CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER R5-2014-0700
FOR

BIOSOLIDS RECYCLING, INC.
JOSEPH AND CONNIE JESS
PAUL AND SALLY MARCIEL
JESS RANCH AND MARCIEL RANCH BIOSOLIDS APPLICATION SITES
ALAMEDA COUNTY

This Order is issued to Biosolids Recycling, Inc, Joseph and Connie Jess, and Paul and Sally Marciel (hereafter Dischargers) based on provisions of California Water Code section 13304, which authorizes the California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board or Board) to issue a Cleanup and Abatement Order (CAO), and Water Code section 13267, which authorizes the Board to require the submittal of technical reports.

The Assistant Executive Officer of the Central Valley Water Board finds, with respect to the Discharger's acts, or failure to act, the following:

1. Biosolids Recycling, Inc. obtains and delivers biosolids to land application sites at the Jess and Marciel Ranches in eastern Alameda County, oversees biosolids application by the land owners, and performs monitoring and reporting related to the application of biosolids. The discharge of biosolids is currently regulated by Waste Discharge Requirements (WDRs) Order R5-2006-0071.

2. The Dischargers have been applying biosolids to land as a soil amendment at the Jess Ranch since 1992, and the Marciel Ranch since 1994, and the discharge has been permitted by four successive orders: Order 92-038, Order 93-181, Order 94-363, and Order R5-2006-0071.

## VIOLATIONS OF ORDER R5-2006-0071 AND WATER CODE

3. This CAO focuses on violations of the Water Code and of WDRs Order R5-2006-0071, as previously documented in the Central Valley Water Board's 24 September 2013 Notice of Violation (NOV; found as Attachment A to this CAO) and the staff report documenting the 7 January 2014 Site Inspection (found as Attachment B to this CAO).

4. Discharge Prohibition A.9 of the WDRs states: *Discharge of waste classified as hazardous, as defined in Section 2521(a) of Title 23, CCR, Division 3, Chapter 15, Section 2510, et seq., (hereafter Chapter 15) or "designated" as defined in Section 13173 of the California Water Code, is prohibited.*

5. Discharge Specification D.1 of the WDRs states: *Biosolids shall not be stored directly on the ground at any location for more than seven consecutive days.*

6. Discharge Specification D.2 of the WDRs states: *Biosolids staged or stored on-site for more than 24 hours shall be covered.*

7. Provision G.3 of the WDRs states, in part: *The Dischargers shall comply with Monitoring and Reporting Program No. R5-2006-0071….* The Monitoring and Reporting Program requires that monitoring reports be submitted on a monthly, quarterly, and annual schedule.

8. Provision G.4 of the WDRs states, in part: *The Dischargers shall comply with the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements", dated 1 March 1991, which are attached hereto and by reference as part of this Order…*

9. Standard Provisions section A.4 states, in part: *Before making a material change in the character, location, or volume of discharge, the discharger shall file a new Report of Waste Discharge with the Regional Board….*

10. Water Code Section 13260 states, in part*: (a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board: (1) A person discharging waste, or proposing to discharge waste, within any region of that could affect the quality of the waters of the state…*

11. On 11 July 2013, the Alameda County Department of Environment Health received a phone call regarding the possible illegal disposal of about 30,000 gallons of wastewater at the Dischargers' site. After investigation by the County and Central Valley Water Board staff, on 24 September 2013, Board staff issued a Notice of Violation (NOV) for the following discharges:

    a. The discharge of 36,000 gallons of liquid waste with a pH less than or equal to 2, which constitutes a hazardous waste. The discharge is a violation of Prohibition A.9 of the WDRs. This material was discharged into the Biosolids Pit, as shown on Attachment C to this CAO.

    b. The discharge of 36,000 gallons of liquid hazardous waste and 26,800 gallons of liquid car wash cleanout waste, which is a considerably different type of waste than the discharge of biosolids permitted under the WDRs. The discharge of this non-permitted waste is a violation of Section A.4 of the WDR's Standard Provisions, and of Water Code section 13260. According to the Dischargers, the liquid hazardous waste was discharged into the Biosolids Pit as shown in Attachment C, and the liquid car wash cleanout waste was discharged into the Eastern Basin as shown in Attachment C.

    c. The storage of 400 tons of uncovered biosolids (hereafter referred to as the Biosolids Stockpile) atop native soil for almost two years, in violation of Sections D.1 and D.2 of the WDRs. The location of the Biosolids Stockpile is shown in Attachment C.

12. The following additional violations of the WDRs were noted in the staff report documenting the 7 January 2014 Site Inspection. All of these discharges are a violation of Section A.4 of the WDR's Standard Provisions and of Water Code section 13260.

    a. The placement of an undocumented and uncharacterized stockpile (Eastern Stockpile) in the Eastern Basin. The locations of the Eastern Basin and the Eastern Stockpile are shown on Attachment C.

    b. The placement of an undocumented and uncharacterized stockpile from the site's former horse stables (Southern Stockpile), just southeast of the Eastern Basin. The location of the Southern Stockpile is shown on Attachment C.

    c. The disposal of undocumented and uncharacterized soil containing visible trash, including plastic and fiberglass, (M-7 Waste Soil) across section M-7 of the Marciel Ranch. The location of the M-7 Waste Soil is shown on Attachment C.

13. WDRs Order R5-2006-0071 requires monthly, quarterly and annual reporting. However, as of February 2014, the last report received by the Central Valley Water Board was the January 2013 monthly monitoring report, received on 4 February 2013. No subsequent monitoring reports have been received. As of February 2014, the Dischargers should have submitted the February 2013 through December 2013 monthly monitoring reports, the First through Fourth Quarter 2013 reports, and the 2013 Annual Report. Failure to submit the monitoring reports is a violation of the WDRs.

14. The 24 September 2013 NOV required the Dischargers to submit a report containing: (a) documentation that all discharges of non-permitted waste had stopped, (b) if biosolids disposal were to continue in the future, a description of how biosolids would be disposed, (c) documentation of the fate of the remaining Biosolids Stockpile, (d) documentation of the permitted discharges of waste that occurred in 2013, (e) information regarding the date, source and/or makeup of the hazardous and car wash waste discharges, and (f) a workplan to assess soil and groundwater conditions beneath each unauthorized discharge area.

