

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER R5-2014-0708  
FOR  
CALAVERAS COUNTY  
RED HILL LANDFILL  
CALAVERAS COUNTY

This Order is issued to Calaveras County (Discharger) based on provisions of 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. Calaveras County owns and maintains the closed Red Hill Landfill Facility (Facility). The Facility consists of 310-acres comprised of Assessor Parcel Numbers: 64-002-005, -007, -013, and -001, located about two miles east of Angels Camp, in Section 36, T3N, R13E, MDB&M.
2. Waste Discharge Requirements (WDRs) Order R5-2006-0045 was adopted by the Central Valley Water Board on 5 May 2006 to regulate the post-closure maintenance of the Facility. The WDRs implement Title 27 of the California Code of Regulations (Title 27).
3. According to the WDRs, the Facility consists of three separate Class III landfill units (landfill Units A, B, and EA-1) and two lined Class II surface impoundments (SI-A and SI-B). The Discharger began accepting waste in 1975, ceased accepting waste in October 1990, and the Facility's three landfill units were officially closed with engineered final covers in 1996. The Facility's two Class II surface impoundments, SI-A and SI-B, remain in operation to provide leachate containment.
4. Finding 7 of the WDRs states that each landfill Unit was closed in accordance with an approved closure plan. The final cover consists of a two-foot thick foundation layer, a one-foot thick clay cap and a one-foot thick vegetative layer. This design is the same for both the flat area and slopes of each of the site's three Class III landfill Units.

**SLOPE FAILURE**

5. On 31 March 2011, a failure of the northwestern end of Unit A final cover slope was observed by the Discharger. Regional Board staff was notified by phone of the slope failure, and written notification of the slide was provided in the Discharger's January 2012 cover letter to the 2011 Annual Monitoring Report. The letter stated that a slide had occurred at the northwestern end of Unit A, that only the top vegetative layer was affected, that no waste was exposed, and that the slide area had been covered with plastic to

protect the area. The Discharger's letter also stated that *"We anticipate performing repairs to the slide area after the winter season as weather conditions allow."* Board staff anticipated that the Discharger would complete the engineering plans during the winter of 2011 and repair the slide during the spring of 2012.

6. On 28 May 2014, Regional Board staff conducted a compliance inspection of the Facility and observed that the slide at the northwestern extent of Unit A had still not been repaired, and that the plastic sheeting placed atop the slide had begun to separate.
7. Failure to maintain the cover atop landfill Unit A and to promptly repair the cover after the slide was first observed is a violation of Title 27 and the WDRs as outlined below:
  - Section C-4 of the WDRs, which states: *"The Discharger shall maintain in good working order any facility, control system, or monitoring device installed to achieve compliance with the waste discharge requirements."*
  - Section D-6 of the WDRs which states: *"The Discharger shall promptly repair any breach or other cover problem discovered by periodic monitoring."*
  - Section G-2 of the WDRs state: *"The Discharger shall comply with all applicable provisions of Title 27 and 40 Code of Federal Regulations Part 258 (Subtitle D) that are not specifically referred to in this Order."*
  - Section 20365(a) of Title 27 states in part: *"Units and their respective containment structures shall be designed and constructed to limit, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, washout, and overtopping..."*
  - Section 21710(c)(2) of Title 27 states in part: *"The discharger shall promptly correct any failure which threatens the integrity of containment features or the Unit..."*
8. Repairs to the Unit A cover did not occur in 2011, 2012, or 2013. Additionally, while the Discharger's July 2013 cover letter to the 2012... *Annual Monitoring Report*, stated *"We anticipate performing repairs to the slide area after the winter season as weather conditions allow."* Repairs to the Unit A cover did not occur, and the Discharger's cover letter in the subsequent 2013... *Annual Monitoring Report*, the Discharger once again state *"The County anticipate performing repairs to the slide area after the winter season as weather conditions allow."*
9. On 19 June 2014, in response to staff's inspection observation that the slide was still not repaired, a Notice of Violation (NOV) was issued to the Discharger for failure to repair the Site's cover, which are violations of Sections C.4 and D.6 of the WDRs and Section 21090(b)(2) of Title 27. The NOV required the submittal of a work plan to provide a thorough evaluation as to the cause of the Unit A slide, assess the conditions of the cover beneath the slide, and to repair the Unit A cover as required by Section D-1 through D-5 of the WDRs. The work plan was to be submitted by 29 August 2014, repairs were to be

completed before 31 October 2014, and a *Final Construction Completion Report* was to have been submitted by 15 December 2014.

