

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF FEBRUARY 6, 2004

Prepared on January 5, 2004

ITEM NUMBER: 31

SUBJECT: Status Report – Land Disposal Unit Update

SUMMARY:

Staff periodically provides summaries of various programs under the purview of the Regional Board. This report provides an update on the Region's Land Disposal Unit. February 2003 is when the last Land Disposal Unit update was provided.

Note: As this is a regular status report, new information is provided in italics to differentiate from background/reference information that has been provided previously.

DISCUSSION:

In January 2001, the Region's Land Disposal program resources moved from the Watershed Branch to the Cleanup Branch and the Land Disposal Unit was reformed. Since that time, there has been a renewed focus on regulating the permitted and historic waste disposal sites throughout the Region.

Recent internal staffing changes, prompted by staff attrition and a statewide hiring freeze, have left the Land Disposal Unit under-staffed. Currently, three staff are assigned to Land Disposal oversight work, with one of those staff working primarily on the former Casmalia Hazardous waste landfill. The Program has 5.1 personnel years (PY) of hiring and funding authority with 1.2 PY dedicated to Casmalia oversight. This is 25% less staffing authority than the Program realized when it was reformed in January 2001. The three staff currently assigned to the program represent a combined 2.8 PY (one staff person is on a reduced time basis). Including Senior staff and support staff, we currently "man" the program at a 65% level ((2.8 + .6)/5.1). On a more positive note, the Region recently added a staff person transferring

from Region 8. Thea Tryon is scheduled to begin work in March and will be assigned to the Land Disposal team.

PROGRAM SUMMARY:

The Land Disposal Unit provides regulatory oversight for 31 permitted Landfills and various un-permitted disposal sites. Seventeen of the 31 permitted sites are active Class III (municipal solid waste) sites. The remaining fourteen permitted sites are either closed, inactive, or are preparing for final closure. Included in the fourteen are two-closed Class I (Hazardous Waste) facilities and one closed Class II (Designated Waste) facility. The majority of active Landfills in the Region have lined and unlined units. We have no facilities that are completely lined.

Landfill staff implement both Federal and State landfill regulations. Staff works with local health departments, California Integrated Waste Management Board, and in some cases, the Department of Toxic Substances to provide oversight at land disposal facilities.

Funding: *Funding for the Land Disposal Unit currently comes from two sources; tipping fees paid by waste haulers at active landfills and waste discharge fees paid by permitted inactive landfills. Previously, General Fund monies augmented the Land Disposal Program, however, these funds were eliminated in this year's budget. It is hoped that permit fee increases will offset the loss of General Fund resources.*

Up until this fiscal year, funding for the Casmalia Hazardous Waste Facility cleanup project was provided by a separate General Fund allotment distributed via Interagency Agreement with the

Department of Toxic Substances Control. This General Fund allotment has also been eliminated. Funding for continued oversight at Casmalia will now come from the proceeds of settlement with parties that discharged waste at the facility during its operation. Settlement negotiations with these parties are ongoing. Settlement has been reached with a subset of the parties resulting in a payment of approximately \$160,000 to the Regional Board.

In a related matter, Regional Board staff successfully negotiated with Department of Toxic Substances Control staff regarding the distribution of these settlement dollars. Initially, the Department proposed that 83% of the funds go to their agency and 17% of the funds to the Regional Board. Regional Board staff argued for a 60/40 division (DTSC/RB) based on future project workload estimates. Discussions on the matter carried on for months and eventually elevated to the Executive Officer's level. In the end, all parties agreed to a 62/38 DTSC to Regional Board split.

Current Program staffing is as follows:

Mr. John Robertson, Senior Engineering Geologist is Program Manager (Replaced Mr. Michael LeBrun effective January 1, 2004). Mr. Frank DeMarco, P.E. (0.8PY), Mr. Hector Hernandez, and Mr. Dan Niles, R.G. (Casmalia expert).

As of November 2003 (most recent figures available), with 42 percent of the fiscal year complete, the program budget is 45 percent expended (\$127,000 of \$280,000). This current level of over-expenditure is a result of under-funded PYs, which has plagued our Regions allotment of Land Disposal funds for years. Ultimately, we expect to under-expend this program based on the staffing discussion provided above.