15. The Dischargers' 12 November 2013 response stated that no permitted discharges of waste had occurred since November 2012, that they were now using landfills or other subcontractors to dispose of biosolids, and that no other onsite discharges were planned, with the exception of the disposal of the remaining Biosolids Stockpile. The Dischargers requested that the WDRs be rescinded. In addition, the Dischargers' response contained a map showing the location of each unauthorized discharge, provided the date, origin, and volume of each discharge, and contained sampling results from the hazardous waste discharge. No samples were obtained from the car wash waste prior to disposal. The Dischargers' response contained a workplan to collect a limited number of samples from both the Biosolids Stockpile and beneath this pile and the liquid car wash waste disposal area (Eastern Basin). However, the work plan was insufficient to adequately characterize the remaining biosolids pile or soil and groundwater beneath the unauthorized discharge areas. Additionally, the scope of the originally requested workplan must now be expanded to address illegal discharges observed during the 7 January 2014 Site Inspection.

16. The corrective action measures required by this CAO are necessary to:

    a. Address the violations noted in the 24 September 2013 NOV,

    b. Address the violations noted during the 7 January 2014 Site Inspection,

    c. Address the Dischargers' failure to submit required reports, and

    d. Ensure that no regulatory concerns remain before the Central Valley Water Board considers whether to grant the Dischargers' request to rescind the WDRs.

## REGULATORY CONSIDERATIONS

17. The WDRs do not include provisions to protect water quality from the discharge of the types of waste described in Findings 11 and 12 of this CAO. The Dischargers' Report of Waste Discharge did not discuss the wastes described in Findings 11 and 12, nor did it include an anti-degradation analysis for their discharge. The discharge of hazardous waste, discharge of waste not in character with that authorized by WDRs Order R5-2006-0071, the improper storage of biosolids, and storage of uncharacterized waste piles atop native soil are all violations of WDRs Order

R5-2006-0071, and threaten to cause, or have caused, pollution or nuisance. By discharging prohibited wastes and by improperly storing biosolids and uncharacterized waste piles, the Dischargers have caused or permitted, or threaten to cause or permit, waste to be discharged in such a manner that it threatens to cause, or has caused, a threat to public health and/or created a condition of pollution or nuisance. These actions subject the Discharger to an Order under Section 13304 of the California Water Code.

18. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition* (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Board. These requirements implement the Basin Plan.

19. Surface water drainage is to Mountain House Creek, which is tributary to Old River in the Sacramento San Joaquin Delta, which are waters of the United States.The beneficial uses of the Sacramento San Joaquin Delta are municipal and domestic supply; agricultural supply; industrial supply, water contact recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; migration of aquatic organisms; spawning reproduction and/or early development; wildlife habitat; and navigation.

20. The beneficial uses of the underlying groundwater are municipal and domestic supply, agricultural supply, industrial service supply, and industrial process supply.

21. Water Code section 13304(a) states, in relevant part: *Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.*

22. Water Code section 13267(b) states, in relevant 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, or who proposes to discharge waste 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.*

23. The technical reports required by this CAO are necessary to ensure compliance with this CAO and WDRs Order R5-2006-0071, and to ensure the protection of water quality. The Dischargers own and/or operate the facility that discharges waste subject to this CAO and WDRs Order R5-2006-0071. The burden, including costs, of producing the technical reports, many of which were already required as a condition of the Dischargers' operations, is far outweighed by the need

of the reports in ensuring compliance with the WDRs Order R5-2006-0071 and ensuring the protection of water quality.

24. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) pursuant to California Code of Regulations, title 14, section 15321(a)(2).

**IT IS HEREBY ORDERED**, pursuant to Water Code sections 13304 and 13267 of the California Water Code, that Biosolids Recycling, Inc, Joseph and Connie Jess, and Paul and Sally Marciel shall cleanup and abate the Jess Ranch and Marciel Ranch Biosolids Application Sites in accordance with the scope and schedule set forth below.

1. The Dischargers shall **immediately** cease all discharges to land not specifically authorized and conducted in accordance with WDRs Order R5-2006-0071. By **31 March 2014**, the Dischargers shall submit a *Site Security Technical Report* describing how they will ensure that only the wastes authorized by WDRs Order R5-2006-0071 are applied to the land in the manner allowed by the WDRs, and how they will ensure that non-permitted wastes are not brought onto or disposed at the site.

2. The Dischargers shall **immediately** comply with all aspects of WDRs Order R5-2006-0071, including monthly, quarterly, and annual reporting, and all applicable provisions of the Water Code that are not specifically referred to in this Order. The February 2014 monthly monitoring report is to be submitted by **1 April 2014**, and all subsequent reports required by the WDRs are to be submitted as required. Even if there is no discharge during a month, the Dischargers must still submit a monthly monitoring report.

3. By **1 April 2014**, the Dischargers shall submit all past due monthly, quarterly, and annual reports for the time period of February 2013 through January 2014, documenting all work, monitoring, and sampling required by the WDRs. These past due reports may be combined into a single report, so long as the information is arranged in a manner that clearly show the results of all monitoring and reporting required by the WDRs.

4. By **1 April 2014**, the Dischargers shall submit an *Unauthorized Disposal Characterization Workplan* adequate to determine the nature of the Biosolids Stockpile, the Eastern Stockpile, the Southern Stockpile, and the M-7 Waste Soil. The workplan must also contain a proposal to assess the nature of the native soil beneath the Biosolids Stockpile, the Eastern Stockpile, the Southern Stockpile, and beneath the hazardous waste and liquid car wash waste discharge areas. At a minimum, this *Workplan* shall contain:

    a. Source of Waste. Documentation regarding the origin, volume, and date of placement for each of the three stockpiles and the M-7 Waste Soil. Include manifests and contact information for each generator of the waste.

    b. Samples of Waste. A proposal to collect and analyze a minimum of one soil sample for every 50 cubic yards of material contained within the three stockpiles and the M-7 Waste Soil. Samples are to be collected in a grid pattern across each of the three stockpiles and from different depths within each stockpile. Samples collected from the M-7 Waste Soil (which has been spread across section M-7 of the Marciel Ranch) shall be collected to the maximum

depth of the lift, and to the maximum extent possible, each samples shall be collected from the M-7 Waste Soil and not from the native soil atop which the M-7 Waste Soil was placed.

c. Samples beneath Waste. A proposal to collect and analyze a minimum of two depth-discreet samples, from native soil about one and three feet below ground surface (bgs), from sampling locations proposed in a grid pattern laid out across: 1) the Biosolids Pit, 2) the Eastern Basin, and 3) the Southern Stockpile. A minimum of five sampling locations are to be proposed across the Biosolids Pit, a minimum of five sampling locations are to be proposed across the Southern Stockpile, and a minimum of 10 sampling locations are to be proposed across the Eastern Basin.

d. Maps. Scaled maps and/or air-photos showing the grid pattern and each proposed sampling location superimposed atop each stockpile and area to be assessed, as discussed in items 4b and 4c above.

