

**STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

**DRAFT CLEANUP AND ABATEMENT ORDER NO. R4-2023-0XXX  
REQUIRING  
WASTE MANAGEMENT INC.**

**TO CLEAN UP AND ABATE IMPACTS OF GREENWASTE MATERIALS  
TO THE LANDFILL COVER  
BRADLEY LANDFILL  
LOS ANGELES COUNTY, CALIFORNIA**

This Cleanup and Abatement Order (CAO) No. R4-2023-0295 (hereafter "Order") is issued to Waste Management Incorporated (Discharger) pursuant to provisions of California Water Code (Water Code) sections 13304 and 13267, which authorize the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) to issue this CAO to require the cleanup and abatement of the effects of activities that caused damage to the final cover of the Bradley Landfill and Recycling Center (Landfill).

The Los Angeles Water Board finds:

**BACKGROUND**

1. As detailed in this Order, the Discharger has caused or permitted damages to the final cover system at the Landfill, which is intended to limit percolation of surface water into buried municipal solid wastes (MSW) and to control the discharge of pollutants into waters of the state. Such damages create or threaten to create a condition of pollution or nuisance.
2. **Site Location:** The Landfill is a closed Class III MSW landfill located at 9081 Tujunga Avenue, Sun Valley, California, approximately 3.5 miles southeast of the intersection of the Golden State (I-5) and Ronald Reagan (118) freeways (Figure 1).
3. **The Landfill:**
  - (a) The Landfill was operated between 1959 to 2007 and consists of two contiguous disposal areas within a large, pre-existing, gravel mining pit that are commonly referred to as the Bradley East (45 acres) and Bradley West (including Bradley West Extension, collectively 126 acres) (Figure 2). During its active life, approximately 34.8 million tons of MSW were disposed of at the Landfill.
  - (b) Bradley East has no natural or synthetic liners. Bradley West is equipped with various types of composite liners and a leachate collection and removal system (LCRS).
  - (c) The final cover of the Landfill consists of an evapotranspiration (ET) cover of at least four-foot in thickness, underlain by a minimum of a one-foot-thick foundation layer or interim cover soil. This final cover system is an engineered alternative to the prescriptive final cover system required under title 27 of California Code of Regulations (title 27), section 21090.
  - (d) To demonstrate that the ET cover affords equivalent protection against water quality impairment as that provided by a title 27 prescriptive final cover system, the Discharger installed three pan lysimeters (Figure 2) at Bradley West in September 2010 to monitor the effectiveness of the ET cover during the postclosure maintenance period. Based on a memorandum titled Pan Lysimeter Location and Design (Memorandum), prepared by

GeoSyntec Consultants, Inc. (GeoSyntec) on behalf of the Discharger, dated June 29, 2009, the performance of the ET cover at the Landfill will be considered acceptable if the average annual percolation through the cover is equal to or less than 29 mm. An infiltration rate greater than 29 mm per year shall be considered significant infiltration through the ET cover and will be reported to the Los Angeles Water Board as such. The Memorandum was approved by Los Angeles Water Board staff in a letter dated January 29, 2010.

- (e) The Landfill is currently regulated under Waste Discharge Requirements Order No. R4-2010-0198 (WDRs), adopted by the Los Angeles Water Board on November 4, 2010, for post closure maintenance. The WDRs incorporate applicable requirements in title 27 for post-closure maintenance of the Landfill, including requirements that the Landfill's final cover be graded and maintained to promote runoff of precipitation and to prevent ponding of liquids and surface water.
4. The Landfill is located within the Hansen subarea of the San Fernando Valley Basin near the northeastern tip of the Verdugo Mountains. The Hansen subarea is bounded by the Hansen dam to the north, the Verdugo Mountains to the east and southeast, and by the Verdugo Fault to the west and southwest.
  5. The Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan) designates beneficial uses and water quality objectives for the groundwater in the area of the Landfill. In accordance with the Basin Plan, the beneficial uses of groundwater in the Hansen subarea are municipal and domestic supply, agricultural supply, industrial service, and process supply.
  6. Groundwater at the Landfill is known to have been impacted by pollutants, including volatile organic compounds (VOCs), released from the Landfill. VOCs detected in groundwater at the Landfill have been determined to be a consequence of the contact of groundwater with landfill gas. As required in the WDRs, the Discharger has been implementing a Corrective Action Program (CAP) since 2001 that includes the proper management of a landfill gas collection system to prevent the contact of landfill gas with groundwater. The VOC concentrations in downgradient monitoring wells at the Landfill have been significantly reduced from the 1991 levels when VOCs were first detected. The most recent groundwater monitoring report for the Landfill, dated March 14, 2023, indicates that no VOCs were detected at any of the groundwater monitoring wells sampled in October 2022.

