CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CEASE AND DESIST NO. R5-2014-XXXX

RECOLOGY HAY ROAD
JEPSON PRAIRIE ORGANICS AS A DBA OF RECOLOGY HAY ROAD
RECOLOGY HAY ROAD LANDFILL
SOLONO COUNTY

PROSECUTION TEAM'S LEGAL AND TECHNICAL ANALYSIS OF CEASE AND DESIST ORDER NO. R5-2014-XXXX

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I. Introduction

The Central Valley Water Board Prosecution Team recommends the Central Valley Water Board adopt the proposed Cease and Desist Order (CDO) issued to Recology Hay Road and Jepson Prairie Organics dba Recology Hay Road (hereinafter Discharger) to ensure that the Discharger timely complies with existing Central Valley Water Board and State Water Resources Control Board (State Water Board) Orders pursuant to the time schedule established therein. The proposed CDO requires the Discharger to implement measures and submit technical reports according to an established time schedule. The information in some of the required technical reports are foundational elements for Central Valley Water Board permitting staff to begin drafting revised waste discharge requirements for the facility. Until that time, the proposed CDO allows the Discharger to continue to operate its business while ensuring that its operations are conducted in a manner that is protective of water quality.

II. Site Background

The Discharger owns and operates an active landfill and composting operation (Facility) located approximately eight miles east of the City of Vacaville on Hay Road in Solano County. The Facility is located on a 640-acre site, of which 256-acres are permitted for landfill disposal and composting operations. The Facility also consists of an approximately 160-acre borrow pit area, and approximately 224-acres of habitat preserve. As described in the Discharger's Waste Discharge Requirements Order No. R5-2008-0188, the Facility consists of two Class III landfills (LF-1 and LF-2), one Class II landfill (LF-3), a Class II waste pile (WP-9.1), a Class II land treatment unit (LTU), a composting area, and two lined compost leachate ponds. The Facility Site Map is referenced as Attachment C to the Order No. R5-2008-0188. The depth to groundwater at the Facility varies from about 2 to 23 feet below ground surface (bgs) averaging about 10 feet bgs or 10 feet above mean sea level (MSL). (Finding 28, 2008 WDRs.)

III. Regulatory Framework

The Facility's operations require a number of waste discharge requirements and National Pollutant Discharge Elimination System (NPDES) permits. Regulations in Division 2 of Title 27 of the California Code of Regulations (Title 27) promulgated by the State Water Board pertain to water quality aspects of discharges of solid waste to land for treatment, storage, or disposal. (27 CCR § 20080(a).) The regulations govern a wide range of solid waste issues including waste classification and management, waste management unit construction standards, water quality monitoring, closure and post-closure maintenance standards, and the development of waste discharge requirements. These regulations promulgated by the State Water Board represent the minimum standards for proper management of waste. (27 CCR § 20080(a)(1).) Although the requirements in these regulations are viewed as prescriptive standards, alternatives to construction or the prescriptive standards may be considered and approved if the Discharger makes the appropriate regulatory demonstration. (see 27 CCR § 20080(b) and (c).) Pursuant to these regulations and Water Code section 13263, the Central Valley Water Board adopted Waste Discharge Requirements Order No. R5-2008-0188 (2008 WDRs) on 5 December 2008 to regulate the discharges of designated waste to the landfill units and to regulate the on-site composting operations. "Designated waste" is defined as "nonhazardous waste that consists of,

or contains, pollutants that, under ambient environmental conditions at a waste management unit, could be released in concentrations exceeding applicable water quality objectives or that could reasonably be expected to affect beneficial uses of the waters of the state as contained in the appropriate state water quality control plan." (Wat. Code § 13173; 27 CCR § 20164.) As previously stated, the requirements in the 2008 WDRs represent the minimum standards for properly managing waste to ensure, among other things, that discharges of waste constituents to the unsaturated zone, to groundwater, or to surface waters do not occur. (Order No. R5-2008-0188, Prohibition A.4; Prohibition A.19.) Any operational changes that are made subsequent to the adoption of WDRs cannot be impliedly approved by staff acquiescence. Any material change or proposed change in the character, location, or volume of the discharge necessitates submittal of a Report of Waste Discharge relative to those changes for evaluation and approval by the Central Valley Water Board. (Wat. Code § 13260(c).)

