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GOVERNOR

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PH# = 176 9192  
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**Central Valley Regional Water Quality Control Board**

9 December 2014

**VIA EMAIL AND CERTIFIED MAIL  
7013 2250 0000 3465 4774**

Drew Lehman  
Director, Environment and Planning  
Recology Inc.  
50 California Street, 24<sup>th</sup> Floor  
San Francisco, CA 94111-9796

**CALIFORNIA WATER CODE 13267 ORDER TO SUBMIT TECHNICAL REPORTS,  
RECOLOGY YUBA SUTTER, YUBA COUNTY**

**You are legally obligated to respond to this Order. Please read this Order carefully.**

Recology Yuba Sutter (RYS) is owned and operated by parent corporation Recology Inc. (Recology or Discharger), and is regulated by Waste Discharge Requirements (WDRs) Order R5-2003-0093 for post-closure maintenance and corrective action. The Assistant Executive Officer of the Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) issued Cleanup and Abatement Order (CAO) R5-2013-0704 to address deficiencies associated with green waste composting on top of the final cover of waste management unit (WMU) LF-1. On 5 December 2014, the Assistant Executive Officer of the Board also issued Monitoring and Reporting Program R5-2014-0830 which establishes monitoring requirements for the compost operations on LF-1.

The CAO required Recology, among other items, to prepare a *Compost Area Leachate Collection Work Plan*, to construct facilities to protect the cover of LF-1 and to drain, collect, and dispose of leachate generated from the compost area operation. According to email correspondence between Board staff and the Discharger on 27 and 28 August 2014, Recology agreed, with Board staff concurrence, to maintain a leachate collection system that has the capacity to collect and hold all leachate generated during storm events up to and including the 25-year, 24-hour design storm event of 3.16 inches.

**Inadequate Capacity**

On 3 December 2014 staff from the Central Valley Water Board conducted a wet weather site inspection of the compost area operations. During the 72-hour period prior to the inspection, a total of 2.17 inches of rainfall was recorded at the Marysville, Yuba County Airport. This weather data was provided to Central Valley Water Board staff by Recology. During the 24-hour period for 3 December 2014 a total of 1.77 inches of precipitation was recorded for Marysville. According to Department of Water Resources (DWR) precipitation data for weather station A00-5385-00, Marysville, California, the 1.77-inch total rainfall recorded would only meet a 2-year, 24-hour return storm event volume.

During staff's inspection, it was apparent the installed leachate collection system was not capable of containing the volume of leachate generated during the design storm event.

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Specifically, during this 2-year event, there was inadequate storage capacity to contain all leachate, causing leachate to spill out of the containment tanks. Furthermore, the pumping system ultimately became overwhelmed by the volume of water within the closed leachate control system, such that an uncontrolled, unpermitted release of leachate to the "Hog Farm" occurred. Once the rain event began, the Discharger did not monitor or maintain the collection system, nor did they respond in a timely manner to the uncontrolled release of leachate. Finally, there is a lack of disposal options for leachate during prolonged rain events, like the event that occurred between 30 November and 3 December 2014.

Based on observations during this inspection and previous concerns raised to Recology regarding disposal methods and capacity issues, staff concludes that the leachate collection system as inspected on 3 December 2014 was under-designed, which allowed for an unknown quantity of leachate to discharge outside of the compost area leachate containment system. As such, the Discharger failed to install a precipitation and drainage system capable of holding leachate generated from all storms up to and including from the 25-year, 24-hour event by the 1 October 2014 date required by the CAO, and as clarified and agreed to by Board staff on 28 August 2014. In addition, Recology did not adequately monitor or maintain the system to minimize the impacts from an uncontrolled, unpermitted release.

On 9 December 2014, the Discharger submitted a response to the events that transpired on 3 December 2014. The Discharger states the reason for the system failure included clogging of the system caused by an abundance of sediment in the lines, sumps and tanks, the sump pumps were undersized, the flow within the system overwhelmed the tanks and the existing storage was inadequate.