e. Analytical Methods, Biosolids Pit. A proposal to analyze all soil samples obtained from the Biosolids Stockpile and native soil beneath the Biosolids Pit for each constituent/parameter outlined in the "Biosolids Monitoring" and **"**Post-Application Soil Monitoring" sections in MRP R5-2006-0071, with the exception of percent moisture, soil classification, and total solids.

f. Analytical Methods, Eastern and Southern Stockpiles. A proposal to analyze all soil samples obtained from the Eastern Stockpile, the Southern Stockpile, and the native soil beneath the Eastern Basin and Southern Stockpile for volatile organics by EPA Method 8260, the CAM 17 metals, and each constituent/parameter outlined in the "Biosolids Monitoring" and **"**Post-Application Soil Monitoring" sections in WDRs Order R5-2006-0071, with the exception of percent moisture, soil classification, and total solids.

g. Analytical Methods, M-7 Waste Soil. A proposal to analyze all soil samples obtained from the M-7 Waste Soil for each constituent/parameter outlined in the **"**Post-Application Soil Monitoring" section in WDRs Order R5-2006-0071, with the exception of soil classification, and total solids.

h. Background Samples, Biosolids, Eastern, Southern Stockpiles. A proposal to collect a minimum of three separate background samples from the Jess Ranch property near the Biosolids, Eastern, and Southern Stockpiles, but outside of any known biosolids application area. Each sample collected shall be analyzed for the same constituents/parameters as outlined in Item 4f above.

i. Background Samples, M-7 Waste Soil. A proposal to collect a minimum of one background sample from the Marciel Ranch property just above (topographically) from the M-7 Waste Soil. Each sample collected shall be analyzed for the same constituents/parameters as outlined in Item 4g above.

j. Soil Sampling and Analysis Plan (SAP). A SAP shall be included as an appendix to the workplan and shall contain information as listed in Section G of Attachment D of this Order. Upon approval, the SAP shall be utilized as a guidance document that is referred to by individuals responsible for conducting soil sampling activities.

5. By **1 July 2014**, the Discharger shall submit an *Unauthorized Disposal Characterization Report* containing the following minimum information:

   a. The results of the work required by Item 4, as approved by Central Valley Water Board staff.

   b. Based on the analytical data collected pursuant to Item 4, include (i) a proposal to properly dispose of each remaining three soil stockpiles, and (ii) a proposal to address, and if necessary, remove and properly dispose of the M-7 Waste Soil. If onsite land application is selected for the disposal of the M-7 Waste Soil, or any of the three stockpiles remaining on the Jess Ranch, all applicable loading rates and monitoring and reporting requirements as outlined in the WDR must be disused and complied with for each proposed discharge.

   c. A table comparing the analytical results of the background soil samples to the results of the M-7 Waste Soil, samples collected from the three remaining soil piles, and the results of the samples collected from native soil beneath the Biosolids Pit, the Eastern Basin, and the Southern Stockpile.

   d. Based on the analytical data collected pursuant to Items 4e through 4i and the table required by Item 5c above, provide a discussion as to whether or not the groundwater has the potential to be impacted due to the discharge of unauthorized waste.

6. If Central Valley Water Board staff determines that the unauthorized waste discharge has potentially impacted groundwater, then **within 30 days of notification**, the Discharger shall submit a *Groundwater Characterization Workplan.* At a minimum, this *Workplan* shall contain:

   a. A proposal to collect a minimum of one groundwater sample, from first encountered groundwater, beneath each area identified by Central Valley Water Board staff as potentially impacted.

   b. A proposal to collect a minimum of one groundwater sample where the Dischargers believe a representative background groundwater sample can be obtained. If potential impacts to waters of the State are identified on both the Jess and Marciel Ranches, then separate background samples will be required on each property.

   c. The information as listed in sections A through F in Attachment D to this Order along with a rationale for the proposed number of sampling locations and their placement. Groundwater samples may be obtained using either one-time grab groundwater sampling techniques, or by installing standard groundwater monitoring wells. However, should only grab groundwater samples be collected, and analytical results from these samples show that groundwater has been impacted by site operations/discharges, a network of groundwater monitoring wells adequate to define and abate the impact will be required. Additionally, should the analytical results of any grab groundwater sample obtained not be adequate to determine whether or not the discharge has caused impact, (i.e., due to quality assurance/control or detection limit issues), then additional sampling will be required.

   d. A proposal to analyze each groundwater sample obtained for each constituent outlined in the "Groundwater Monitoring" section in WDRs Order R5-2006-0071, as well as pH, electrical conductivity, volatile organics by EPA Method 8260, semi-volatiles by EPA Method 8270, PCB (arochlors), aldrin, dieldrin, and Total Kjeldahl Nitrogen.

e. A groundwater Sampling and Analysis Plan (SAP). The SAP shall be included as an appendix to the workplan and shall contain information as listed in Section G of Attachment D. Upon approval, the SAP shall be utilized as a guidance document that is referred to by individuals responsible for conducting groundwater sampling activities.

7. By **2 September 2014**, the Dischargers shall submit an *Unauthorized Waste Disposal Report* documenting that the waste in each stockpile and if necessary, the M-7 Waste Soil, have been properly disposed as approved by Central Valley Water Board staff. The report shall document that the waste piles have been removed to the extent that the remaining soil is consistent with background concentrations.

8. If required by Item 6, then by **24 October 2014**, the Dischargers shall submit a *Groundwater Assessment Report* documenting groundwater sampling results, and containing the following:

   a. The results of the work required by Item 6 above, as approved by Central Valley Water Board staff. The results shall be tabulated and the report shall include a discussion regarding the results obtained.

   b. If any constituent is detected in groundwater above background, then this report shall contain a proposal to install a network of permanent groundwater monitoring wells adequate to define the extent of the groundwater impacts. The monitoring well installation proposal shall contain information as listed in section A through F of Attachment D to this Order.

9. If required by Item 8.b above, then by **30 January 2015**, the Dischargers shall submit a *Groundwater Characterization Report* documenting the installation and sampling of a permanent groundwater monitoring well network as approved by Central Valley Water Board staff. This report must also contain an engineering feasibility study to remediate the waste identified in groundwater.

10. **Beginning with the first quarter 2014**, the Discharger shall submit quarterly progress reports describing the work completed to date to comply with each of the above requirements, as well as what work will be conducted in the next quarter. The Quarterly Progress Reports shall be submitted by the **30$^{th}$ day of the month following the end of the quarter** (e.g. by 30 April, 30 July, 30 October, and 30 January).

As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a California Registered Engineer or Professional Geologist and signed by the registered professional.
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."*

If the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Assistant Executive Officer, the Discharger may request, in writing, an extension of the

time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may be granted by revision of this Order or by a letter from the Assistant Executive Officer.