Additionally, the Facility is subject to State Water Board Water Quality Order No. 97-03-DWQ (and Order 2014-0057-DWQ) *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities* (Industrial General Permit). The Industrial General Permit authorizes industrial stormwater discharges from the Facility to the Alamo Creek A-1 Channel (A-1 Channel), an agricultural drainage canal along the northern and eastern boundaries of the Facility, then to Ulatis Creek, then to Cache Slough, and the Sacramento-San Joaquin Delta, all waters of the United States. Pursuant to the Discharge Prohibitions of the Industrial General Permit, materials other than storm water that discharge either directly or indirectly to waters of the United States are prohibited. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit.

Finally, the Facility is subject to Central Valley Water Board Limited Threat General Waste Discharge Requirements Order No. R5-2013-0073 (Limited Threat General Order) for discharges of groundwater from dewatering activities in an area directly west of the existing landfill known as the "borrow pit." The dewatering activities conducted pursuant to the Limited Threat General Order are necessary to harvest earthen material as landfill cover and to assist the Discharger in meeting certain prescriptive standards in Title 27.

IV. The Central Valley Water Board is authorized to issue a Cease and Desist Order where discharges of waste are taking place or threatening to take place in violation of waste discharge requirements.

Water Code section 13301 authorizes the Central Valley Water Board to issue a CDO where it "finds that a discharge of waste is taking place or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board." (Wat. Code § 13301.) The proposed CDO identifies several categories of noncompliance with WDR requirements, discharges of waste taking place or threatening to take place in violation of WDR and/or NPDES discharge prohibitions, or instances where noncompliance with WDR requirements itself creates a threatened discharge in violation of Central Valley Water Board requirements. Though Water Code section 13301 authorizes the Central Valley Water Board to order compliance immediately, the proposed CDO grants the Discharger time to comply with existing requirements while taking into consideration relevant technical factors and comparable

alternatives. During the interim period, the Discharger must take actions to protect water quality.

a) Food Waste Composting Violations

The Discharger's composting operations are regulated by the 2008 WDRs. Finding 88 of the 2008 WDRs describes the manner in which food waste composting takes place as being "conducted in-vessel." Additionally, Discharge Specification B.27 states, "feedstock for windrow composting shall be limited to green waste[1] and agricultural waste[2] as defined in Title 14 CCR. Food waste[3] feedstock shall be limited to in-vessel composting as defined by Title 14 CCR, and may be combined with green waste for in-vessel composting." In-vessel composting means that the compostable material, in this case food waste or a combination of food and green waste, is enclosed in some type of container for the purpose of producing compost, maintained under uniform conditions of temperature and moisture where air-borne emissions are controlled. This process can be used year-round in any climate since the environment within the vessel is carefully controlled. Because these systems are typically enclosed systems, odor and the creation of leachate are minimized. Leachate is any liquid formed by the drainage of liquids from waste or by the percolation or flow of liquid through waste. (27 CCR § 20164.)

During a Central Valley Water Board site inspection on 7 April 2010, staff observed that food composting operations were being conducted contrary to the in-vessel requirement prescribed by Discharge Specification B.27 in the 2008 WDRs. Rather, food waste composting is taking place in the active composting area using windrows which are open to the elements, increasing the likelihood of leachate creation as liquids can come into direct contact and percolate through food waste. Previously, the Discharger used in-vessel systems such as AgBag, Compostex, and covered ECS systems, however, over time the Discharger moved to the current aerated static pile composting process observed on the 7 April 2010 inspection. The current food composting process does not keep leachate within the vessel system as did the previous operations described in Finding 88 of the 2008 WDRs. This results in the generation of additional compost leachate that must be diverted and stored in authorized leachate ponds. Additional compost leachate diverted to the low-flow pond is likely a contributing factor to the leachate pond violations described below.

The proposed CDO provides the Discharger with a deadline of 1 January 2015 to submit a technical report documenting facility modifications that have been made so that food composting complies with the 2008 WDRs. Alternatively, the proposed CDO provides the Discharger with an alternative of submitting a Report of Waste Discharge to the Central Valley Water Board's Permitting Unit by 1 January 2015 requesting a revision to the WDRs to allow food composting to take place out-of-vessel with a justification as to how composting process will be protective of water quality and prevent nuisance conditions. If the WDRs are not revised by 15 December 2015, then the Discharger has 30 days to return to in-vessel composting.