#### **BASIS FOR WATER CODE SECTION 13304 ORDER**

7. The Landfill contains a green waste processing facility that receives and processes greenwastes collected from the City of Los Angeles and the surrounding areas. Section A.3. of the WDRs states that "*Green waste products generated at the Landfill may be applied at the Landfill for erosion control, vegetative enhancement, or other final cover maintenance activities.*"
8. On August 24, 2010, GeoSyntec submitted a Technical Memorandum, titled "Use of Processed Green Waste to Enhance Vegetation Growth" (Tech Memo), requesting approval of the Los Angeles Water Board for the application of greenwaste processed onsite, with an approved seed mix to enhance vegetative growth, on the final cover of Bradley West. The Tech Memo also describes the process of spreading the greenwaste/seed mixture with a thickness of approximately four inches. The Tech Memo was approved by the Los Angeles Water Board in a letter dated September 22, 2010.

9. During an inspection of the Landfill conducted jointly by the Los Angeles Water Board staff and the City of Los Angeles Local Enforcement Agency (LEA) on October 28, 2019, it was observed that the thickness of greenwaste mulch that had been placed over Bradley West was much thicker than what was specified in the Tech Memo, ranging from one to six feet. Due to concerns that excess amounts of greenwaste may have been applied over the final cover, the Discharger was required to submit a report to the Los Angeles Water Board on greenwaste applications at the Landfill, including an evaluation of such practices on the ET cover and recommendations for future landfill operations as related to greenwaste application. Placement of greenwaste over the Landfill was suspended on October 29, 2019.
10. On January 15, 2020, GeoSyntec submitted a "Technical Memorandum, Update to Use of Processed Green Waste to Enhance Vegetation Growth" (Updated Tech Memo), providing recommendations for future operations at the Landfill that includes top deck regrading, placement of greenwaste mulch on the Landfill's side slopes, and inspection and maintenance schedules. In a letter dated February 21, 2020, Los Angeles Water Board staff expressed concerns over the Updated Tech Memo, including the lack of an evaluation of final cover conditions and the potential formation of invisible ponding within the greenwaste mulch layer.
11. On September 9, 2020, GeoSyntec submitted a "Response to Los Angeles Regional Water Quality Control Board Comments on Technical Memorandum for Use of Processed Greenwaste" (Response Memorandum), proposing operation measures that include regrading the landfill cover to achieve a minimum slope of 3 percent, applying approximately 18 inches of loose soil with a seed mix to start growth for the ET cover, monthly monitoring of the three existing pan lysimeters at the Landfill for one year, and preparing a report to demonstrate that the application of greenwaste mulch is necessary for side slopes that have not received greenwaste mulch. On December 1, 2020, Los Angeles Water Board staff provided the following comments on the Response Memorandum: the Discharger should 1) continue to conduct quarterly monitoring of the three lysimeters at the Landfill after the proposed year of monthly monitoring; 2) provide a workplan for the soil placement over greenwaste mulch; and 3) submit a report to describe the placement of mulch on slopes.
12. On March 11, 2021, GeoSyntec submitted to the Los Angeles Water Board a "Work Plan for Final Cover Repair and Monitoring" (Work Plan) for repairing the landfill final cover, including soil placement, grading, and seeding of the ET soil cover. The Work Plan reconfirmed that if monitoring results indicate infiltration in excess of 29 mm per year through the ET cover, the Discharger will prepare and submit a plan and schedule to further evaluate the ET cover and implement corrective measures as appropriate. In accordance with the Work Plan, final cover repair at the Landfill would be completed by January 2023 and a final report for the repair work would be submitted to the Los Angeles Water Board by June 2023.
13. Since August 2021, the Discharger has been submitting monthly reports to the Los Angeles Water Board to document final cover repair activities (if any) and lysimeter monitoring results at the Landfill. The most recent report, dated June 13, 2023, indicates that the Landfill had not performed any repairs of final cover due to lack of suitable soil. In addition, based on data collected from the three lysimeters onsite, the average cumulative infiltration through the ET cover for the past 12 months was 46.4 mm/year, exceeding the threshold of 29 mm/year that was established in the June 29, 2009, GeoSyntec Memorandum discussed in finding 3(d).
14. On June 7, 2023, GeoSyntec submitted to the Los Angeles Water Board a "Final Cover Repair and Monitoring Extension Request", requesting an additional two years to complete the cover repair and to provide a completion report to the Los Angeles Water Board by June 2025.