10. In response to the NOV, the Discharger submitted a 29 August 2014 letter. In the letter, the Discharger states that they have contracted with an engineering firm to investigate and evaluate the cause of the Unit A slide, and are in the process of contracting with an engineering firm to repair the cover. However, the Discharger did not submit the requested work plan(s) and the cover has not been repaired. Additionally, the Discharger has requested that the deadline to repair the Unit A cover be extended beyond the 2014/2015 rain season.
11. On 28 August 2014, the Discharger's consultant estimated the extent of the slope failure along the northwestern side of landfill Unit A to be approximately 150 feet wide, 150 feet long, and about 2 feet deep, which equates to an estimated volume of 45,000 cubic feet of cover material displaced by the slide.
12. The Discharger has not repaired the failed portion of the landfill cover for a period of almost four years. This action has caused, or threatens to cause, a discharge of waste into waters of the state and has created, or threatens to create, a condition of pollution or nuisance. Therefore it is appropriate that this Order be issued requiring the Discharger to repair the landfill cover within a reasonable time schedule. Therefore, this Order requires the Discharger to properly maintain the final cover atop Unit A, as well as evaluate the safety of all landfill slopes at this facility, such that the County can again comply with the WDRs.

### OTHER VIOLATIONS

13. During a 28 May 2014 site inspection, Water Board staff also observed vegetation atop large section of the Site's landfill covers in excess of four feet in height, areas where deep rooted star-thistle was growing atop the covers, and a surface water sampling location buried in debris and vegetation. Failure to maintain the covers atop the site's three landfill units and each surface water sampling locations, constituent violations of the Site's WDRs as outlined below:
  - Section C-4 of the WDRs, states: "*The Discharger shall maintain in good working order any facility, control system, or monitoring device installed to achieve compliance with the waste discharge requirements.*"
  - Section D-5 of the WDRs, states in part that: "*The Discharger shall keep a maintenance log to identify and address cover problems...*", and Section D-6 of the WDRs, states that: "*The Discharger shall promptly repair any breach or other cover problem discovered by periodic monitoring.*"
    - However, the Dischargers failure to maintain the cover atop large portions of the site's three landfill covers prevents the Discharger from complying with

Section D-5 and D-6 of the WDRs, and Water Board staff from assessing compliance with Section D-5 and D-6.

- Section D-8 in the WDRs states: “*The Discharger shall maintain the vegetative cover, including fertilization, elimination of species that violate the rooting depth limit, and replanting.*”

Therefore, this Order requires the Discharger to properly maintain the vegetative cover atop each waste management unit, to remove to the extent practical the deep rooted star-thistle growing atop each cover, and restore each surface water sampling location, so they operate as designed.

### REGULATORY CONSIDERATIONS

14. 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. Pursuant to Water Code section 13263(a), waste discharge requirements must implement the Basin Plan.
15. The site is in the Stanislaus River - Copperopolis - Angels Camp watershed, which is drained by natural and man-made watercourses. The nearest surface water is Indian Creek, located along the northwestern border of the Site. Indian Creek is a tributary of the Stanislaus River that empties into Sacramento-San Joaquin Delta. As described in the Basin Plan, the designated beneficial uses of the Stanislaus River are municipal and domestic supply; agricultural supply, industrial supply, industrial process supply, water contact recreation, non-contact water recreation, warm fresh water habitat, cold freshwater habitat, migration of aquatic organisms, spawning, and wildlife habitat.
16. The designated beneficial uses of the underlying groundwater, as specified in the Basin Plan, are domestic, agricultural, and industrial supply.
17. 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.

18. Water Code section 13267 subdivision (b)(1) 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.

19. The technical reports required by this Order are necessary to ensure compliance with this Order and WDRs Order R5-2006-0045, and to ensure the protection of water quality. Calaveras County owns and operates the Facility that discharges waste subject to this Order and WDRs Order R5-2006-0045.

20. The issuance of this Order is being taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) pursuant to California Code of Regulations, title 14, sections 15061 subdivision (b)(3), 15306, 15307, 15308, and 15321 subdivision (a)(2).

**IT IS HEREBY ORDERED** that, pursuant to Water Code sections 13304 and 13267, Calaveras County shall cleanup and abate the Red Hill Landfill in accordance with the scope and schedule set forth below in order to comply with WDRs Order R5-2006-0045.

All submittals for this Order shall be converted to a PDF file and uploaded to GeoTracker as outlined in item 12 of this Order. Additionally, to ensure that each uploaded document is properly logged and routed to the appropriate Water Board staff, after each successful report upload to GeoTracker, please send an e-mail notification to [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) stating that the subject report has been uploaded. Each notification e-mail is to contain: 1) A line stating that the subject report, with report date, has been uploaded to GeoTracker, and 2) a completed copy of the following table:

Date and Title of Report	<b>Add Report Date Here</b> <b>Add Report Title Here</b>
Regulatory Program	Title 27
Unit	"Compliance and Enforcement"
Regulated Party Name (Discharger)	Calaveras County PWD
Facility Name	Red Hill Class III Landfill & Class II Surface Impoundments
County	Calaveras
CIWQS Place ID	252130

