

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF AUGUST 31, 2009

Prepared on July 30, 2009

ITEM NO.: 14

SUBJECT: **Renewal of Waste Discharge Requirements for Class I Wastewater Surface Impoundments and for Exemptions to the Toxic Pits Cleanup Act for Moss Landing Power Plant, Monterey County, Order No. R3-2009-0049**

KEY INFORMATION

Discharger:	Dynege Moss Landing, LLC
Location:	U.S. Highway 1 and Dolan Road, Moss Landing, CA 95039
Discharge Type:	Chemical/boiler cleaning wastewater
Waste Management Units:	Three hazardous waste surface impoundments
Discharge Volume:	Estimated 2,077,000 gallons
Present Volume:	Unknown; Discontinuous batch discharge during boiler cleaning
Treatment:	Chemical precipitation and settling
Disposal:	Treated liquid to permitted surface water discharge, treated solids to offsite disposal and/or recycling
Existing Order:	Waste Discharge Requirements (WDR) Order No. R3-2004-104
This Action:	Adopt WDR Order No. R3-2009-0049, which includes Monitoring and Reporting Program (MRP) No. R3-2009-0049

SUMMARY

Proposed Waste Discharge Requirement (WDR) Order No. R3-2009-0049 updates the current WDR Order No. R3-2004-104. WDR Order No. R3-2009-0049 continues Toxic Pits Cleanup Act of 1984 (TPCA) exemptions for the surface impoundments and the new permit reflects minor changes, such as change in company name from LSP Moss Landing, LLC to Dynege Moss Landing, LLC (Dynege) in April 2007.

DISCUSSION

At its' Moss Landing Power Plant (MLPP), Dynege utilizes three hazardous waste surface impoundments to treat and store batch discharges of acidic or basic boiler cleaning wastewater containing elevated metals. WDR Order No. R3-2004-104, adopted by the Central Coast Regional Water Quality Control Board (Central Coast Water Board) on October 22, 2004 and expiring on October 22, 2009, authorizes exemptions from the CA Toxic Pits Cleanup Act of 1984 (TPCA), allowing Dynege to use the impoundments, and contains Dynege's operational and monitoring requirements for the impoundments. The impoundments are also regulated by a Resource Conservation and Recovery Act (RCRA) hazardous waste permit administered by the California Department of Toxic Substances Control (DTSC). DTSC renewed Dynege's RCRA permit on April 6, 2006 and DTSC's permit will expire on April 6, 2016.

WDR Order No. R3-2009-049 renews the terms of WDR Order No. R3-2004-104 for another five years and makes several findings related to water quality protection, as required by the TPCA (i.e., required by Health & Safety Code Sections 25208.4 (b) (2) (A) and (B)). There has been no substantial change in impoundment operation or in WDR terms. WDR Order No. R3-2009-049 essentially continues existing TPCA exemptions (i.e., exemptions from Health & Safety Code Sections 25208.4 (a) and (c) granted pursuant to Health & Safety Code Sections 25208.4 (b) and 25208.16), allowing continued impoundment use, and reflects relatively minor site and hazardous waste permit changes.

The Central Coast Water Board granted the TPCA exemptions pursuant to Health and Safety Code (HSC) sections 25208.4 and 25208.16. Before these exemptions can be renewed, the Water Board must make certain findings. Based on monitoring report reviews, site visits, and the record, the following findings are made:

HSC SECTION 25208.4 b 2 A:

No hazardous waste constituents have migrated from the surface impoundments into the vadose zone or the waters of the state in concentrations that pollute the vadose zone, or pollute, or threaten to pollute, the waters of the state.

HSC SECTION 25208.4 b 2 B:

Continuing the operation of the surface impoundments does not pose a significant potential of hazardous waste constituents migrating from the surface impoundments into the vadose zone or the waters of the state, thus polluting the vadose zone, or polluting, or threatening to pollute, these waters.

HSC SECTION 25208.16 a 1:

No extremely hazardous wastes are currently being discharged into the surface impoundments, and

1. The records of the person applying for an exemption indicate that no extremely hazardous wastes have been discharged into the surface impoundment and
2. Extremely hazardous wastes are not present in the surface impoundment, in the vadose zone, or in the waters of the state.

HSC SECTION 25208.16 a 2:

The surface impoundments are used for the purpose of temporary storage and non-continuous batch treatment, all hazardous wastes [resulting from discharge of restricted hazardous waste] are removed after each batch treatment within 30 days of discharge [of restricted hazardous waste] into the impoundment, and the surface impoundment is visually inspected prior to each use and tested for integrity at least annually and complies with subdivision (a) of Section 25208.7. Reports of these tests are filed with the Regional Board.

HSC SECTION 25208.16 a 3:

The surface impoundment is in compliance with construction criteria and groundwater monitoring requirements of Section 25208.5 and a hydrogeological assessment report has been filed pursuant to Section 25208.8.

ENVIRONMENTAL SUMMARY:

These waste discharge requirements are for an existing facility and are exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) in accordance with Sections 15301 and 15302, Chapter 3, Title 14, of the California Code of Regulations.

PUBLIC COMMENTS:

Dynegy Moss Landing, LLC published the media notice in *The Salinas Californian* newspaper on June 17, 2009 that the permit would be renewed at the regularly scheduled hearing in September 2009. Due to mandated furloughs, the Central Coast Water Board meeting date has changed to August 31, 2009.

Central Coast Water Board staff posted the Staff Report, Proposed WDR Order No. R3-2009-0049, and Proposed Monitoring and Reporting Program R3-2009-0049 on our internet website and State Water Resources Control Board's Geotracker website on July 31, 2009. In addition, Central Coast Water Board staff notified the public and other interested parties about the change in meeting date and directed these parties to the agenda items available on the internet and at the Central Coast Water Board office. Central Coast Water Board staff also notified the public and interested parties that public comments on the proposed order and monitoring program should be submitted by August 31, 2009, when the public comment period ends.

No comments have been received by the date of this staff report.

RECOMMENDATION

Adopt Waste Discharge Requirements Order No. R3-2009-0049, which includes Monitoring and Reporting Program No. R3-2009-0049.

ATTACHMENTS

1. Proposed WDR Order No. R3-2009-0049.
2. Proposed Monitoring and Reporting Program No. R3-2009-0049.