15. On March 28, 2023, during an inspection of the Landfill following a series of winter storms, Los Angeles Water Board staff observed ponding of stormwater over the Landfill. Ponding of stormwater is a result of unfavorable grading and may significantly increase the amount of water percolating into the buried MSW through the final cover and violates sections B.1, C.7, C.8, and C.13 of the WDRs.
16. Both the exceedance of the infiltration threshold and ponding of stormwater over the Landfill have the potential to increase the rate of leachate generation at the Landfill, increasing the chance for pollutants being released into groundwater, and therefore create or threaten to create a condition of pollution or nuisance.

### **AUTHORITY - LEGAL REQUIREMENTS**

17. Water Code section 13304, subdivision (a) of the Water Code provides that:

*“(a) A person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”*

18. Section B.1 of the WDRs requires that *“Discharge of waste as a result of inadequate postclosure maintenance practices, and that have not been specifically described to the Regional Board and for which valid WDRs are not in force, are prohibited.”*
19. Section C.7 of the WDRs requires that *“Drainage controls, structures, and facilities shall be designed to divert any precipitation or tributary runoff and prevent ponding and percolation of water at the Landfill in compliance with sections 20365 and 21090(b)(1) of 27 CCR. When necessary, temporary structures shall be installed as needed to comply with this requirement.”*
20. Section C.8 of the WDRs requires that *“The Landfill shall be graded and maintained to promote runoff of precipitation and to prevent ponding of liquids and surface water. Erosion or washout of refuse or cover materials by surface flow shall be controlled to prevent off-site migration.”*
21. Section C.13 of the WDRs requires that *“The Discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, and adequate laboratory and process controls including appropriate quality assurance procedures”*

22. Title 27 section 21090(b)(1)(A) requires, in part, that *"In spite of differential settlement, the final cover of closed landfills (including waste piles and surface impoundments closed as landfills) shall be designed, graded, and maintained to prevent ponding and to prevent soil erosion due to high run-off velocities."*
23. Title 27 section 21090(c) requires, in part, that *"Throughout the post-closure maintenance period, the discharger shall: (1) maintain the structural integrity and effectiveness of all containment structures, and maintain the final cover as necessary to correct the effects of settlement or other adverse factors;" ... (4) prevent erosion and related damage of the final cover due to drainage; ..."*
24. This Order conforms to and implements policies and requirements of (1) the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000); (2) applicable state and federal regulations; (3) all applicable provisions of statewide Water Quality Control Plans adopted by the State Water Resources Control Board (State Water Board) and the Basin Plan adopted by the Los Angeles Water Board including beneficial uses, water quality objectives, and implementation Plans; and (4) applicable State Water Board policies and regulations.

#### **LIABILITY OF DISCHARGER**

25. As set forth by the above findings, the Discharger is in violation of the Porter-Cologne Water Quality Act, Title 27, and the WDRs and has created, or threatens to create, a condition of pollution or nuisance. Pursuant to Water Code section 13304, this Order requires the Discharger to cleanup and abate the adverse impacts to the final cover of the Landfill that have compromised its structural integrity and effectiveness discussed in findings 13, 15, and 16, to restore the cover to its original approved condition prior to placement of greenwaste, and to prevent such adverse impacts from re-occurring in the future.
26. This Order also requires the Discharger to submit a technical report upon completion of cover repairs and to continue to submit monitoring reports, including lysimeter data for a minimum of one year after approval of the CAO completion report, pursuant to Water Code section 13267. The burden of preparing such reports, including costs, is reasonable as they are necessary to achieve compliance with the applicable laws, regulations, and policies to protect the water quality of the state and United States.

#### **APPLICABLE PLANS, POLICIES AND REGULATIONS**

27. **California Environmental Quality Act:** This enforcement action is being undertaken by a regulatory agency to enforce a water quality law. Such action is categorically exempt from provisions of the California Environmental Quality Act (CEQA) according to California Code of Regulations, title 14, sections, 15061(b)(3), 15307, 15308, and 15321. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Discharger's proposed cleanup, abatement, or restoration activities and possible associated environmental impacts. If the Los Angeles Water Board determines that implementation of any work plan subject to this Order may result in significant adverse physical impacts to the environment that may need to be evaluated under CEQA, the appropriate lead agency will be required to conduct the necessary environmental review prior to the Discharger implementing the work plan. The Los Angeles Water Board may require the Discharger to provide necessary information and pay for the costs of preparing any required CEQA documentation.