Progress:

Despite the challenges of a diminishing resource allotment and inadequate funding, Region 3 Land Disposal Unit has made significant progress over the past year, as outlined below:

- Three Permit updates, two of which were carried on the consent calendar. The third, Tajiguas Landfill, Santa Barbara County, was actively heard and debated at the March 2003 Board meeting and ultimately received the Board's unanimous approval. {Staff will be

reporting to the Board in July the results of installing and sampling new monitoring wells at Tajiguas Landfill

- Final cover installed over 15 acres of unlined landfill (Lewis Road Landfill, Monterey County). 12 acres of new liner installed (Buena Vista Landfill, Santa Cruz County and Cold Canyon Landfill, San Luis Obispo County).
- General Order for Closed Landfills, drafted and on the February 2004 agenda for Board consideration.
- Convened coordination meetings with California Integrated Waste Management staff and Local Enforcement Agencies.
- Performed greater than 100% of scheduled site inspections. Staff maintains a high profile at facilities that are undergoing liner and/or cover installation.
- Approved a Corrective Action Plan for upgrading groundwater and landfill gas controls at City of Santa Cruz Landfill.

Efforts are ongoing to implement and disseminate our four Region-specific design standards: 1) mandated "third-party" implementation of Construction Quality Assurance plans. 2) Blanket disapproval of geosynthetic drain mats for use in leachate collection system drainage layers. 3) Secondary liners with leak detection capability required under all leachate sumps. 4) Emphasis on leachate recovery system testing requirements during the design and construction of landfill liners to ensure testing can be carried out once the liner is built and waste is placed.

In the fall of 2003, landfill staff convened meetings with California Integrated Waste Management Board (CIWMB) and Local Enforcement Agencies. CIWMB partners with the Regional Boards in implementing State and Federal landfill regulation. In many cases, the CIWMB utilizes the County health agency as a "Local Enforcement Agency" for implementation of their regulations. Coordination meetings were held in the Southern (Santa Barbara County offices in Santa Maria) and Northern (San Benito County offices in Hollister) areas of the Region. The meetings were

well attended and featured open discussion of agency priorities and concerns.

It is our hope and goal that closer coordination, through improved communication, will provide further leveraging of our limited Land Disposal staffing resources. Semi-annual meetings of this nature are planned.

Goals:

In the face of budget cuts, Land Disposal Unit staff aim to become more efficient and effective at permit adoption and reviewing technical reports and data. To this end, the Closed Landfill General Order will provide a streamlined method of permitting the numerous closed landfills throughout the Region.

The collection and analysis of landfill data educates staff as to the real versus perceived impacts of waste disposal. Distribution of water quality data pertaining to landfills is an effective tool for effecting design changes and educating the concerned public. Our ongoing effort to achieve standardized electronic data submittal will be complemented by a new requirement for annual notification of "Affected Persons" by Landfill Owner/Operators.

Affected Persons are defined by Title 27 as "All persons who own the land or reside on the land that directly overlies any part of a plume of contamination coming from a landfill". Title 27 requires notification of Affected Persons when a plume is discovered or a significant change in plume quality is determined to have occurred. Monitoring and Reporting programs revised during 2003 and in the future, will require annual notification of Affected Persons, regardless of changes in plume condition. Staff believe this change will aid in keeping the public, most pointedly those Affected Persons, informed and Dischargers focused, on impacts to groundwater at our Region's landfills.

A copy of the annual notification to Affected Persons will be included in the Landfill's Annual report. By July 2004, Landfill staff aim to have this change implemented at all Landfills that have measured off-site impacts to groundwater.

Challenges:

The most pressing challenge for the Program is maintaining effectiveness with a diminishing budget and staffing resource. At the agency level, landfill regulation is not deemed a "high-priority" and therefore funding will continue to be tight through the foreseeable future.

The adoption of a General Order for closed landfill sites, combined with significant fee increases promulgated by State Board, will generate additional permit fees and hopefully offset loss of General Fund monies (in line with becoming a more fee based program).

Improved coordination with other State and local landfill regulatory agencies, through periodic meetings (as described above) and electronic information sharing (electronic mail, databases, digital images) will help to make our limited staff resources go farther.

Finally, staff strives to prioritize work according to site complexity and threat to water quality. At the same time, some landfills will continue to demand a high level of staff attention due to intense public scrutiny. One of staff's greatest challenges is to provide equitable, adequate oversight at facilities where public involvement is non-existent.

The next scheduled Land Disposal Unit update is July 2004.