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[1] Green waste includes, but is not limited to, yard trimmings, untreated wood wastes, natural fiber products, and construction and demolition wood waste. (14 CCR § 17852(a)(22).)

[2] Agricultural waste is defined as material of plant or animal origin, which result from production and processing and may include manures, orchard and vineyard prunings, and crop residues. (14 CCR § 17852(a)(5.)

[3] Food waste means any material that was acquired for animal or human consumption, is separated from the municipal solid waste stream, and does not meet the definition of agricultural waste. (14 CCR § 17852(a)(20).)

b) Leachate Pond Violations

According to Finding 88 in the 2008 WDRs, leachate from the active composting area drains to a sump and is then pumped to a lined "low-flow" pond where it is stored and recirculated to the green waste windrow composting area. Further, the Finding states that during significant precipitation events, the runoff from the active composting area is directed to a lined "high-flow" pond so that the stormwater does not commingle with the leachate in the low-flow pond. The high-flow pond is designed to hold stormwater from a 100-year, 24-hour storm and excess stormwater is allowed to overflow into the A-1 Channel, a water of the United States. Finding 88 describes the manner in which the Discharger conducts its operations to ensure that during precipitation events, leachate and stormwater in the low-flow and high-flow ponds do not commingle. This Finding is based on the Board's understanding of the pond configuration and the Discharger's operations, specifically, the low-flow pond collects leachate from composting activities for recirculation and during precipitation events and stormwater runoff would be diverted to the high-flow pond for discharge to surface waters pursuant to the Industrial General Permit. This understanding of operations as described in Finding 88 of the 2008 WDRs is reiterated in a letter dated 25 August 2010 from Central Valley Water Board which states, "It is therefore apparent that the WDRs anticipate use of the low-flow pond for capturing leachate from the active composting area so that it does not mix with water in the high-flow pond."

Ensuring that the waste streams are diverted to the appropriate pond where they do not mix assists in preventing a discharge of leachate and stormwater to waters of the United States contrary to the Industrial General Permit and Prohibition A.19 of the 2008 WDRs. Samples collected and analyzed in November 2013 from the high-flow pond indicate that its contents contain designated waste with elevated concentrations of inorganic constituents resulting from the commingling of leachate and stormwater in the high-flow pond contrary to the 2008 WDRs. These concentrations exceed both the water quality goals for surface and groundwater protection and the effluent benchmarks in the Industrial General Permit for surface water protection. Wastewaster samples collected from the low-flow pond in 2010 also confirm elevated inorganic constituents which exceed the water quality goals and the effluent benchmarks. Therefore, the wastewater in both the low-flow and the high-flow ponds can be appropriately classified as designated waste.

As described above, pursuant to the operations and pond configuration description in the 2008 WDRs and pursuant to the Industrial General Permit, the Discharger is authorized to discharge stormwater collected in the high-flow pond to waters of the United States. The Monitoring and Reporting Program (MRP) associated with the 2008 WDRs and the Industrial General Permit does not require the Discharger to take freeboard measurements of these ponds based on the Board's understanding the Discharger's operations and pond configuration. However, the Discharger's modifications of its operations resulted in the contents low-flow leachate pond mixing with the contents of the high-flow stormwater runoff pond via a pump and pipes where the commingled contents can be discharged to waters of the United States. The absence of freeboard measurements to confirm that unauthorized discharges of leachate and unauthorized discharges of non-stormwater are not taking place gives rise to a threatened discharge in violation of both the 2008 WDRs and the Industrial General Permit.

The proposed CDO provides the discharger with a deadline of 1 December 2014 to submit a technical report describing facility modification so that leachate is stored in the low-flow pond and stormwater is diverted to the high-flow pond in a manner consistent with the 2008 WDRs. Meaning, a return to the original design and operation of the ponds, where the contents of the low-flow and high-flow ponds are segregated. If the Discharger does not submit this technical reconfiguration report, it must submit a Report of Waste Discharge by 1 January 2015 requesting a revision of the WDRs to allow for the operation of the low-flow and high-flow ponds in a manner that deviates from the 2008 WDRs. In addition, a Revised MRP will be issued for the Facility requiring the Discharger to take periodic freeboard measurements of its authorized ponds.

