

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

Cleanup and Abatement Order No. 92-158  
ACME FILL Corporation  
Martinez, California 94533

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Board), finds that:

1. ACME FILL Corporation owns and operates a landfill located at 950 Waterbird Way in Martinez, California. The landfill consists of three waste parcels, designated as the North, South and East Parcels.
2. The North Parcel, the focus of this Order, covers about 125 acres of former tidal lands and contains an estimated 11 million cubic yards of waste material, primarily municipal solid waste with some hazardous industrial waste. No wastes have been accepted since November 18, 1989.
3. The Department of Toxic Substances Control (DTSC) is the lead agency for closure of the North Parcel as a Class I hazardous waste facility under California State regulations and the Federal Resources Conservation and Recovery Act (RCRA). DTSC has approved a closure plan for closure of the North Parcel.
4. On February 20, 1991, the Board adopted Order No. 91-23, which establishes waste discharge requirements for the continued operation of the East and South Parcels and closure of the North Parcel.
5. Provisions C.22 of Order No. 91-23 required ACME Fill Corporation to submit a technical report documenting installation of the Leachate Collection and Removal System (LCRS) for the North Parcel by February 28, 1992.
6. ACME is in violation of this provision because they have not submitted the required report and have not constructed the required leachate removal system.
7. Existence of a leachate mound within the North Parcel is an indication of a leachate buildup, which has been caused by an upwelling of groundwater due to the Younger Bay Mud

consolidation, precipitation, and lack of an appropriate LCRS. The rate of the leachate escape from the North Parcel has been reported to be 15 to 38 gpm.

8. North Parcel has a history of accepting industrial wastes. The leachate contains hazardous chemical constituents.
9. By letter of October 1, 1992, ACME Fill Corporation has proposed a phased plan for constructing the Leachate Collection and Removal System, which will not be completed and fully implemented until August 1994. This schedule does not constitute an acceptable effort to expedite compliance with Order No. 91-23.
10. The existing and potential beneficial uses of the groundwater underlying, and adjacent to the site include:
  - a. Industrial process water supply
  - b. Industrial service water supply
  - c. Municipal and Domestic water supply
  - d. Agricultural water supply
11. This action is an Order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of CEQA pursuant to Section 15321 of Resources Agency Guidelines.
12. The Board has notified ACME Fill Corporation and interested agencies and persons of its intent under California Water Code Section 13304 to issue a Cleanup and Abatement Order and has provided them with the opportunity for a public hearing and an opportunity to submit their written views and recommendations.
13. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.
14. Pursuant to California Water Code Sections 13304, 13350, 13385, 13386, and 13387, if the discharger fails to comply with the provisions of this Order and any subsequent amendments, the Executive Officer may request the Attorney General to take appropriate enforcement against the discharger including injunctive relief; or the Regional Board may schedule a hearing to consider requesting the Attorney General to take appropriate enforcement action against the discharger, including injunctive and civil monetary remedies; or the Board may schedule a hearing to administratively impose

civil liability not to exceed five thousand dollars (\$5000) for each day the Order is violated.

IT IS HEREBY ORDERED that, pursuant to Section 13304, Division 7, Chapter 5, Article 1 of the California Water Code that ACME FILL CORPORATION shall cleanup and abate the discharge as follows:

1. Submit a technical report acceptable to Executive Officer a revised schedule of activities necessary to comply with the requirements of this Order.

Report due: January 15, 1993

2. Submit a technical report acceptable to the Executive Officer demonstrating the extraction and treatment of leachate from the North Parcel at minimum rate of 25 gpm.

Report Due: May 31, 1993

3. Submit a technical report acceptable to the Executive Officer demonstrating the extraction and treatment of leachate from the North Parcel at minimum rate of 75 gpm.

Report Due: September 30, 1993

4. Submit a technical report acceptable to the Executive Officer demonstrating that an effective metals removal unit is in operation as needed to comply with discharge requirements.

Report Due: January 2, 1994

5. Submit a technical report acceptable to the Executive Officer demonstrating the extraction and treatment of leachate from the North Parcel at minimum rate of 130 gpm or appropriate rate to eliminate the leachate mound within at most 4 years and, if surface water discharge is intended, demonstrating the treatment of the leachate to eliminate all acute toxicity and to reduce heavy metal concentrations in accordance with the requirements of the Water Quality Control Plan, San Francisco Bay Basin.

Report Due: September 30, 1994

6. Pursuant to Section 13304 of the Water Code, the discharger is hereby notified that the Regional Board is entitled to, and may, seek reimbursement for all reasonable cost actually incurred by the Regional Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this order. Upon receipt of a billing statement for such costs the discharger shall reimburse the Regional Board.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on December 16, 1992.

  
STEVEN R. RITCHIE  
Executive Officer