

**California Regional Water Quality Control Board
Santa Ana Region**

Staff Report

September 16, 2010

ITEM: *9

SUBJECT: Amendment to Existing Waste Discharge Requirements for the El Sobrante Sanitary Landfill, Riverside County, Order No. R8-2010-0032

DISCUSSION:

USA Waste of California (hereinafter discharger), owns and operates the El Sobrante Sanitary Landfill (ESL), a Class III municipal solid waste (MSW) landfill located at 10910 Dawson Canyon Road, Corona, California 91719-5020.

The applicable regulations governing the discharge of non-hazardous MSW to land are contained in Division 2, Title 27, California Code of Regulations (Title 27) and the Code of Federal Regulations Subpart D of Part 258 of Title 40 (Subtitle D). Landfill operations at the ESL are currently regulated under waste discharge requirements (WDRs) Order No. 01-53.

The existing WDRs for the ESL are being amended to comply with more recent state laws for the acceptance of treated wood waste (TWW) at Class III MSW landfills.

Background

"Treated wood," as defined in California Health and Safety Code (CHSC) §25150.7, means wood that has been treated with a chemical preservative for the purposes of protecting wood against insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood, and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Under federal law, wood treated with chemical preservatives registered under the FIFRA is exempted from hazardous waste classification and can be disposed of in any landfill. California has its own disposal requirements for TWW that are stricter than federal rules. Therefore, even though TWW is not subject to regulation as a hazardous waste under the federal act, it has been managed as a hazardous waste in California. Prior to January 1, 2005, state hazardous waste control laws required that TWW be disposed of in a Class I hazardous waste landfill, unless it was granted a hazardous waste variance by the State Department of Toxic Substances Control (DTSC). TWW that was granted a variance could be disposed of in a Class III MSW landfill. Under the California Water Code (CWC) §13173, TWW that had been granted a hazardous waste variance was considered a designated waste (Class II waste), which could only be disposed of in a composite-lined Class III landfill after a waiver for such disposal had been granted by a regional board under Title 27 §20200(a)(1).

Assembly Bill 1353 (New State Law for the Management and Disposal of TWW)

Improper handling and disposal of TWW can cause significant health and environmental hazards. In order to manage TWW in a safe and effective manner, Assembly Bill 1353 (AB 1353), a new state law that governs the disposal of TWW, became effective on January 1, 2005. This new law negates all existing hazardous waste variances for TWW formerly granted by the DTSC, and requires TWW to be disposed of in either:

1. A Class I hazardous waste landfill, or
2. A Class III landfill that meets the following three conditions:
 - a. The landfill has at least one composite-lined unit that meets all requirements applicable to the disposal of municipal solid waste (MSW) in California after October 9, 1993. All TWW shall be disposed of at a composite-lined unit, equipped with a composite liner and leachate collection and removal system, of an MSW landfill.
 - b. The landfill must be regulated by WDRs that specifically allow discharges of TWW, as defined in California Health and Safety Code (CHSC) §25150.7(b), or designated waste, as defined in California Water Code (CWC) §13173. All TWW accepted at a MSW landfill must be managed to prevent scavenging and must assure compliance with CHSC §25150.7(d)(2) for the management and disposal of TWW to minimize impacts to soil and water.
 - c. Groundwater monitoring of the composite-lined unit(s) to be used for TWW disposal does not indicate a verified release of any contaminants to groundwater.

Under the new law, TWW would be managed and disposed of as a solid waste at a Class III MSW landfill that meets the conditions listed above (CHSC §25150.8), not a hazardous waste, which thereby exempts it from the state hazardous waste control laws.

This order amends the existing WDRs for the ESL to require the discharger to comply with necessary provisions, monitoring, and reporting requirements for the management and disposal of TWW and other designated waste as approved by the Executive Officer of the Regional Board.

All terms and conditions contained in the existing WDRs for the ESL that are not amended by this order shall remain in effect and unchanged.

RECOMMENDATION:

Adopt Order No. R8-2010-0032 as presented.

California Regional Water Quality Control Board
Santa Ana Region

ORDER NO. R8-2010-0032

Amending Waste Discharge Requirements for
El Sobrante Sanitary Landfill
USA Waste of California

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. USA Waste of California (hereinafter discharger) owns and is responsible for the operation and maintenance of the El Sobrante Landfill (ESL). The ESL is a Class III landfill that accepts nonhazardous municipal solid waste (MSW). Landfilling operations at ESL began in 1986. Approximately 495 acres have been surveyed and permitted for landfilling. The site is located in the NE 1/4 of Section 26, T4S, R6W, SBB&M and is shown on Attachment A, which is hereby made a part of this order. The physical address for the landfill is 10910 Dawson Canyon Road, Corona, California 91719-5020.
2. The ESL currently operates under Waste Discharge Requirement (WDR) Order 01-53. The current permitted capacity of the ESL is 210 million cubic yards.
3. On January 1, 2005, Assembly Bill 1353 (AB 1353), a state law that governs the disposal of treated wood waste (TWW), became effective. "Treated wood," as defined in California Health and Safety Code (CHSC) §25150.7, means wood that has been treated with a chemical preservative registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 and following), that is used for the purposes of protecting wood against insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood. The chemicals used to treat wood may include, but are not limited to, chromated copper arsenate (CCA), pentachlorophenol, creosote, acid copper chromate (ACC), ammoniacal copper arsenate (ACA), ammoniacal copper zinc arsenate (ACZA), or chromated zinc chloride (CZC).
4. This law negates all existing hazardous waste variances for TWW formerly granted by the Department of Toxic Substances Control (DTSC), and requires TWW to be disposed of in either:
 - a. A Class I hazardous waste landfill, or
 - b. A Class III landfill that meets the following three conditions:

- i. The landfill has at least one composite-lined unit that meets all requirements applicable to the disposal of MSW in California after October 9, 1993. All TWW shall be disposed of in a composite-lined unit of an MSW landfill.
 - ii. The landfill must be regulated by WDRs that specifically allow discharges of TWW, as defined in CHSC §25150.7(b), or designated waste, as defined in California Water Code (CWC) §13173. All TWW accepted at a MSW landfill must be managed to prevent scavenging and must assure compliance with CHSC §25150.7(d)(2).
 - iii. Groundwater monitoring of the composite-lined unit(s) to be used for TWW disposal does not indicate a verified release of contaminants to groundwater.
5. AB 1353 does not affect the existing law (CHSC, §25143.1.5), which allows MSW landfills to accept non-hazardous TWW generated by the utility industries for disposal in composite-lined units if so authorized by the facilities' WDRs.
6. Currently, the existing WDRs for the ESL do not include any provisions that allow the acceptance of TWW and designated wastes, as defined in CHSC §§25143.1.5 and 25150.7, or designated waste, as defined in CWC §13173.
7. On June 12, 2009, the discharger submitted a Report of Waste Discharge (ROWD) in the form of a Joint Technical Document (JTD), requesting the Regional Board to amend the existing WDRs for the ESL to allow the acceptance of TWW at the site.
8. The Regional Board has reviewed the JTD and has determined that some of the units at the site meet the conditions listed in Finding 4.b, above; therefore, the disposal of TWW at ESL is limited to Phases 7, 9, and any future units that comply with the above requirements.
9. In order to fully comply with AB 1353 and CHSC for TWW disposal, Order No. 01-53 must be amended to allow the acceptance of TWW at the ESL.
10. This order amends the existing WDRs for the ESL to require the discharger to comply with necessary provisions, monitoring, and reporting requirements for the disposal of TWW and designated waste at the landfill.
11. This project requires the amendment of waste discharge requirements for an existing facility for which revised waste discharge requirements are needed to comply with new and existing laws, and as such, is exempt from the California Environmental Quality Act (Public Resources Code, §21100 et seq.) in accordance with CCR §15301, Chapter 3, Title 14.
12. The Regional Board has notified the discharger and interested agencies and persons of the Board's intent to amend the waste discharge requirements previously

adopted for the discharger, and has provided them with an opportunity to submit their written comments and recommendations.

13. The Regional Board, in a public meeting, heard and considered all comments pertaining to the proposed amendment of the existing waste discharge requirements for ESL.

IT IS HEREBY ORDERED THAT the discharger shall comply with the following amended requirements:

1. Add the following as new Discharge Specifications A.7 of Order No. 01-53:
 7. The discharge of hazardous¹ or designated² wastes in unlined waste management units (WMUs) at the site is prohibited. The discharge of any TWW that has been removed from electric, gas, or telephone service and is subject to regulation as a hazardous waste under the federal act is prohibited.
2. Add the following as new Discharge Specifications D.30, D.31 and D.32 of Order No. 01-53:
 30. Treated wood waste³ (TWW) and designated waste, as approved by the Executive Officer of the Regional Board, may only be disposed of in composite-lined WMUs meeting all the requirements for a composite liner and leachate collection and removal system.
 31. If monitoring at the composite-lined portion of a landfill unit that has received TWW indicates a verified release, the disposal of TWW to that landfill unit shall immediately cease until corrective action, implementing the requirements of Title 27 §20385, results in cessation of the release.
 32. The discharger shall manage and dispose of TWW in accordance with the site's TWW Management and Disposal Plan and all requirements of CHSC §§25143.1.5 and 25150.7.
3. Add the following as Monitoring and Reporting Program B.2.f of Order No. 01-53 for the ESL:

The discharger shall keep a permanent log of the daily incoming quantity, source(s), and disposal area of TWW or designated waste accepted at the site.

4. Add the following as Reporting C.1.j of Order No. 01-53 with the following for the ESL:

¹ Hazardous waste as defined under the state hazardous waste control laws.

² Designated waste as defined in CWC §13173.

³ Treated wood waste as defined in CHSC §§25143.1.5 and 25150.7.

Waste type and placement – The quantity and types of wastes discharged and the locations within the landfill where waste has been placed since the submittal of the last monitoring report. An evaluation summary of the site's TWW management and disposal in compliance with the CHSC shall also be included.

5. All terms and conditions contained in the existing WDRs for the ESL that are not amended by this order shall remain in effect and unchanged. Amended or revised requirements contained in this order supersede any conflicting provisions in the existing WDRs.

I, Kurt V. Berchtold, 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, Santa Ana Region, on September 16, 2010.

Kurt V. Berchtold
Executive Officer