California Regional Water Quality Control Board
Santa Ana Region

ORDER NO. R8-2006-0040

Amending Waste Discharge Requirements for
Mid-Valley Sanitary Landfill
County of San Bernardino, Waste System Division

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

1. The County of San Bernardino Waste System Division (hereinafter Discharger) is the owner and operator of the Mid-Valley Sanitary Landfill (MVSL), located approximately ¼ mile north and east of the intersection of Sierra and Highland Avenues in the City of Rialto, in a portion of Section 29, T1N, R5W, SBB&M. The location of the site is shown on **Attachment A**, which is hereby made a part of this order. The MVSL is designated as a Class III landfill with approximately 60 acres currently permitted to accept non-hazardous municipal solid waste (MSW).

2. On November 20, 1998 the Board adopted Order No. 98-95, for MVSL. This order incorporated new federal regulations (Subtitle D) and prescribed uniform drainage and erosion control system requirements for municipal solid waste (MSW) landfills in the Santa Ana Region. The order also contained discharge, monitoring and reporting requirements which required the Discharger to maintain the landfill in accordance with Title 27, Division 2, Subdivision 1 (formerly Title 23, Division 3, Chapter 15) of the California code of Regulations (CCR), and with State Board Resolution 93-62

3. On January 1, 2005, Assembly Bill 1353 (AB 1353), a new 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 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 (7 U.S.C. Sec. 136 and following). This may include but is not limited to waste wood that has been treated with 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 new 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 at 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 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).

   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) applying to the disposal of utility poles, which allows MSW landfills to accept TWW generated by the utility industries for disposal at composite-lined units if so authorized in the facilities' WDRs.

6. Currently, the existing WDRs for the MVSL do not include any provisions that allow the acceptance of TWW, as defined in CHSC §§25143.1.5 and 25150.7, or designated waste, as defined in CWC §13173.

7. On April 03, 2006, the Discharger submitted an amended Report of Waste Discharge (ROWD) in the form of Joint Technical Document (JTD) No. 8, requesting the Regional Board to amend the existing WDRs for the MVSL to allow the acceptance of TWW at the site. Regional Board staff considered JTD Addendum No. 8 complete on June 12, 2006.

8. The Regional Board has reviewed JTD Addendum No. 8 and has determined that the site meets the conditions listed in Finding 4.b, above, as follows:

   a. The permitted disposal area at the MVSL consists of 142 acres of unlined area and 60 acres of composite-lined area. The 60 acres of composite-lined area is shown on **Attachment B** to this order. Another 206 acres of composite-lined area will be constructed in the near future for the disposal of MSW and TWW. The composite-lined WMU has met the applicable state and federal regulations pertaining to the disposal of non-hazardous MSW.

   b. MVSL is equipped with a state-of-the-art double liner system that is in compliance with the CCR, Title 27 and subtitle D liner requirements. Based on a study of historical groundwater monitoring data, the lined portion of the landfill

does not appear to be leaking. Therefore, it is appropriate to amend Order No. 98-95 to allow for the disposal of TWW at the landfill.

c. The Discharger has submitted a TWW Management and Disposal Plan, in compliance with CHSC §25150.7(d)(2).

9. In order to fully comply with AB 1353 and CHSC for TWW disposal, Order No. 98-95 must be amended to allow the acceptance of TWW at the MVSL.

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

11. This project involves 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 MVSL.

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

1. Add new Discharge Specification Section A.6 TREATED WOOD WASTE to Order No. 98-95.

2. Add the following as new Discharge Specifications to Section A.6 as 1, 2, 3 and 4 of Order No. 98-95:

   1. The discharge of hazardous[1] or designated[2] 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.

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[1] Hazardous waste as defined under the state hazardous waste control laws.
[2] Designated waste as defined in CWC §13173.

2. Treated wood waste[3] (TWW) and designated waste[4], as approved by the Executive Officer of the Regional Board, may only be disposed of at composite-lined WMUs meeting all the requirements for a composite liner and leachate collection and removal system described under Provision B.1 of Order No. 98-95.

3. 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.