If the Discharger chooses to submit the RWD, then during the interim period until the WDRs are revised, the proposed CDO would prohibit the discharge of wastewater from the ponds and require the Discharger to take actions (e.g. enhanced evaporation, use of the water as compost conditioner, transport to a POTW, etc.) to appropriately manage the volume of wastewater in the ponds. If the WDRs are not revised by 15 December 2015, then the Discharger would have 30 days in which to make modifications such that the pond configuration complies with Finding 88 of the WDRs.

c) Unauthorized Green Waste Runoff Pond

As stated above, green waste composting is conducted using windrows. The leachate and stormwater generated on this section of the active composting area currently drains south through unlined dirt ditches to an unlined stormwater pond known as the "green waste runoff pond." The green waste pond is not described in nor authorized by the 2008 WDRs. The content of the designated waste diverted to this pond is similar to that of the content in the high-flow pond in that it is comprised of leachate and stormwater that would likely exhibit similar elevations of inorganic constituent concentrations as reported in the November 2013 high-flow pond data. The green waste runoff pond overflows to an unlined drainage course that discharges to the A-1 Channel. Any discharge of leachate combined with stormwater to the A-1 Channel is a violation of the Industrial General Permit. Additionally, the depth of the pond and the depth to groundwater in the vicinity of the pond indicate that, at times, groundwater may rise into the bottom of the unlined pond. In both circumstances, a discharge or threatened discharge in violation of the Industrial General Permit and the 2008 WDRs exists. The proposed CDO provides the Discharger until 1 November 2014 to complete facility modifications to ensure that designated waste is diverted and stored through lined ditches and to ponds authorized by the 2008 WDRs.

d) Leachate Used for Dust Control

Discharge Specification B.13 in the 2008 WDRs states, "leachate or landfill gas condensate from a lined landfill module shall be discharged either to a publicly owned treatment works under permit, or to the composite-lined landfill unit from which it was generated." During the summer of 2010, leachate from active composting operations stored in the low-flow pond was removed and applied over lined portions of the landfill for dust control purposes. Specifically, the Discharger stated in a 26 January 2011 report titled *Report of Remedial Actions High-Flow and Low-Flow Ponds*, "Water was removed from the pond and used for dust control over lined

portions of the landfill. Draining the pond required removal of approximately 10 million gallons of liquid through evaporation and dust control." It is unknown whether the Discharger has applied compost leachate to landfill units since that time. Though the application of leachate from composting operations to lined portions of the landfill is not specifically restricted by Discharge Specification B.13, which speaks to reapplication of leachate from a lined landfill back to a lined landfill, the 2008 WDRs are similarly silent and do not authorized the reapplication of compost leachate to a lined landfill. The absence of such language in the 2008 WDRs is understandable since it was the Board's understanding, based on the Discharger's operations, that compost leachate in the low-flow pond would be recirculated and reapplied on the windrow composting operations only. Title 27, Section 20340(g) states that leachate may only be applied to the unit from which it was derived, unless the Water Board specifically authorizes otherwise. Because the WDRs do not specifically authorize the application of compost leachate to other units, it is not allowed.

The proposed CDO provides the Discharger until 1 January 2015 to submit a technical report documenting that the compost leachate is no longer used for dust control on the landfill units. Alternatively, the Discharger must submit a Report of Waste Discharge requesting that Discharge Specification B.13 be revised to also authorize the reapplication of leachate from the ponds to the landfill units and describe how such a modification will be protective of water quality. In the interim, if compost leachate is applied to the landfill units, the proposed CDO requires the Discharger to manage the leachate so it does not 1) cause instability of the waste, 2) cause leachate seeps, 3) generate additional landfill gas that is not extracted by the active landfill gas extraction system, 4) cause contaminants to enter surface water runoff, and 5) cause leachate volumes to exceed the maximum capacity of the leachate collection and removal system or violate Construction Specification D. 4 of the 2008 WDRs. If the WDRs are not revised by 15 December 2015, then the Discharge has 30 days in which to cease the use of compost leachate as dust control.