If the Discharger fails to comply with the provisions of this Order, the Assistant Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability. Failure to comply with this Order may result in the assessment of administrative civil liability up to $10,000 per violation per day, pursuant to the. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law. Water Code sections 13268, 13350, and/or 13385

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

This Order is effective upon the date of signature.

*Original signed by*

Andrew Altevogt, Assistant Executive Officer

3/7/2014

(Date)

Attachment A: 24 September 2013 Notice of Violation
Attachment B: 7 January 2014 Inspection Report
Attachment C: Jess Ranch Stockpile, Basin and Investigation Area Map
Attachment D: Soil Boring/Well Installation and Sampling Guide

24 September 2013

**CERTIFIED MAIL**
**7012 0470 0000 9904 1112**

Mr. Michael Harding, President
Biosolids Recycling, Inc.
1116 Hastings Court
Antioch, CA 94509

**CERTIFIED MAIL**
**7012 0470 0000 9904 1129**

Mr. and Mrs. Joseph Jess
15850 Jess Ranch Road
Tracy, CA 95377

**CERTIFIED MAIL**
**7012 0470 0000 9904 1136**

Mr. and Mrs. Paul Marciel
P.O. Box 2088
Livermore, CA 94551

***NOTICE OF VIOLATION FOR NONCOMPLIANCE WITH WASTE DISCHARGE REQUIREMENTS, JESS RANCH AND MARCIEL RANCH BIOSOLIDS APPLICATION SITES, ALAMEDA COUNTY***

The disposal of waste at the Jess Ranch and Marciel Ranch Biosolids Application Sites in Alameda County (Site) is regulated by Waste Discharge Requirements (WDRs) Order R5-2006-0071. Biosolids Recycling, Inc. obtains and delivers biosolids to the Site, oversees the application of biosolids by land owners, and performs monitoring and reporting related to biosolids at the Site. The Jess Ranch is owned by Joseph and Connie Jess, and the Marciel Ranch is owned by Paul and Sally Marciel. Collectively, Biosolids Recycling, Inc., Joseph and Connie Jess and Paul, and Sally Marciel, are named as responsible parties (Dischargers) in WDRs Order R5-2006-0071.

On 11 July 2013, the Alameda County Department of Environment Health received a phone call regarding the possible illegal disposal of about 30,000 gallons of wastewater at the Site by A1 Septic Tank Service. According to the caller, the wastewater came from the clean out of several above ground tanks at 6645 Las Positas Road in Livermore. Records obtained from A1 Septic by Alameda County indicated that on 4 and 5 June 2013, 12 loads of about 3,000 gallons each, for a total of 36,000 gallons of wastewater, were sent to the Jess Ranch for disposal. The waste is believed to have consisted of water and food grade ink; however, no records were provided to document the nature of the waste discharged.

On 13 July 2013, Alameda County conducted a Site inspection during which they recorded saturated ground near the southeastern limit of the property, a white/grayish powdery material on the ground in the bermed area, and a stockpile of about 400 tons of uncovered biosolids. According to Mr. Harding, the biosolids pile was stockpiled at the Site over a year ago. Additionally, during this inspection, Mr. Harding stated that with permission from Joseph and Connie Jess, that A1 Septic had also been disposing of wash water and sediment, generated from the clean-up of car wash stations, at the Jess Ranch.

In a 21 August 2013 letter, Biosolids Recycling, Inc. notified staff of the Central Valley Water Board that the 36,000 gallons of liquid waste discharged to the Jess Ranch on 4 and 5 June 2013 had a pH between 1.69 and 2.21. Biosolids Recycling, Inc. also stated that the Jesses will no longer be accepting any regulated materials at their Site, and that the Dischargers would like to have their WDRs rescinded as soon as possible.

**Violations**

Based on information provided by both Alameda County and Biosolids Recycling, Inc, Central Valley Water Board staff find that the Dischargers are in violation of WDRs R5-2006-0071 as follows:

1. The discharge of liquid waste with a pH less than or equal to 2, which constitutes a hazardous waste, is in violation of Section A.9 of WDRs R5-2006-0071, which states:

   *Discharge of waste classified as hazardous, as defined in Sections 2521(a) of Title 23, CCR, Division 3, Chapter 15, Section 2510, et seq., (hereafter Chapter 15), or 'designated', as defined in Section 13173 of the California Water Code, is prohibited.*

2. The 36,000 gallons of hazardous waste and the car wash cleanout waste discharged to the Site are considerably different than the biosoild waste permitted under WDRs R5-2006-0071. Therefore, these discharges constitute a change in the character of the waste disposed, and are in violation of Section A.4 of the Standard Provisions, which states in part:

   *Before making a material change in the character, location, or volume of discharge, the discharger shall file a new Report of Waste Discharge with the Regional Board…*

3. The storage of 400 tons of uncovered biosolids at the Site for over a year is in violation of Section D.1 and D.2 of WDRs R5-2006-0071, which state:

   *D.1 - Biosolids shall not be stored directly on the ground at any location for more than seven consecutive days.*

   *D-2 - Biosolids staged or stored on-site for more than 24 hours shall be covered.*

   Additionally, Finding 46 of WDRs R5-2006-0071 states in part:

   *If the Dischargers elect to operate a long-term biosolids storage facility on-site, that facility will require a separate Order pursuant to Title 27, CCR.*

**Required Response**

Therefore, by **25 October 2013**, the Dischargers shall submit a report that:

- Asserts that all discharges to the Site have stopped, and that no additional waste will be discharged to either the Jess or Marciel Ranches.
- Describes how Biosolids Recycling Inc. will dispose of biosolids in the future.
- Contains records documenting all discharges to the Site throughout 2013, as required by MRP No. R5-2006-0071.
- Contains records documenting both the source and makeup of the 36,000 gallons of hazardous waste disposed at the Site in June 2013.
- Contains a statement and map indicating where the 36,000 gallons of hazardous waste was disposed at the Site in June 2013.

- Contains records documenting the date, volume and location of each car wash cleanup waste discharge to the Site. These records must also contain any sampling data obtained from the car wash wastewater prior to its disposal at the Site.

- Documents the fate of the 400 cubic yards of biosolids stockpiled at the Site. If the biosolids were transported offsite for disposal, disposal receipts are to be included in the report. If the biosolids were applied to land permitted by the WDRs, describe how and where they were applied.

- Contains a work plan to assess soil and groundwater conditions beneath the unit/s to which the 36,000 gallons of hazardous waste was disposed in June 2013, and the car wash waste was disposed.

Any technical report required herein that involves planning, investigation, evaluation, engineering design, or other work requiring interpretation and proper application of engineering or geologic sciences shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

Only after the violations identified in this letter are adequately addressed to ensure that discharges of waste at the Site have and will not pose a threat to human health and waters of the State, can Central Valley Water Board staff consider your request to resend WDRs R5-2006-0071.

