

## **Land Disposal Program**

### **Program Overview**

The Land Disposal Program regulates the discharge to land of certain solid and liquid wastes. These wastes include municipal solid waste (MSW), hazardous wastes, designated wastes, and nonhazardous and inert solid wastes. In general, these wastes cannot be discharged directly to the ground surface without impacting groundwater or surface water, and therefore must be contained to isolate them from the environment. The regulations applicable to these discharges are found in Title 27, for nonhazardous wastes, or Chapter 15 of Title 23, for hazardous wastes, of the California Code of Regulations. These regulations have both prescriptive and performance standards for waste containment, monitoring, and closure. The requirements are implemented through the adoption of Waste Discharge Requirements for the disposal facilities.

### **Program Profile**

The Land Disposal Program has about 300 facilities that are under waste discharge requirements implementing Title 27 or Chapter 15. About half of the facilities are active or closed MSW landfills. There are a handful of hazardous waste disposal facilities, including two of the State's four active hazardous waste facilities. The remaining sites are generally facilities discharging inert or designated solid wastes or designated liquid wastes (including salty wastewaters) such as mines, oil-field produced-water disposal sites, and industrial facilities. The industrial facilities include a broad variety of sources such as energy production, manufacturing, and refining. The Land Disposal Program also regulates certain food processing facilities, such as olive briners, because they generate designated liquid wastes. The waste management units used to contain the various wastes include landfills, waste piles, surface impoundments, and land treatment units. The Land Disposal Program also regulates green waste composting sites. Program staff also work on numerous sites not under WDRs.

The Central Valley Region has the largest land disposal budget of the State and Regional Boards; about 37% of the entire program. Our 2004/2005 budget is \$3.2 million with \$1.8 million allotted to personal services. This budget supports approximately 24 staff of the 27.3 authorized PYs.

### **Enforcement**

Priority violations for the Land Disposal Program are defined in the Enforcement Policy. These priority violations emphasize waste characterization, engineering, construction, and monitoring related requirements in the regulations. Common violations seen in the Program involve improper precipitation and drainage controls, failure to monitor or submit monitoring reports, failure to respond to evidence of a release, and not complying with time schedules in WDRs.

Land Disposal Program staff typically use informal enforcement as described above to achieve compliance for the simple violations. Time schedules to correct more complex problems are generally included in WDRs or enforcement orders, and failure to comply on schedule is generally handled first with informal enforcement, and then formal

enforcement when compliance is still not achieved. One of the factors influencing the decision on the level of enforcement is whether the discharger has chronic violations, and whether they have taken steps to correct those violations.

The Land Disposal Program's enforcement process is somewhat different than other programs because of procedures detailed in Title 27 and Chapter 15. When a release from a permitted waste management unit is discovered, the regulations require dischargers to take certain response actions and to apply for revised WDRs. These actions include evaluation monitoring to define the release, engineering feasibility studies to identify possible remedies, and corrective action plans for the proposed actions. The regulations require dischargers to submit amended reports of waste discharge and the Regional Board to adopt revised waste discharge requirements to implement corrective actions. Most Land Disposal Program facilities generally conduct this response process and implement corrective actions without a cleanup and abatement orders because the manner of compliance is specified in WDRs and applicable regulations.

Land Disposal Program staff coordinate their enforcement activities closely with the appropriate agencies, including Local Enforcement Agencies, typically the County's Environmental Health Department, and the Integrated Waste Management Board for landfill sites subject to Title 27. Enforcement at hazardous waste sites is done in coordination with DTSC. Non-landfill facilities typically involve other agencies that are consulted during enforcement activities, such as the local District Attorney, Attorney General, Department of Fish and Game, Division of Oil, Gas and Geothermal Resources, or US Fish and Wildlife Service, depending on the nature of the site and problem. Program staff also attend and support the Environmental Task Force meetings held regularly throughout the Region.

A significant time and resource issue for the Land Disposal Program is protracted enforcement and litigation on inactive mines. These sites, some historical and some first operated in the 1980's, typically involve significant environmental impacts and substantial costs to mitigate. These cases can last many years, require significant staff effort, and result in very few of the outputs typically counted in enforcement action tallies.

### **Program Impacts from Redirection of Resources to Enforcement**

Every year the Region's Land Disposal Program prepares a work plan in cooperation with State Board. The general approach has been to allocate resources across program tasks for a balanced regulatory effort that meets priorities. The focus of our program is primarily preventative in nature and success can be measured, in part, by the Discharger's compliance with monitoring programs established in WDRs. As our priorities shift toward more enforcement related activities, we anticipate that the number of backlogged WDRs would tend to increase, and our ability to revise WDRs when requested by dischargers would tend to decrease. Our ability to meet other work plan commitments such as performing all compliance inspections and monitoring report reviews could also be affected. The prolonged nature of some enforcement actions, especially those

petitioned to State Board or litigated, could result in fewer outputs for inclusion in workplan performance measures.