4. 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 Program B.7.e of Order No. 98-95 for the MVSL:

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

4. Replace Reporting C.1.f of Order No. 98-95 with the following for the MVSL:

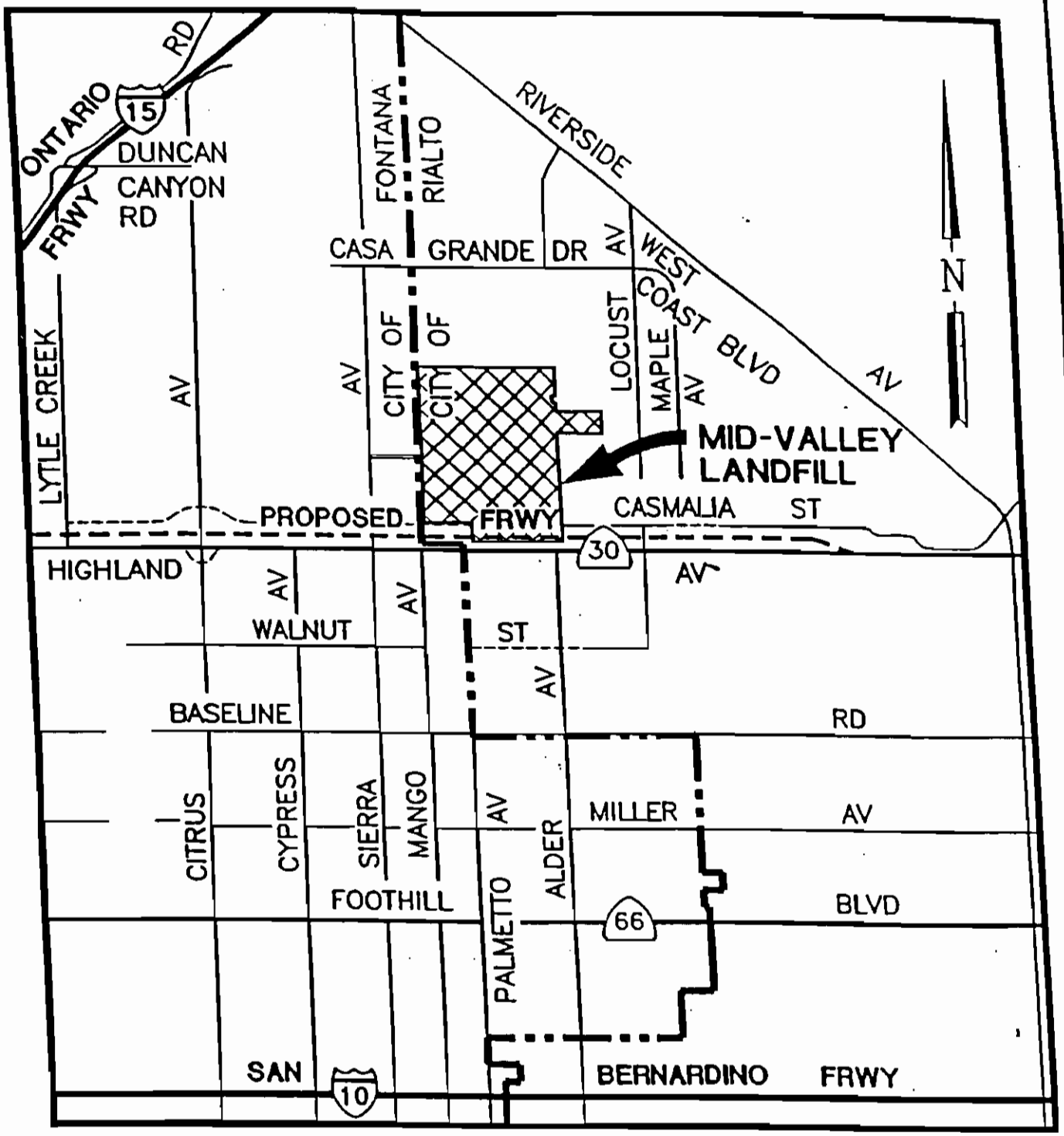
   Waste type and placement – The quantity and types of wastes discharged and the locations within the landfill where waste has been placed since the submittal of the last monitoring report. An evaluation summary of the site's TWW management and disposal in compliance with the CHSC shall also be included.

5. All terms and conditions contained in the existing WDRs for the MVSL 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, Gerard J. Thibeault, 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 October 13, 2006.