The Central Valley Water Board expects that the Dischargers will comply with all requirements of the WDRs and will not accept any wastes which are not permitted under the WDRs. We will evaluate your submittals in considering whether to propose issuance of an administrative civil liability complaint. Be advised that failure to operate the facility as described in Waste Discharge Requirements Order R5-2006-0071 may result in additional enforcement actions. If you have any questions regarding this Notice of Violation, please contact Paul Sanders at (916) 464-4817 or by email at psanders@waterboards.ca.gov.

*Original signed by*

HOWARD HOLD, PG
Senior Engineering Geologist
WDRs Compliance and Enforcement Unit

cc: Maria Mendoza, Alameda County Department of Environmental Health, Alameda

Violation # 955302, 955303

# CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

## INSPECTION REPORT

DATE: 7 January 2014
LOCATION & COUNTY: Jess and Marciel Ranch Biosolids Application Sites, Alameda County
CONTACT(S): Michael Harding, President, Biosolids Recycling, Inc.
INSPECTION DATE: 7 January 2014
INSPECTED BY: Paul Sanders, Central Valley Regional Water Quality Control Board
ACCOMPANIED BY: Michael Harding, President, Biosolids Recycling, Inc.

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**OBSERVATIONS AND COMMENTS**

The disposal of waste at the Jess Ranch and Marciel Ranch Biosolids Application Sites in Alameda County (Site) is regulated by Waste Discharge Requirements (WDRs) Order R5-2006-0071. Biosolids Recycling, Inc. obtains and delivers biosolids to select application areas on both the Jess and Marciel Ranches, oversees biosolids application by the land owners, and performs monitoring and reporting related to requirements in the WDRs. The application of biosolids began at the Jess and Marciel Ranches in 1992 and 1994, respectively. According to Mr. Harding, the last land application of biosolids occurred in November 2012, and once the remaining 400 tons of stockpiled biosolids is disposed, no additional applications will occur.

The primary purpose of this inspection was to observe Site conditions prior to responding to Biosolids Recycling, Inc's 12 November 2013 report/workplan. The report/workplan was submitted in response to a 24 September 2013 Notice of Violation (NOV) issued to Biosolids Recycling, Inc. and the application area land owners by the Central Valley Water Board. The NOV outlined three specific WDR violations:

1) The discharge of liquid waste with a pH less than or equal to 2,

2) The discharge of liquid waste not in character with that permitted under the WDR; and

3) The onsite storage of 400 tons of uncovered biosolids.

Figures 1 through 3 show the 400 tons of stockpiled biosolids that remain at the Site. The stockpile is located in a deep pit cut into the western biosolids containment basin, and it was into this pit, that the low pH waste water was discharged, as explained in the NOV. According to Mr. Harding, two containment basins, eastern and western basins, were constructed in the early 1990's, when the application of biosolids first began at the Site. The two basins were used to contain biosolids prior to application.

Figure 4 shows an area, located just north of the eastern contaminate basin within Drainage Area J-7, where Mr. Harding would like to dispose of the remaining 400 tons of biosolids, should future analytical results show that the remaining biosolids are acceptable for land application. Additional assessment of the biosolids stockpile is required prior to land application due to the discharge of low pH waste water into the stockpile.

Figures 5, 6, and 7 show section of the eastern basin, where the car wash waste water was discharged. A large stockpile of soil is present in the eastern basin. Additionally, as seen in Figure 8, a soil stockpile was also observed just south of the eastern basin. According to

Mr. Harding, the waste pile located just outside and south of the eastern basin are associated with the Site's former horse stables, which are no longer in use.

Combined Figures 3, 9, and 10 show most of the open land area within the western basin. In addition to the 400 tons of biosolids stored in this basin, sections of it are also used to store farm equipment, hay, and old wood trusses.

The dashed red lines on the attached map show the approximate course driven during this inspection. With the exception of some recently spread soil with trash on the Marciel Ranch property, as seen in Figures 11 through 16, no recent application of biosolids appear to have occurred at the Site.

During this inspection Mr. Harding also stated that about 400 acres of the Jess Ranch was sold about two years ago to the local water district, and that the remaining Jess Ranch consists of only about 160 acres. Subsequently, the Jess's only retain control over one of the seven former Jess Ranch Drainage Areas, Section J-7.

**SUMMARY:**

Regional Water Board staff noted four areas of concern with the Site during this inspection:

1) The onsite storage of 400 tons of uncovered biosolids in the western basin (Figures 1, 2, and 3). This soil will require assessment and proper disposal based on analytical results.

2) The placement of a large undocumented soil stockpile in the eastern basin (Figures 5 and 6). The source of this soil stockpile must be provided and the soil within this stockpile will require assessment and proper disposal based on analytical results.

3) The placement of a soil stockpile south of the eastern basin, (Figure 8). This soil will require assessment and proper disposal based on analytical results.

4) The disposal of soil containing trash spread across a section of the Marciel Ranch property (Figures 11 through 16). The source of this soil must be provided and the soil will require sampling to assess proper disposal options based on analytical results.

Biosolids Recycling, Inc. has stated that no permitted application of biosolids has occurred at the Site since November 2012. They also stated that they do not plan any additional discharges, after the disposal of the remaining 400 tons of biosolids occurs.

Because the discharge of biosolids will no longer occur after the disposal of the remaining 400 tons of uncovered biosolids, the Discharger has requested that their WDRs be rescinded. However, before Central Valley Water Board staff can recommend the WDRs be rescinded, each area of concern outlined above, as well as those outlined in the 24 September 2013 NOV, most be adequately addressed.

CIWQS Inspection ID: 14977661

*Original signed by*
PAUL SANDERS, P.G.
Engineering Geologist
Title 27 Compliance and Enforcement

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| APPROVED: | | |

Figure 1
Looking south at 400 tons of biosolids (red arrow) that remain in a pit within the Site's western containment basin.

Figure 2
Looking north at the 400 tons of biosolids (red arrow) that remain in a pit within the Site's western containment basin.

Figure 3
Standing near the southeastern end of the western containment basin looking north at the remaining biosolids stockpile, red arrow.