28. **State Water Board Petition:** Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.
29. **No Limitation of Los Angeles Water Board Authority:** This Order in no way limits the authority of the Board, as contained in the Water Code, to institute additional enforcement actions or to require additional investigation and cleanup. The Executive Officer may revise this Order as additional information becomes available.
30. **Authority to Modify:** The Los Angeles Water Board, through its Executive Officer, may revise this Order as additional information becomes available.
31. **Extension:** Upon request by the Discharger, and for good cause shown, the Executive Officer may defer, delete, or extend the date of compliance for any action required of the Discharger under this Order. In the event compliance with this Order cannot be achieved within the terms of this Order, the Discharger must request an extension of time in writing from the Los Angeles Water Board's Executive Officer. The extension request shall include an explanation of why the specified date could not or will not be met, and justification for the requested period of extension. Any extension request shall be submitted as soon as the situation is recognized, and not on the compliance date, or later than the compliance date. Extension requests not submitted in writing to the Executive Officer of the Los Angeles Water Board will be denied.
32. **Enforcement for Noncompliance with this Order:** Failure to comply with this Order may result in the assessment of an administrative civil liability up to \$1,000 per violation per day, pursuant to Water Code section 13268; and/or \$5,000 per violation per day, pursuant to Water Code section 13350. In addition, the Los Angeles Water Board may refer this matter to the Attorney General for judicial civil enforcement or to the United States Attorney, appropriate county District Attorney, or City Attorney for criminal prosecution as may be warranted. Any such penalties are in addition to any penalties that may otherwise be assessed for violation of waste discharge requirements or other applicable orders or prohibitions.
33. **Entry and Access:** Consistent with Water Code section 13304, the Los Angeles Water Board's authorized representative(s) shall be allowed:
- Entry upon premises where a regulated facility or activity is located, conducted, or where records are stored, under the conditions of this Order;
  - Access to copy any records that are stored under the conditions of this Order;
  - Access to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
  - The right to photograph, sample, and monitor for ensuring compliance with this Order, or as otherwise authorized by the Water Code.
34. **Notification for Planned Changes:** The Discharger shall submit 30-day advance notice to the Los Angeles Water Board of any planned changes in name or ownership of the contractor

or subcontractors and notice of any planned physical changes that may affect compliance with this Order. In the event of a change in ownership or operator, the Discharger shall also provide 30-day advance notice, by letter, to the succeeding owner/operator of the existence of this Order and shall submit a copy of this advance notice to the Los Angeles Water Board.

35. **Effective Date:** This Order is effective upon the date of signature below.

### **REQUIRED ACTIONS**

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to Water Code sections 13304 and 13267, that the Discharger shall clean up and abate the effects of its activities at the Landfill to waters of the state forthwith. "Forthwith" means as soon as reasonably possible, but in any event no later than the compliance dates below.

More specifically, the Discharger shall:

#### **A. Tasks:**

1. **Immediately** implement all Best Management Practices (BMPs) that are necessary to prevent ponding and other areas of noncompliance caused by the placement of greenwaste on the final cover.
2. Within **60 days of the issuance of this Order**, submit a work plan, to the Los Angeles Water Board, for the Executive Officer's approval, for returning all grades, final cover, vegetative cover, and drainage systems of the Landfill that have been impacted by activities of the Discharger to conditions prior to the placement of greenwaste, or submit a work plan for the mitigation of the final cover to meet the standards for landfill final cover systems contained in title 27 section 21090 et seq. (Closure and Post-Closure Maintenance Requirements for Solid Waste Landfills), including a construction quality assurance (CQA) program that meets the requirements of title 27 section 20324.
3. Within **180 days of the issuance of this Order**, submit a final report that describes all actions taken to complete the tasks listed above. The report shall include photos of BMPs and other corrective actions that have been implemented at the Landfill.

**B. Business and Professions Code Requirements:** Business and Professions Code sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of licensed professionals experienced in the design, inspection and repair of on-site systems, surface and ground water investigation and remediation. All workplans and reports submitted to the Los Angeles Water Board shall be signed and stamped by a registered and/or licensed professional.

**C. Certifications:** All reports shall contain a completed perjury statement, signed by the Discharger (or a duly authorized senior representative) and not by a consultant.

