

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**STAFF SUMMARY REPORT (Lindsay Whalin)  
MEETING DATE: April 14, 2010**

ITEM: **5.B.**

SUBJECT: **City of Berkeley, Berkeley Landfill (Cesar Chavez Park), Alameda County** - Updated Waste Discharge Requirements and Rescission of Order Numbers 76-9, 77-138, and 86-41

CHRONOLOGY: 1976 - Waste Discharge Requirements (WDRs) adopted  
1977 and 1986 - Waste Discharge Requirements amended

DISCUSSION: The Berkeley Landfill is a 90-acre peninsula in the San Francisco Bay located north of the Berkeley Marina. The Berkeley Landfill was closed in 1990 and is currently in post-closure maintenance while serving as a public park. The Revised Tentative Order (Appendix A) would update the Landfill's WDRs principally to reflect updates in landfill regulations and requires changes in the maintenance and self-monitoring programs for the Landfill. Additionally, the Revised Tentative Order requires an evaluation of the existing leachate barrier and sump system.

We circulated a draft tentative order to the City of Berkeley and interested parties, and received comments from the City and the San Francisco Baykeeper. After convening a meeting with both parties, revisions to the tentative order were made, including:

1. Adding a finding detailing the results of several investigations that demonstrate leachate is not in hydraulic connection to the Bay;
2. Adding enhanced standard observations, including a requirement for the City to estimate the area and volume of ponded water onsite;
3. Adding a citation of the California Code of Regulations' definition of the term "measurably significant" to clarify requirements regarding reporting of a release from the landfill; and
4. Adding a new provision that requires the City to periodically evaluate the Landfill's need for increased flood protection due to sea level rise.

The City and the San Francisco Baykeeper have indicated agreement with the Revised Tentative Order, and we expect this item to remain uncontested.

RECOMMENDATION: Adoption of the Revised Tentative Order

File No.: 209307 (LW)

Appendices: A - Revised Tentative Order  
B - Comments Received