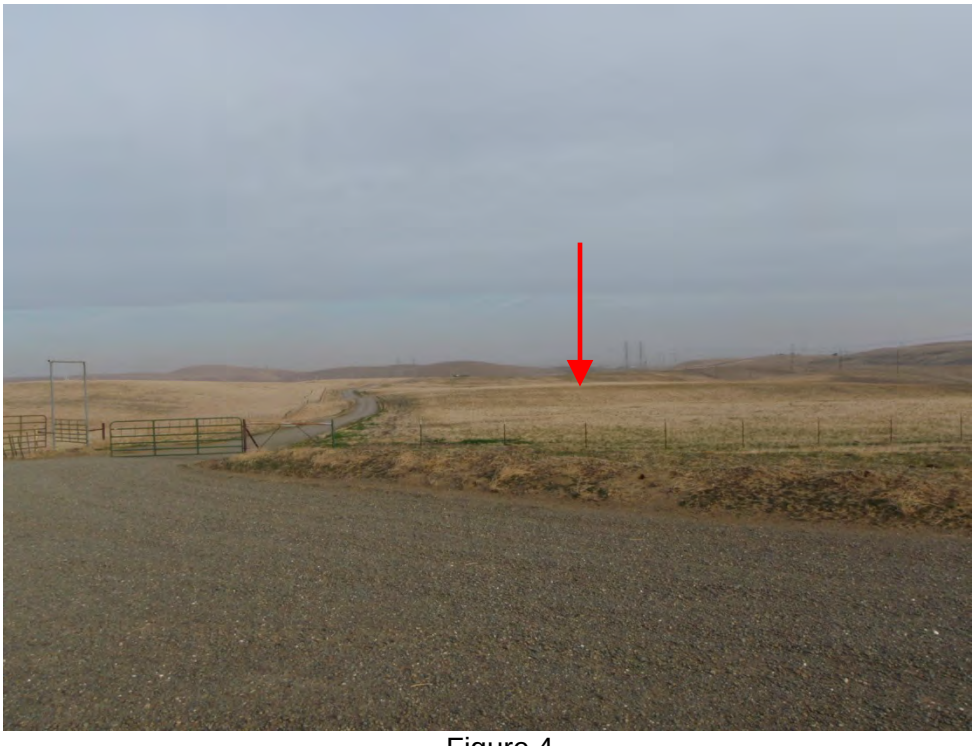


Figure 4
Standing just north of the remaining biosolids stockpile, looking north at section J-7 on the attached map. The red arrow points to the area were Biosolids Recycling, Inc. would like to land apply the remaining biosolids stockpile.

Figure 5
Standing just east of the remaining biosolids stockpile looking east at a soil stockpile (red arrow) located in the eastern containment basin. This is where the car wash waste water was discharged.

Figure 6
Standing at the southern end of the eastern containment basin looking north. The red arrow points to the same soil stockpile seen in Figure 5.

Figure 7
Looking west at the southern end of the eastern containment basin. This is the low point of the eastern containment basin where the car wash waste water discharged into this basin would have accumulated before leaching into the subsurface.

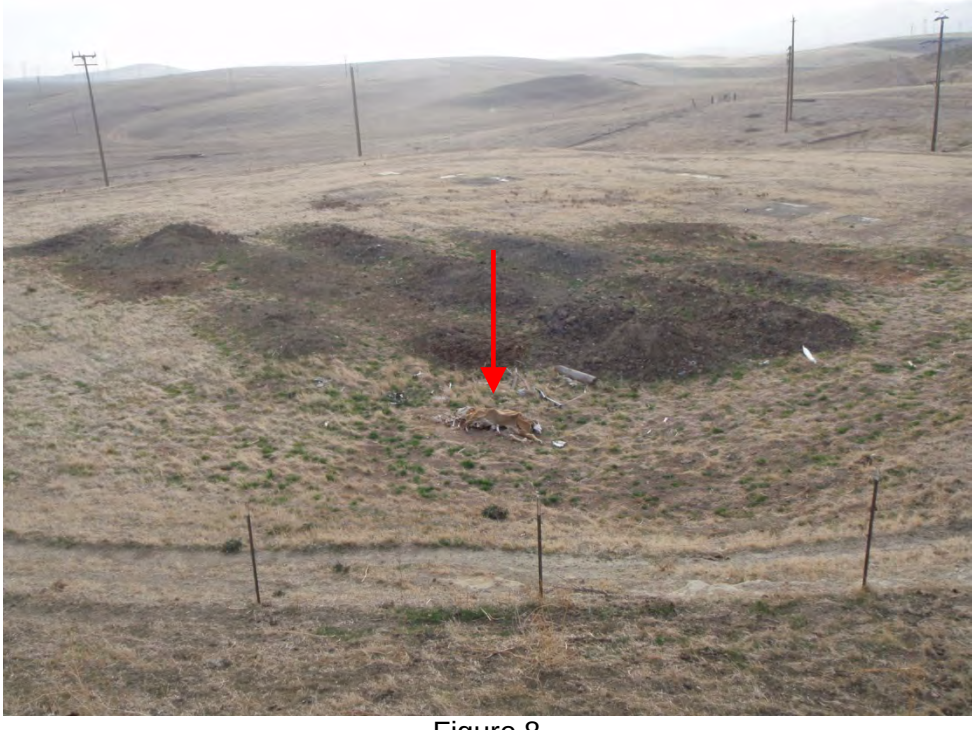


Figure 8
Looking south from atop the eastern containment basin, where the car wash waste water was discharged. According to Michael Harding, the soil piles seen in this photo are waste from the Site's former horse stables. The red arrow points to the carcass of a dead cow.

Figure 9
Standing just south of the remaining biosolids stockpile, red arrow, looking east across a section of the western containment basin.

Figure 10
Looking south across a section of the western containment basin.

Figure 11
Looking southwest at recently applied soil on the Marciel Ranch property.

Figure 12
Standing in the same location as Figure 11, but looking west at the recently applied soil on the Marciel Ranch property. Although hard to see in this Figure, trash as seen in Figures 14, 15, and 16 is contained within this spread soil.

Figure 13
Standing in the same location as Figures 11 and 12, but looking north at recently applied soil on the Marciel Ranch property.

Figure 14
A close-up of some of the trash seen in the soil recently applied to the Marciel Ranch property.