#### **Water Code Section 13267 Order for Technical Reports**

Section 13267 of the California Water Code states, in part:

*In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging...waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.*

Section 13268 of the California Water Code states, in part:

*(a) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267...or falsifying and information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).*

*(b)(1) Civil liability may be administratively imposed by a regional board ... in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.*

In order to ensure that water quality is protected, and for staff to evaluate compliance with applicable laws, regulations, and existing Board orders, Recology is hereby directed to submit a technical report as described below. This request is made pursuant to Section 13267 of the California Water Code. Recology owns and operates the facility cited herein and is responsible for all waste generated at the facility. The burden, including cost, of the report bears a reasonable relationship to the need for the report and the benefits to be obtained from the report. Given staff's observations during the 3 December 2014 inspection and forecasted storm events in the immediate future, the technical report is justified to ensure that leachate generated during storm events is collected, stored, and maintained in accordance with the CAO and to ensure that overflows and unpermitted discharges of leachate like those occurring on 3 December 2014 do not occur in the future.

**By 16 December 2014, the Discharger shall submit a technical report containing the following:**

- a. A statement describing why the designed system was not capable of containing the 2-year, 24-hour return period and what corrections to the system have been installed, constructed, or upgraded to contain a 25-year, 24-hour event. A description of additional permitted disposal options shall also be provided.
- b. Documentation supporting compost area field inspections for all rain events conducted prior to and during the 3 December 2014 precipitation event, including logs of all flow meter readings from October 1 forward. This documentation should include flow meter readings from all J-stands, sumps, tanks, and the Publically Owned Treatment Works (POTW) discharge line. Flow meter readings should be organized in an excel format spread sheet so the start and the end of the meter readings, the number of gallons discharged, and number of days of discharge are easily discernable. A Facility Site Map with the location of the flow meters clearly marked and labeled should be included in the technical report.
- c. Rainfall data from the Department of Water Resources for weather station A00-5385-00, Marysville, used to monitor storm related activities.
- d. An estimate of the volume of leachate discharged outside of the containment system prior to and during the 3 December 2014 precipitation event.
- e. An estimate of the volume of compost make-up water applied during normal dry-weather conditions.
- f. A revised water balance calculation and runoff model calibrated from the 3 December 2014 event. The water balance shall be prepared by, or under the supervision of, a California Registered Engineer, and signed/stamped by the registered engineer. The water balance shall include a runoff model based on the 25-year, 24-hour precipitation event of 3.14 inches. Recalculated runoff volumes shall be compared to on-site storage capability on 3 December 2014, and to on-site storage capacity as of 9 December 2014.
- g. A discharge plan for leachate collected in storage tanks that accounts for consecutive days of a 25-year, 24-hour precipitation event, or when the windrows are saturated.

- h. An updated engineered schematic diagrams and specifications that includes all tanks, sumps, flowmeters, pumps, cleanout points and valves.
- i. A copy of the rental agreement and invoices for all storage tanks, including those added after the 3 December 2014 storm event.
- j. The invoices and receipts from all supplies and equipment rented or purchased after 3 December 2014 for the leachate collection system.
- k. A copy of the discharge agreement with the City of Marysville for discharge of leachate into the POTW, along with a copy of the discharge invoices since 1 October 2014.

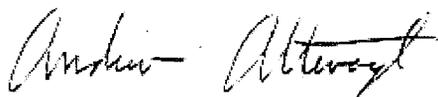
Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

As described in the Executive Officer's letter of 26 September 2014, we are transitioning to a paperless office. Therefore, please submit the document into Geotracker, and then send a notification email to [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). The email shall notify Board staff that the document was submitted to Geotracker, and shall contain the following information: Attention Todd DelFrate, Title 27 Compliance/Enforcement section. In addition, please include the Discharger name, facility name, county, and CIWQS place ID (274567) in the body of the email.

Failure to submit the above technical reports, or submittal of inadequate or incomplete technical reports, will subject Recology Inc., to discretionary penalties of up to \$1,000 per day. In addition, Board staff will continue to determine Recology's compliance with its WDRs, CAO, and MRP and evaluate the need for additional enforcement action.

If you have any questions, please contact Todd Del Frate at (916) 464-4737 or at [tdelfrate@waterboards.ca.gov](mailto:tdelfrate@waterboards.ca.gov).



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Assistant Executive Officer  
Central Valley Regional Water Control Board, Sacramento

cc: Mayumi Okamoto, Office of Enforcement, Sacramento  
Paul Donoho, Yuba County Environmental Health, Marysville  
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