1. **Immediately** the Discharger shall comply with all aspects of WDRs Order R5-2006-0045 (or subsequent WDRs that rescind and replace Order R5-2006-0045).
2. **Immediately** the Discharger shall implement controls to prevent further damage to the cover at the Unit A slide, reduce infiltration of stormwater through the cover at the Unit A slide site, and maintain containment of the waste within Unit A. In addition, immediately implement controls to prevent materials potentially eroded from the damaged cover at the Unit A slide site from entering any surface water drainages.
3. No later than **15 December 2014**, the Discharger shall submit a report which evaluates all controls installed to:
  - a) prevent further damage to the failed Unit A cover,
  - b) reduce infiltration of stormwater through the Unit A cover,
  - c) maintain containment of waste within Unit A, and
  - d) prevent materials eroded from the damaged cover from entering surface water drainages.
4. No later than **15 December 2014**, the Discharger shall submit a *Site Maintenance Work Plan* to:
  - Maintain the vegetative cover atop each waste management unit to ensure that the condition of the cover can be inspected, and if needed, repaired as required by Section D-5 and D-6 of the WDRs.
  - Remove to the extent practical the deep rooted star-thistle growing atop the covers, which threaten the integrity of the covers.
  - Assess the condition and integrity of SI-B's primary liner and if necessary repair the liner.
  - Restore all surface water sampling locations, so that they can operate as designed. The requested work plan must also provide details on how the two surface water auto samplers operate, how long they can operate without maintenance, their maintenance schedule, and how the collection points are designed.
5. **Beginning on 15 December 2014**, and by the 15th day of each following month through September 2015, (i.e., by 15 January, 15 February, 15 March, 15 April, 15 May, 15 June, 15 July, 15 August, and 15 September 2015), the Discharger shall submit a *Slope Observation and Status Report* describing work completed to date to repair the Unit A cover. With regard to the slope, these reports must provide weekly slope monitoring of the slide area and adjacent slopes to include rainfall measurements, condition of the plastic cover protecting the slide, evidence of seepage, and degree of saturation of the adjacent slopes. As well as, these reports must also discuss work proposed to occurring during subsequent months, when all repairs to the cover are expected to be completed during the month.

6. No later than **15 January 2015**, the Discharger shall submit a *Geotechnical Evaluation of Slope Instability Report* which demonstrates that the stability of the all slopes of Unit A that under dynamic saturated conditions their factor of safety exceed 1.5 in accordance with Section 21750(f)(5) of Title 27. In addition to the calculations, the demonstration must contain all field logs, photographs, maps, cross-sections, and laboratory results used to complete each section of the report.
7. No later than **15 January 2015**, the Discharger shall submit a *Cover Repair Work Plan* to repair the Unit A slide and cover. The work plan must thoroughly discuss/address the findings of the engineering assessment report, and show that the designed repairs will ensure the integrity of the final cover slope under both static and dynamic conditions using the performance criteria of Title 27 Section. The Work Plan must contain specific step by step details describing how the repairs to the slope will be completed, include a list of all work required to complete repairs to the slope and re-vegetate the repaired slope, and contain a construction quality assurance (CQA) plan as outlined in Section 20324 (c) of Title 27 CCR. The work plan must also discuss all landfill runoff and drainage control measures to be installed to prevent future slides at the northwestern end of Unit A.
8. No later than **15 January 2015**, the Discharger shall submit a revised post closure maintenance plan as well as an updated cost estimate which includes an estimate for replacement for this cover.
9. No later than **15 March 2015**, the Discharger shall submit a report documenting who they have contracted with to execute the *Cover Repair Work Plan* as requested in Item 6 above, and who will prepare the final report as required in Item 11 below.
10. No later than **1 June 2015**, the Discharger shall initiate repairs to the Unit A cover and notify the Regional Water Board in writing 48 hours prior to initiating fieldwork.
11. No later than **15 September 2015**, the Discharger shall submit a *Final Construction Report* that complies with Section 20324 (d)(1)(c) of Title 27 CCR which documents the repair of the Unit A cover is complete and meets the required factor of safety. The report must also demonstrate that all repaired stormwater control measures put in place to protect the repaired Unit A cover from erosion during the design 100 year, 24 hour precipitation event are installed correctly.

### **Additional Requirements**

12. All data, technical reports and plans, and monitoring reports prepared by the Discharger after the date of this Order shall be uploaded to the State Water Resources Control Board's web-based Geotracker database system (<http://geotracker.waterboards.ca.gov>), in compliance with the requirements of Title 23 Section 3890 et seq. This includes uploading all reports, plans, and data required under this Order and under any Order or permit issued by the State Water Quality Control Board.
13. 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. Each technical report submitted by the Discharger shall contain the professional's signature and/or stamp of the seal.
14. As required by Provision G.5c, G.5d, and G.5e of WDRs Order R5-2006-0045, all reports and transmittal letters shall be signed by either a principal executive officer of the corporation with at least the level of senior vice-president or a duly authorized representative in accordance with Provision G.6d of the WDRs, and any person signing a document submitted to comply with 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 Water Code sections 13268, 13350, and/or 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

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](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.



ANDREW ALTEVOGT, Assistant Executive Officer

12/8/14

(Date)