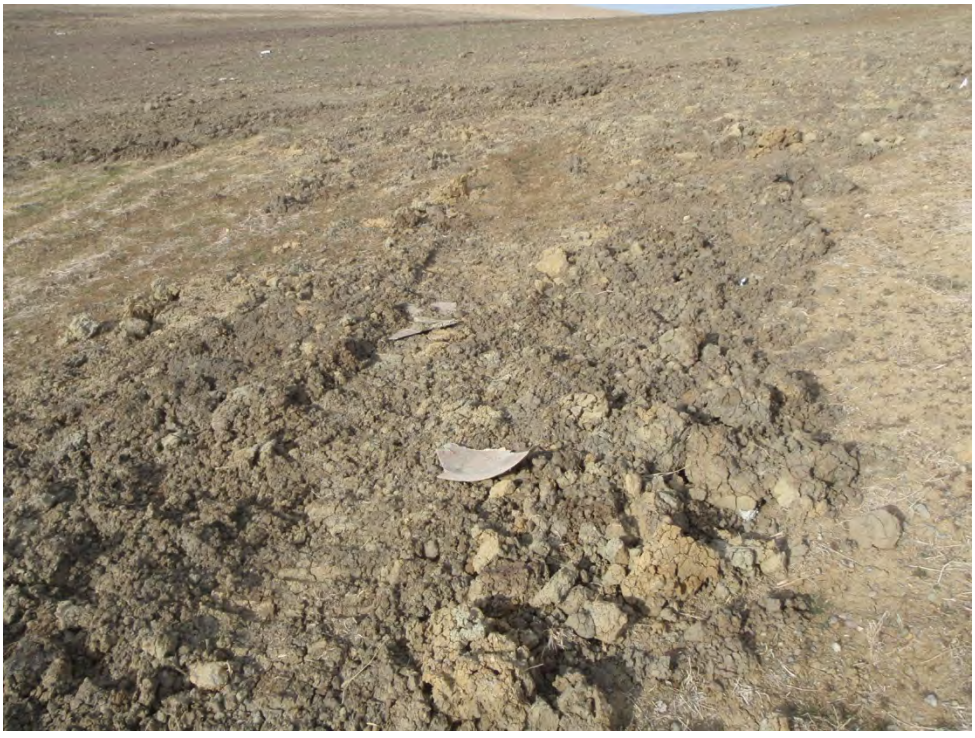
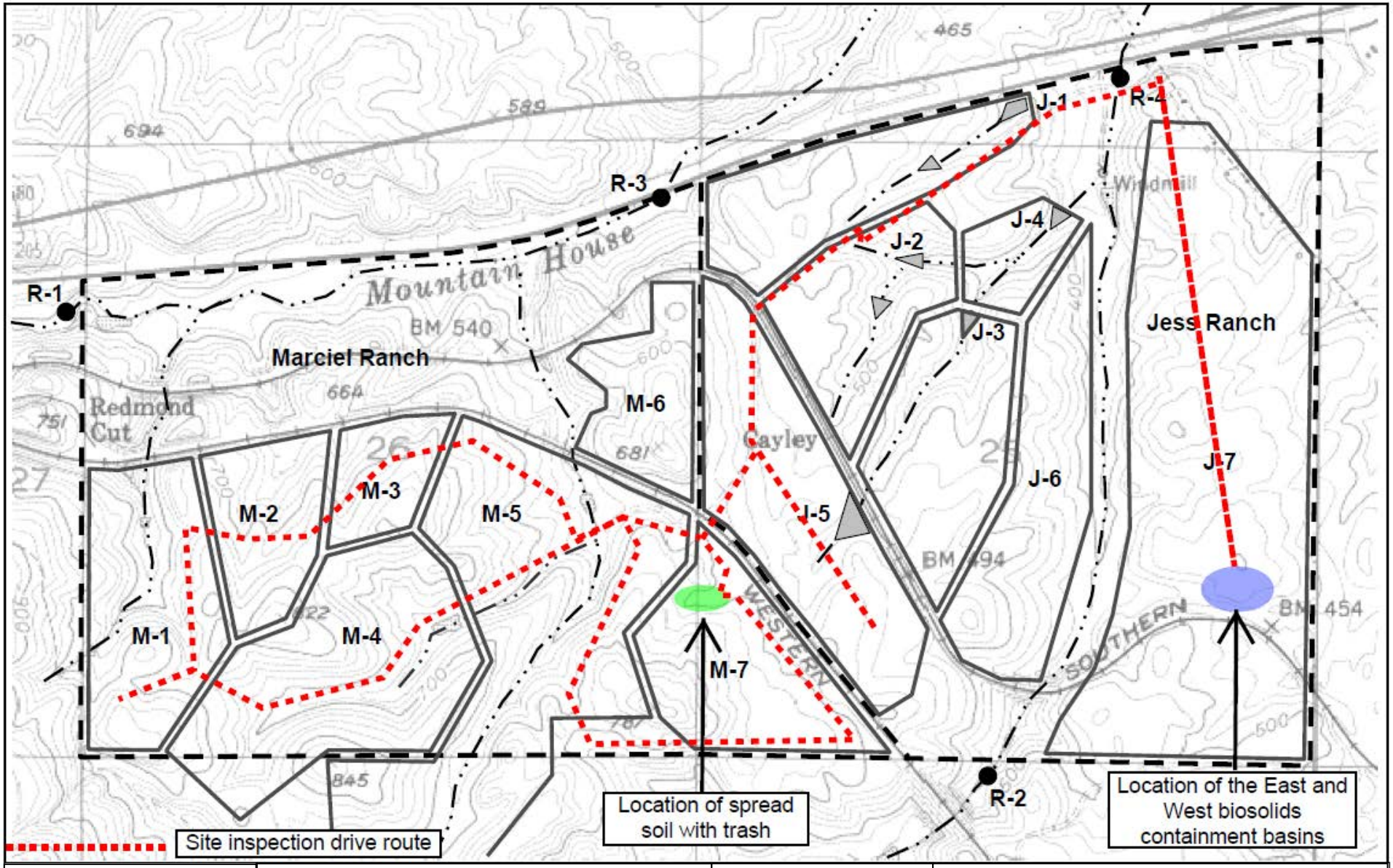


Figure 15
A close-up of some of the trash seen in the soil recently applied to the Marciel Ranch property.

Figure 16
A close-up of some of the trash seen in the soil recently applied to the Marciel Ranch property. This piece of trash was originally imbedded in the soil, and was removed in an effort to identify its origin.




Drawing Reference:
Report of Waste Discharge
Biosolids Recycling, Inc.
December 2004 and
August 2005