e) Separation between Waste and Groundwater

The requirements in Title 27 section 20240 subdivision (c) require a minimum of 5 feet of separation between waste and the highest anticipated elevation of underlying groundwater unless there is an engineered alternative that is consistent with the performance goal addressed by the construction or prescriptive standards and affords equivalent water quality protection. (27 CCR § 20240(c); 27 CCR § 20080(b).) The 2008 WDRs contain an engineered alternative to the groundwater separation requirements in Construction Specification D.2. To determine compliance with these requirements for groundwater separation, the MRP states that "the Discharger shall determine the separation of groundwater from the lowest point of each unit and/or module." (MRP No. R5-2008-0188 Section D.1, p. 8.) The Discharger must measure and report the separation distance between the disposal module LCRS sumps (i.e. the bottom of the waste) and first encountered groundwater. Furthermore, the MRP requires quarterly preparation and annual submission of hydrographs of each well showing the elevation of groundwater with respect to the elevations of the top and bottom of the screened interval and the elevation of the pump intake. (*Id.*) These requirements are specifically significant for this facility as the depth to groundwater is particularly shallow below ground surface. (Finding 28, 2008 WDRs.)

The Discharger submitted separation data for spring monitoring events from 2011 through 2013. The Discharger reported separation data between groundwater and the lowest point of each unit or module with the exception of the Land Treatment Unit (LTU). The Discharger did not monitor or report separation data for the LTU. The Discharger reported two violations of the separation requirement in March and May 2011, however, explained the violations resulted from a temporary condition that occurred when it was unable to discharge extracted borrow pit water from dewatering operations on a regular basis. Though the tabular data in Finding 20 of the proposed CDO suggests that the Discharger is complying with the separation requirements at other times, the Prosecution Team asserts that deficiencies in the Discharger's monitoring and reporting methods and its monitoring network result in unrepresentative data that cannot be used to adequately determine compliance with separation requirements of Prohibition A.4. Given the shallow nature of the groundwater at this site, a threatened discharge of waste constituents to the unsaturated zone or to groundwater is a critical concern.

Contrary to the MRP and the Discharger's Construction Quality Assurance (CQA) Plan, the Discharger does not report groundwater elevations to the nearest hundredth of a foot but rather rounds the data to the nearest foot. Considering all groundwater elevations are reported to the nearest 100^{th} foot, there is no need to reduce the significant figures reported. Failing to provide accurate data allows the Discharger to round the compliance values which is an unapproved change to the WDRs, which requires groundwater elevations to be reported to the 100^{th} of a foot. The Discharger believes that staff can interpolate groundwater data from site-wide gradient maps. While this is normal professional practice, for the following reasons this is problematic for this site. First, the Discharger has altered the shallow groundwater flow path by installing a slurry wall. This slurry wall was installed as a barrier, which at a minimum will impede the natural flow of the shallow groundwater. Second, many of the wells used as data points by the Discharger to generate the groundwater elevation map are screened at a deeper interval rather than across the water table. Including wells screened at deeper intervals will alter the accuracy of the water levels reported for the water table, thus reduces staff's ability when evaluating compliance with the WDRs. Furthermore, some of the monitoring wells that are used for compliance with the separation requirement are located away from the pan lysimeters, which are the lowest points in the modules and units. A close proximity of the monitoring device to the pan lysimeter is paramount for evaluating compliance. Currently many of the wells nearest to the pan lysimeters are on opposite sides of the slurry wall or screened much deeper than the interface with the water table. As explained above, this reduces staff's ability to accurately evaluate compliance with the WDRs.

The proposed CDO requires the Discharger to comply with the MRP requirements for groundwater separation monitoring and reporting. Furthermore, the proposed CDO requires the Discharger to submit a *Well Installation Workplan* that evaluates and proposes installing a piezometer or monitoring well as close as possible to each LCRS sump and a *Well Installation Report* containing the information described in Attachment A of the proposed CDO in order to determine compliance with Construction Specification D.2 and Prohibition A.4 of the 2008 WDRs. Finally, the proposed CDO requires the submittal of a *Groundwater Lowering Workplan* proposing a method to immediately lower groundwater in the event that the separation requirements cannot be maintained as required.

