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MATTHEW RODRIGUEZ
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Central Valley Regional Water Quality Control Board

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Drew Lehman
Director, Environment & Planning
Recology
50 California Street, 24th Floor
San Francisco, CA 94111-9796

NOTICE OF VIOLATION, COMPOST AREA LEACHATE COLLECTION WORK PLAN, CLEANUP AND ABATEMENT ORDER R5-2013-0093, RECOLOGY YUBA SUTTER, YUBA COUNTY

The Central Valley Water Board regulates the Recology Yuba Sutter landfill under Waste Discharge Requirements (WDRs) Order R5-2003-0093. Cleanup and Abatement Order (CAO) R5-2013-0704 was issued to Recology Yuba Sutter (Discharger) to address groundwater impacts related to facility operations on the top surface of the closed landfill. The CAO requires the Discharger to develop and implement plans that will address the deficiencies of specific operations with respect to management of storm water and compost area leachate, as well as address the release of contaminants to the vadose zone and groundwater.

This Notice of Violation addresses the "Compost Area Leachate Collection Work Plan" (Work Plan) dated 31 January 2014. Staff has reviewed the work plan to evaluate compliance with Item #9 of the CAO, and as described below, conclude that the submitted plan does not contain the information required by the CAO.

The cover letter to the work plan requested a meeting with Board staff to discuss the contents. A meeting date was set, but was then cancelled by Board staff after Recology management requested to meet with Water Board management. After that meeting in early May, Water Board staff attempted to re-schedule the meeting. However, on 9 May 2014, Recology sent an email stating that it is "refining the feasibility of options presented in its January 31, 2014 work plan" and that it would like to "hold off on a meeting at this time until those options are further refined." Because Recology no longer wishes to meet to discuss the issues with the work plan, Board staff is providing comments in writing.

The CAO required the Discharger to choose a containment system to contain contact storm water / leachate from the compost area. The work plan needed to show that the chosen system would have enough capacity using the design specifications outlined in the CAO. Furthermore, the work plan was to provide a construction schedule such that the new conveyance and containment structures would be in place by 1 October 2014.

Specifically, Item #9 of the CAO required Recology to submit the following information.

- By **1 February 2014**, the Discharger shall submit a Compost Area Leachate Collection Work Plan. The work plan shall describe how contact storm water (leachate) generated at the compost (chip/grind) and green waste areas will be managed. In particular, the work plan shall describe:

- a. *The separation of leachate from facility storm water, and how the leachate will be collected and directed to containment and conveyance systems which are designed, constructed, operated, and maintained so that the leachate is separated, to the maximum extent possible, from the underlying closure cover of LF-1. These conveyance systems shall be made of a low permeability material such as asphalt, concrete, engineered compacted fill, or similar material and shall not rely on the properties of the existing closure cover to further impede percolation of liquids into the underlying waste mass. The diversion and drainage structures shall meet the standards of Title 27, Section 20365 (a) and (c).*

Staff response: The plan complies with this portion of the CAO.

- b. *The type of containment system in which the leachate shall be stored. Leachate may be discharged to an above ground tank system or to surface impoundments (ponds) constructed with at least a single liner. The work plan shall include design specifications for the tanks or pond/liner, and shall propose monitoring of the unsaturated zone beneath the tanks or pond. Pond(s) shall not be constructed over waste or on top of a WMU, unless approved by the Board through revised WDRs. The work plan shall include a water balance to justify the size of the tanks or ponds. The minimum pond volume shall meet the capacity specifications of Table 4.1 of Title 27.*

Staff Response: Item b. requires the work plan to identify the type of containment system in which the leachate shall be stored. It provides two options: above ground tanks or construction of a surface impoundment, and allows the Discharger to determine which system it would prefer. However, the Discharger has not specified the system it will use; the work plan only includes general design specifications for a lined surface impoundment that would be located within the "hog farm" area of the facility. The Discharger states that the "hog farm" is not part of the permitted compost area facility, and therefore, the Discharger believes there will be delays in order to obtain a permit, including the possible need to complete a full EIR. Board staff does not understand why installation of a pond in the "hog farm" area will require an update to the CalRecycle/LEA compost permit as the leachate pond would be permitted by the Board through updated WDRs. The Discharger also evaluated the use of Baker Tanks to store leachate. However, the work plan provides no reason or discussion as to why tanks are not the chosen alternative. In addition, the Discharger does not consider combining these two options.