Gerard J. Thibeault
Executive Officer

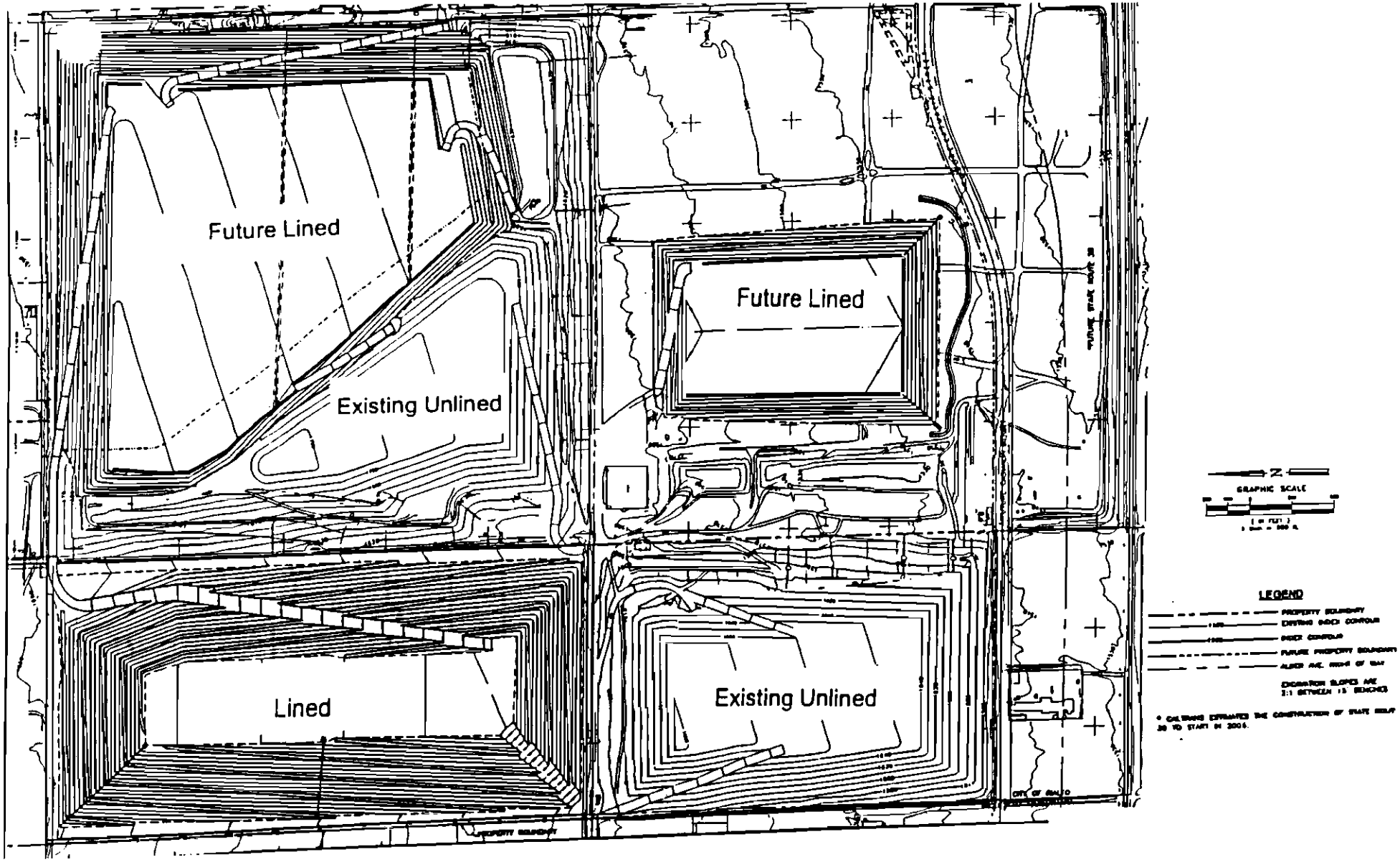
[3] Treated wood waste as defined in CHSC §§25143.1.5 and 25150.7.
[4] Designated waste as defined in CWC §13173.



Attachment A
Order No. R8-2006-0044

MID VALLEY SANITARY LANDFILL

LOCATION MAP



Attachment B
Order No. R8-2006-0044