f) Runoff and Drainage Controls

Title 27 section 20365 defines the performance standard for landfill runoff and drainage controls. Specifically, "Units and their respective containment structures shall be designed and constructed to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, washout, and overtopping under the precipitation conditions specified in Table 4.1 (of this article)." (27 CCR § 20365(a).) Facility Specification C.10 of the 2008 WDRs specifies that system design and construction accommodate an anticipated volume of precipitation peak flows from surface runoff under 1000-year, 24-hour precipitation conditions for Class II landfill disposal modules. Additionally, pursuant to Table 4.1 of Title 27, Class III landfill disposal modules must accommodate and anticipated volume of precipitation peak flows from a 100-year, 24-hour precipitation condition.

During the Regional Board staff's 31 January 2014 site inspection, staff noted that the stormwater down drains and ditches appeared undersized and inadequately graded, which could result in ponding and potential infiltration into the landfill units if stormwater did not move off the landfill as quickly as possible. Inadequate drainage can cause slope instability or failure due to saturation resulting in the discharge of wastes outside of a unit or portion of a unit in violation of Prohibition A.5 of the 2008 WDRs. Further, it can cause stormwater to percolate into the waste mass contributing to the creation of landfill gas and leachate resulting in a threatened discharge of waste constituents to the unstaturated zone or to groundwater in violation of Prohibition A.4 of the 2008 WDRs. The proposed CDO requires the Discharger to reevaluate its drainage control systems to ensure compliance with Facility Specification C.10 of the 2008 WDRs and Section 20365 of Title 27, and if necessary, submit a workplan and proposed schedule to return to compliance.

g) Temporary Fill Slope Stability

Facility Specification C.2 of the 2008 WDRs states, "waste filling at landfill modules shall be conducted in accordance with a fill plan demonstrating that all temporary refuse fill slopes will be stable under both static and dynamic conditions for the design event for the unit." The Discharger prepared a slope stability analysis which is included in the 2007 Post Closure and Post Closure Maintenance Plan (PCPCMP). While the PCPCMP states that the final cover's side slopes will have a maximum slope of 4H:1V (horizontal to vertical), the PCPCMP does not address the appropriate slope for the temporary interior areas of the landfill. Figure 1 of the Discharger's 2013 Winterization Plan indicates that the uppermost slopes and stockpiles at Disposal Module 1, 2.2, and 11 are in the range of approximately 2.5H:1V. It is unknown if these interior, temporary slopes meet the stability requirements of Facility Specification C.2. Therefore, the proposed CDO requires the Discharger to submit a *Temporary Fill Slope Stability* technical report containing an evaluation of whether or not, the temporary fill slopes that have not been previously evaluated and demonstrated to meet stability requirements under Facility Specification C.2 comply with that requirement. If the evaluation shows that temporary fill slopes do not meet Facility Specification C.2, then the Discharger shall include a workplan and a proposed timeline to make the appropriate corrections.

h) Flood Protection

Approximately fifty percent of the existing landfill and eighty percent of the expansion area are within the 100-year floodplain, which is estimated to be at an elevation of 25 feet MSL. (2008 WDRs, Finding 11.) Dischargers whose facilities are located within a 100-year floodplain must demonstrate that the landfill location will not "result in washout of solid waste so as to pose a hazard to human health and the environment." (40 CFR §258.11(a).)

Construction Specification D.9 requires that the Discharger construct and maintain berms along the exterior of each landfill unit as necessary to prevent inundation and washout of wastes from a 100-year flood. Similarly, Facility Specification C.12 requires the Discharger to prevent floodwaters from a 100-year flood from contacting wastes in a disposal module. The Specification further states that a flood protection and slope stability levee or berm shall be constructed around the site to at least 40 feet above MSL to prevent flood waters from a 100-year storm from entering the site.

The Discharger's 2013 Winterization Plan indicates that some exterior berms along the north side of the facility may not meet the specification in the WDRs regarding the berm height of at least 40 feet above MSL. The Discharger has also stated that the berm also provides additional stability against global failure of the waste mass. However, the Discharger asserts that the 100-year flood elevation is approximately 25 feet, and therefore, Facility Specification C.12 should be reevaluated. The proposed CDO requires the Discharger to either submit a *Flood Protection* technical report evaluating flood control berms and whether the berms comply with the foregoing Specifications and a proposed timeline of corrective action of the berms do not comply with the 2008 WDRs. Alternatively, the Discharger may submit a Report of Waste Discharge and engineering evaluation of berm stability to request a change to the Specifications.