The Perjury statement shall be in the following format:

*"I [NAME], certify under penalty of perjury of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant*

Draft Cleanup and Abatement Order R4-2023-0XXX  
Waste Management Inc.

*penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations.”*

Ordered by: \_\_\_\_\_  
Susana Arredondo  
Executive Officer

Date: \_\_\_\_\_

Attachment: Figures 1 and 2



Figure 1: Site Location Map

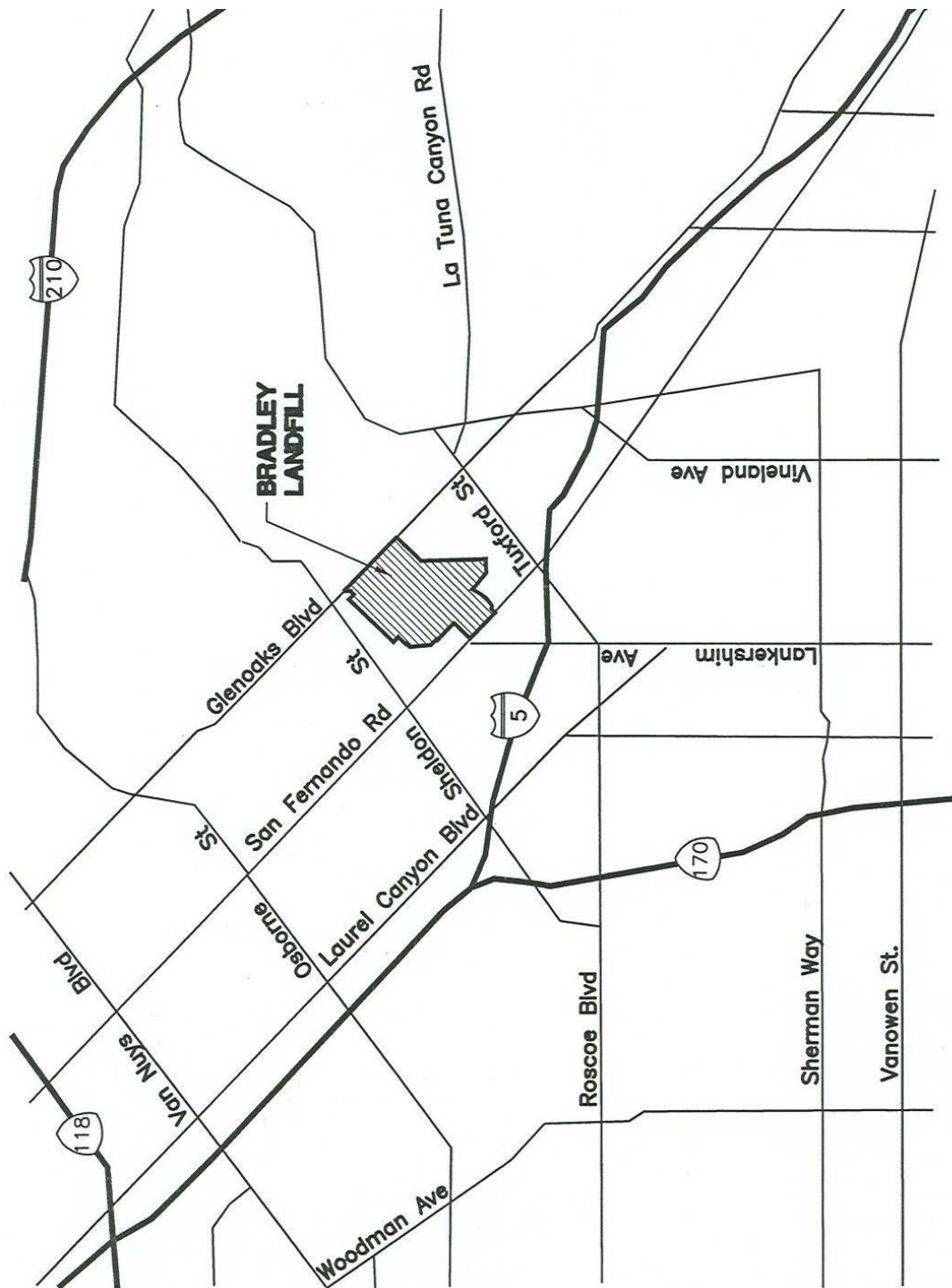


Figure 2: Location of Monitoring Wells and Pan Lysimeters