- c. *The disposal of leachate in the containment system so that the tanks/ponds have adequate storage capacity at the beginning of each winter.*

Staff Response: A final containment system has not been chosen, so the design requirements cannot be regarded as final. In addition, a water balance has been calculated for the site based on a 100-year/24-hour design storm. However, Table 4.1 of Title 27 specifies that impoundments be designed to hold the flows from a 1,000-year/24-hour design storm. Therefore the proposed design capacity for an impoundment does not meet the design criteria specified in the CAO.

The Discharger evaluated two potential containment systems: a surface impoundment and tank storage. Based on the water balance submitted, a surface impoundment of 4.3 acres is required to provide sufficient capacity while maintaining two feet of freeboard. If tank storage is the chosen containment system, then approximately 332 tanks would be needed, each of which would be 21,000-gallons. Staff believes that there may be methods to reduce the volume of contact stormwater and leachate generated, which would then reduce the size of the pond or the number of tanks. In addition, the Discharger should be able to reuse leachate on the

compost piles, and could also truck waste off site to the sanitary sewer. The Discharger implements these methods at its Hay Road Landfill and should look for additional ways to reduce the storage volume, and therefore the cost of containment, at its Yuba Sutter facility.

It should be noted that a surface impoundment, if constructed, would reside within the 100-year floodplain and as discussed in the plan would require a design that would protect it from washout or inundation during a flood event. Given the Discharger's other facilities with similar issues, staff believe the Discharger has the resources and expertise to propose an acceptable flood protection design.

- d. *A construction schedule such that the conveyance and containment systems are installed and operational by 1 October 2014.*

Staff Response: During negotiations on the draft CAO, the Discharger agreed to construct the leachate containment system by 1 October 2014. However, because the Discharger has not chosen the final containment system, it does not appear that the Discharger will meet the deadline in the CAO. Instead, the Discharger proposes a schedule that extends a full year past the CAO deadline. It should be noted that the Discharger's proposed schedule assumes that Board staff will approve of the work plan by 17 March 2014. However, staff is unable to approve the work plan because the Discharger has not chosen a method to store the compost leachate.

Other Concerns:

According to the Discharger, temporary measures installed prior to the 2013/2014 wet season remain in place. Staff is unclear how these measures worked during precipitation events.

The work plan proposes using vacuum lysimeters for monitoring either containment system evaluated. However, the design of the lysimeters has not been finalized, thus staff is unable to approve this component of the work plan.

Conclusion:

Recology has submitted an incomplete plan that does not meet the intent of the CAO and therefore is in violation of the CAO.

- The information requested in Item 9 of the CAO was to be used to prepare Waste Discharge Requirements. Failure to submit the information has limited staff's ability to update the WDRs in a timely manner. The fact that this was a dry year should not play into the compliance schedule. Standard engineering practices should be used for calculating runoff volumes, as well as containment structure siting and capacity.
- The *Compost Leachate Collection Work Plan* makes reference to the need to secure permits for building a lined basin within the "hog farm". Water Board staff are unaware of any actions that Recology has taken toward securing a permit for construction of a contact storm water / leachate pond.
- The new schedule, proposed by the Discharger, contradicts the compliance date in the CAO. Staff has no authority to extend these dates. Failure to comply with the deadlines in a CAO could lead to additional enforcement, including civil liability of up to \$10,000 per day of violation.

- The Discharger should consider combining the proposed options in the work plan. The aboveground storage tanks could be used as an interim measure and could be in place by the CAO deadline of 1 October 2014. Meanwhile, on a parallel track, the Discharger could be designing and permitting an impoundment and monitoring network that meets the design criteria specified in the CAO. Staff believes this solution would protect water quality both in the short and long term, as well as comply with the CAO.

In order for Recology to show that it is making progress toward complying with the construction date of 1 October 2014, and to prevent additional enforcement action, Recology is hereby directed to submit **weekly progress updates beginning on Friday May 30th**. These updates shall be emailed to Wendy Wyels at the address below, and shall contain the specific actions that Recology has undertaken that week in order to return to compliance with Item #9 of the CAO.

If you have any questions or wish to meet to discuss this matter, please contact me at (916) 464-4835 or by email at wwyels@waterboards.ca.gov.

WENDY WYELS

Supervisor, Compliance and Enforcement Section

cc: Mayumi Okamoto, Office of Enforcement, State Water Board, Sacramento
Barbara J. Schussman, Perkins Coie LLP, San Francisco
Paul Yamamoto, Recology, Dixon
Amy Dietz, Recology, San Francisco
Dave Vaughn, Recology
Gino Yetka, CalRecycle, Sacramento
Paul Donohue, Yuba County Environmental Health