V. Conclusion

The Parties acknowledge that the Discharger's current operations do not comply with the 2008 WDRs and that these existing requirements need to be revised and updated to reflect current conditions. Until new WDRs are adopted, the Discharger must implement interim measures in a timely manner to work in a step-wise fashion towards returning to compliance with existing WDRs and to ensure that its current operations are being conducted in a manner that is protective of water quality. The proposed CDO is the interim mechanism to assist the Discharger in achieving these goals while continuing to operate its business in an environmentally responsible way. For the reasons stated above in the Prosecution Team's Legal and Technical Analysis, the Central Valley Water Board should adopt the Cease and Desist Order as proposed.

For the Prosecution Team:

MAYUMI E. OKAMOTO
Senior Staff Counsel
Office of Enforcement

Central Valley Regional Water Quality Control Board
Recology Hay Road
Cease and Desist Order R5-2014-XXXX
9/10 October 2014

Prosecution Team Witness List

a. Mary Boyd (10 minutes)
Water Resources Control Engineer, Central Valley Water Board
Testimony regarding the Waste Discharge Requirements (WDRs), compliance inspections, monitoring report reviews, Title 27, and WDR violations

b. Howard Hold (10 minutes)
Senior Engineering Geologist, Central Valley Water Board
Testimony regarding the WDRs, compliance inspections, monitoring report reviews, Title 27, and WDR violations

c. Wendy Wyels (20 minutes)
Environmental Program Manager, Central Valley Water Board
Testimony regarding WDR violations, enforcement options, and details of the proposed Cease and Desist Order

d. Andrew Altevogt (5 minutes)
Assistant Executive Officer, Central Valley Water Board
Testimony regarding enforcement options and details of the proposed Cease and Desist Order

Prosecution Team Evidence List
Recology Hay Road
9 October 2014

Pursuant to the Hearing Procedures governing this matter, California Code of Regulations, title 23, section 648.3, and the 1 August 2013 Ruling on Objections to the Hearing Procedures, the following Exhibits are hereby submitted by reference.

Exhibit No.	Document Date	Document	Filename
1	17-Apr-1997	*Statewide Industrial Storm Water General Permit State Water Resources Control Board's Water Quality Order No. 97-03-DWQ* (Industrial General Order) with the *Sampling and Analysis Reduction Certification*	001_Induspmt97-03-DWQ.pdf
2	6-Jul-1998	*Notice of Intent* , Industrial General Order No. 97-03-DWQ, Recology Hay Road	002_1993 NOI-Stormwater
3	31-May-2001	*Engineering Feasibility Study for Disposal Modules 11.1 and 11.2,* B&J Drop Box Sanitary Landfill	003_EFS_May2001
4	30-Apr-2007	*Post Closure and Post Closure Maintenance Plan* , Norcal Waste Systems	004_PCMP30Apr2007
5	22-Jul-2005	*Investigations for Pan Lysimeters PL-2.2A, PL-5.1A, and PL-5.1B* , Hay Road Landfill, Inc.	005_Pan Lysimeter Report_Jul2005.pdf
6	5-Dec-2008	*Waste Discharge Requirements Order R5-2008-0188*	006_R5-2008-0188_WDRs.pdf
7	30-Jan-2009	*2008 Second Semi-Annual and Annual Monitoring Report* , Norcal Waste Systems Hay Road Landfill	007_2008 Annual SMR.pdf
8	31-Jul-2009	*First Semi-Annual 2009 Monitoring Repor* t, Norcal Waste Systems Hay Road Landfill	008_2009 1st SA SMR
9	29-Jan-2010	*Second Semi-Annual and Annual 2009 Monitoring Report,* Recology Hay Road	009_2009 Annual SMR
10	22-Apr-2010	*Inspection Report* , Hay Road Composting Area	010_InspectionApril 2010.pdf
11	10-May-2010	*Monitoring Results of Jepson Prairie Organics Process and Storm Water Pond and Sump,* Recology	011_Feb-Apr2010_Sump-PondAnaly.pdf
12	31-Jul-2010	*First Semi-Annual 2010 Monitoring Report* , Recology Hay Road	012_2010 1st SA SMR.pdg
13	24-Aug-2010	Letter regarding commingling of low-flow pond liquids with high-flow pond liquids	013_RWQCB Letter RE Low-Flow Liquids
14	28-Jan-2011	*Second Semi-Annual and Annual 2010 Monitoring Report,* Recology Hay Road	014_2010 Annual SMR.pdf