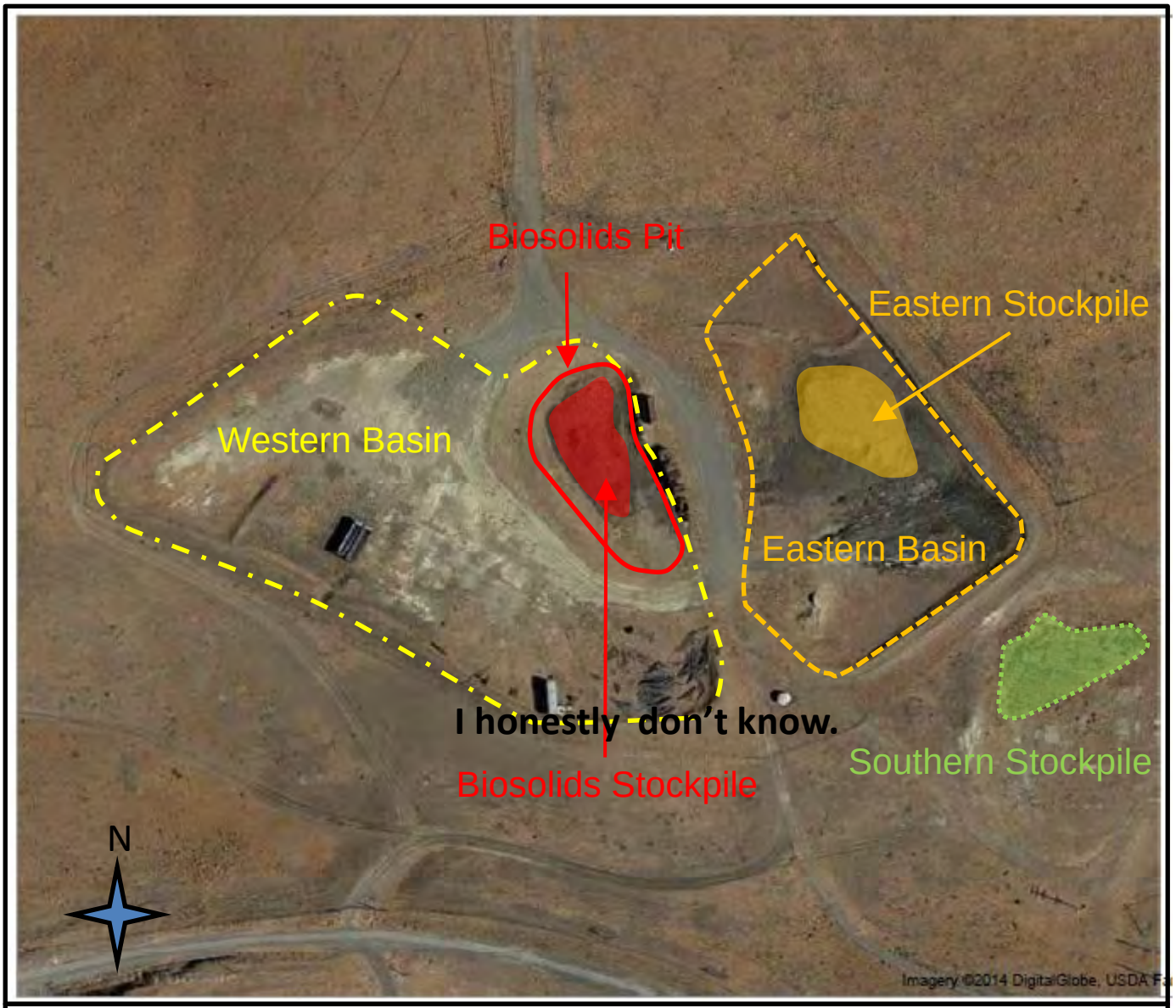
**DRAINAGE MAP**
BIOSOLIDS RECYCLING, INC.
JESS RANCH AND MARCIEL RANCH
ALAMEDA COUNTY

ORDER NO. R5-2006-0071

Approx. Scale:
1" =1,200'

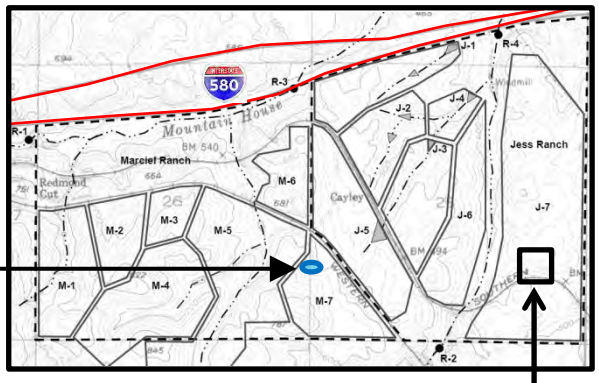
- Site Boundary
- Drainage Area Boundary
- Drainage Course/Creek
- **J-1** Storm Water Detention Pond
- **R-1** Surface Water Sampling Location

# Attachment C
# Jess Ranch Stockpile, Basin and Investigation Area Maps




0 150' 300'

M-7 Waste Soil




Map Area

**Attachment D**
**Soil Boring/Well Installation and Sampling Guide**

The proposal to collect soil and groundwater samples shall contain the following minimum information:

A. General Information:
   Documentation as to the nature and quantity of waste discharged to the site including, analytical results of samples collected if available.
   Brief description of local geologic and hydrogeologic conditions
   Proposed groundwater sampling locations and rationale for proposed locations
   Topographic map showing facility location, roads, and surface water bodies
   Large scaled site map showing all existing on-site wells, proposed wells, surface drainage courses, surface water bodies, buildings, waste handling facilities, utilities, and major physical and man-made features

B. Drilling/boring Details:
   On-site supervision of drilling and well installation activities
   Description of drilling/boring equipment and techniques
   Borehole diameter and anticipated total depth of borings
   Equipment decontamination procedures
   Soil sampling intervals (if appropriate) and logging methods

C. If wells are proposed; monitoring well design (in narrative and/or graphic form) details:
   Diagram of proposed well construction details
   - Borehole diameter
   - Casing and screen material, diameter, and centralizer spacing (if needed)
   - Type of well caps (bottom cap either screw on or secured with stainless steel screws)
   - Anticipated depth of well, length of well casing, and length and position of perforated interval
   - Thickness, position and composition of surface seal, sanitary seal, and sand pack
   - Anticipated screen slot size and filter pack

D. If wells are proposed, well development details (not to be performed until at least 48 hours after sanitary seal placement):
   Method of development to be used (i.e., surge, bail, pump, etc.)
   Parameters to be monitored during development and record keeping technique
   Method of determining when development is complete
   Disposal of development water

E. If wells are proposed, well Survey details (precision of vertical survey data shall be at least 0.01 foot):
   Identify the Licensed Land Surveyor or Civil Engineer that will perform the survey
   Datum for survey measurements
   List well features to be surveyed (i.e. top of casing, horizontal and vertical coordinates, etc.)

F. Schedule for Completion of Work

G. **Sampling and Analysis Plan (SAP)**

The **SAP shall** contain a detailed written description of standard operating procedures for the following:

- Equipment to be used during sampling
- Equipment decontamination procedures
- Water level measurement procedures
- Well purging (include a discussion of procedures to follow if three casing volumes cannot be purged).
- Monitoring and record keeping during water level measurement and well purging (include copies of record keeping logs to be used.
- Purge water disposal
- Analytical methods and required reporting limits
- Sample containers and preservatives
- Sampling
  - General sampling techniques
  - Record keeping during sampling (include copies of record keeping logs to be used)
  - QA/QC samples
- Chain of Custody
- Sample handling and transport