landfills listed. Specific reference to several of the existing SWAT and Closure documents is provided in the comment letter. As soon as all documentation is located, the County will provide the information to the Regional Board.

**Staff Response:** Staff is aware of most of the referenced SWAT and Closure documents, as they were completed to comply with SWAT Program submittal requirements. Unfortunately, due to the lack of funding for the SWAT Program, the referenced documents were either, not submitted or not reviewed by Regional Board staff. Nevertheless, the referenced documents are no longer in our files. Based on the individual SWAT program ranking of the CAI Landfills in question (ranks 6 and 7), staff suspects these sites present a significant threat to water quality and should be regulated by the proposed General Order. According to historical SWAT Program information, over 80 percent of sites within the first seven ranks were confirmed to have leaked hazardous waste constituents to groundwater.

Therefore, staff recommends keeping these CAI Landfills in the General Order at this time. The County should re-submit the referenced SWAT and Closure reports as part of its report of waste discharge (ROWD) for each individual CAI Landfill by the **July 6, 2004** submittal deadline (sooner is preferred). Staff will utilize the information contained in the ROWDs, to determine to what extent and degree the General Order applies to each individual CAI Landfill or whether an exemption is appropriate.

**Pat Maloy, Vandenberg Air Force Base (VAFB) Landfill - (Comments were provided via e-mail):**

Our records indicate all the known landfills on base have been investigated by the installation restoration program in conjunction with the RWQCB and determined to pose no threat, or to

have never received any regulated waste (i.e. two of our rubble yards only received inert waste such as asphalt and concrete). Thus, the VAFB sites listed in the General Order should be removed from the list.

**Staff Response:** Staff has researched the applicability of the proposed General Order to the VAFB sites listed and it appears these sites have been adequately addressed in the past or are being addressed by the installation restoration program. Thus, the sites have been removed from the General Order.

**Peterson & Associates, LLP concerning the Morro Bay Burn Dump - (Comments provided via fax on behalf of the Guerra Family):**

Peterson & Associates, LLP provided copies of correspondence and judgment with regard to its client (Guerra Family) and various other agencies that were involved in determinations regarding the Morro Bay Burn Dump. According to the information provided, it appears there is ongoing litigation between the present landowners (Guerra Family), an adjacent landowner and the City of Morro Bay concerning responsibility (liability) for operating a dump site several decades ago.

**Staff Response:** Staff has determined it is best to drop the Morro Bay Dump site from the proposed General Order at this time. Staff will consult with SWRCB counsel to identify the appropriate responsible party and will consider adding the site to the General Order or recommending individual WDRs at a later time.

**Howard Mankins concerning the Brisco Pit site - (Comments provided via telephone and e-mail):**

Most of the Brisco Pit site is covered by black top/buildings and remainder will be the same once a planned project is completed. It does not appear the site presents a threat to water quality.

**Staff Response:** Staff intends to drop this site from the proposed General Order, but will work with and encourage the Discharger to record a deed notation on the property.

**Andy Hovey, Ventura Sanitation District (Ozena) – (Comments received via e-mail):**

1. Could page 5 item 3, regarding NPDES monitoring be changed later without board action even though it is in the WDR and not the M&R program? It will be difficult to sample storm water during the first hour of run-off at remote sites.

**Staff Response:** The NPDES Storm water requirement has been deleted from the General Order. Staff believes the general storm water related specification included in the proposed Order address storm water concerns. Further, all CAI Landfill with individual MRPs may be required to comply with more site-specific storm water requirements, as appropriate.

2. What is "significant quantities of decomposable waste"?

**Staff Response:** In general, "significant quantities of decomposable waste" is over 50,000 cubic yards. These criteria came from the Water Code's SWAT reporting requirements. However, the volume of waste is not the only criteria being used to determine the level of threat a CAI Landfill poses. Staff also considers known impacts to water quality and site setting information.

3. **Table 1 - monitoring parameters: metals**  
- should total metals or soluble be tested?

**Staff Response:** Total metals should be tested. The General MRP has been modified to reflect this requirement.

**David A. Koch, Director of Public Works and Utilities (City of Watsonville) – Removal of Gilbertson property from Attachment 2 of Draft WDR Order No. R3-2004-0006:**

The Gilbertson property, owned by the City, has been listed in Attachment 2 of the WDR, which requires extensive environmental monitoring of the site. The City has completed a number of environmental investigations at this site, and is currently in the process of closing the site, under a Closure Plan approved by both the Regional Board and the Waste Management Board. The City expects to complete site closure by August

2004. It is the City's position that the Gilbertson site does not pose a threat to water quality and should be removed from the Attachment 2 of the draft WDR.

The City does not agree that it is appropriate to list the Gilbertson property in Attachment 2 of the draft WDR. The proposed monitoring requirements are far too onerous for a site determined to be clean and that will soon be properly closed. The City understand that post-closure requirements will be necessary, and requests that the Regional Board work with the City to develop an individual MRP that includes a monitoring program more appropriate for this site.

**Staff Response:** Based on the information provided, including telephone conversations with City staff, and updated information from the CIWMB, staff is prepared to drop the Gilbertson dump site from the General Order at this time. However, staff intends to work with and encourage the city to file a deed notice on the property. Further, staff will request to be kept updated concerning the completion of planned final closure activities and will consider issuing an individual MRP, if necessary.

**Gail Youngblood and David Eisen re: Fort Ord Landfill – (Comments provided by via telephone):**

1. Fort Ord's Construction Debris Landfill is Cell D within the main OU2 landfill.

**Staff Response:** The individual listing of the Construction Debris Landfill (Cell D) has been removed from the proposed General Order .

2. The Presidio of Monterey (POM) landfill has been demonstrated to not present a water quality threat (closure and hydrogeologic reports on file in San Luis Obispo). The site should also be removed.

**Staff Response:** Staff has removed the POM landfill from the proposed General Order.

**Other Comments:** A significant number of comments were also received from other Regional Boards and the State Water Resources Control Board. All comments received were

considered. Based on the comments received, the proposed General Order was revised/modified, as appropriate.

**RECOMMENDATION:**

Adopt proposed General Closure Waste Discharge Requirements, Order No. R3-2004-0006.

**ATTACHMENTS:**

**Attachment 1** - Proposed General Closure Waste Discharge Requirements, Order No. R3-2004-0006.

**Attachment 2** - Proposed General Closure Monitoring and Reporting Program No. R3-2004-0006.