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Pursuant to the Hearing Procedures governing this matter, California Code of Regulations, title 23, section 648.3, and the 1 August 2013 Ruling on Objections to the Hearing Procedures, the following Exhibits are hereby submitted by reference.

Exhibit No.	Document Date	Document	Filename
15	14-Feb-2011	*Subgrade Sampling Results Compost Pond Area* and *Report of Remedial Actions Compost High-Flow and Low-Flow Ponds* , Recology Hay Road	015_Pond Subgrade_Report of Remedial Action
16	19-May-2011	*Notice of Applicability,* NPDES Limited Threat General Order	016_NOA-NOI-NPDES.pdf
17	20-Jul-2011	*First Semi-Annual 2011 Monitoring Report* , Recology Hay Road	017_2011 1st SA SMR.pdf
18	29-Dec-2011	*Exhibit A* , Solano County Use Permit Application U-11-09, Recology Hay Road	018_Exhibit A_County Use PermitApplicationy.pdf
19	30-Jan-2012	*Second Semi-Annual and Annual 2011 Monitoring Report,* Recology Hay Road.	019_2011 Annual SMR.pdf
20	30-Jan-2012	*Second Semi-Annual and Annual 2012 Monitoring Report,* Recology Hay Road.	020_2012 Annual SMR.pdf
21	30-Jul-2012	*First Semi-Annual 2012 Monitoring Report* , Recology Hay Road	021_2012 1st SA SMR.pdf
22	30-Jan-2013	*Second Semi-Annual and Annual 2013 Monitoring Report* , Recology Hay Road	022_2013 Annual SMR.pdf
23	13-May-2013	*NPDES Limited Threat General Order R5-2013-00* 73, amended 6 June 2014 (NPDES Limited Threat General Order)	023_NPDES_R5-2013-0073-01
24	30-Jul-2013	*First Semi-Annual 2013 Monitoring Report* , Recology Hay Road	024_2013 1st SA SMR.pdf
25	1-Sep-2013	*Winterization Plan* , Recology Hay Road	025_Winterization Plan2013.pdf
26	12-Nov-2013	*Second Semi-Annual and Annual 2013 Monitoring Report* , Recology Hay Road	026_2nd2013SemiannualMonitoring Report.pdf
27	31-Jan-2014	31 January 2014 inspection photo log	027_Jan 2014 Inspection PhotoLog.pdf
28	1-May-2014	*Draft Requirements, General Waste Discharge Requirements for Composting Operations, May 2014* , State Water Resources Control Board	028_Draft GO-Compost Matrix.pdf

Prosecution Team Evidence List
Recology Hay Road
9 October 2014

Pursuant to the Hearing Procedures governing this matter, California Code of Regulations, title 23, section 648.3, and the 1 August 2013 Ruling on Objections to the Hearing Procedures, the following Exhibits are hereby submitted by reference.

Exhibit No.	Document Date	Document	Filename
29	7-May-2014	*Draft Cleanup and Abatement Order and Revised Monitoring and Reporting Program*	029_Draft CAO.pdf
30	5-Jun-2014	Comments from Recology on the 7 May 2014 Draft Cleanup and Abatement Order	030_RHR_Comments on Draft CAO
31	28-Jul-2014	Comments from Recology on the 11 July 2014 Draft Cease and Desist Order	031_RHR Comments on Draft CDOJul2014.pdf
32	30-Jul-2014	*First Semi-Annual 2014 Monitoring Report* , Recology Hay Road	032_2014 1st SA SMR.pdf
33	13-Aug-2014	Aerial view of Recology Hay Road site	033_Aerial View of Site.pdf
34	various	*Water Quality Goals* , State Water Resources Control Board	http://www.waterboards.ca.gov/water_issues/programs/water_quality_goals/