

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2012-0121

MODIFYING WASTE DISCHARGE REQUIREMENTS ORDER R5-2005-0023
FOR
CITY OF AVENAL
AND
MADERA DISPOSAL SYSTEMS, INC.
FOR
CITY OF AVENAL MUNICIPAL SOLID WASTE LANDFILL
CONSTRUCTION AND OPERATION
KINGS COUNTY

The Central Valley Regional Water Quality Control Board (hereafter Central Valley Water Board) finds that:

1. The City of Avenal owns a municipal solid waste landfill (the "Facility") northeast of the intersection of State Road 269 and Hydril Road within the incorporated limits of the City of Avenal in Section 15, T22S, R17E, MDB&M. The Facility is operated by Madera Disposal Systems, Inc., a California corporation and subsidiary of Waste Connections, Inc. The City of Avenal and Madera Disposal Systems, Inc., are hereafter jointly referred to as "Discharger."
2. The 173-acre facility contains one existing unlined waste management unit (Unit 1) covering approximately 45 acres near the southwest corner of the facility, and an expansion unit consisting of approximately 78.2 acres. Current discharges are to cells within the expansion unit (divided into Phases 1 and 2 areas), which are lined with an engineered alternative composite liner system with a leachate collection and removal system. The Facility is comprised of Assessor's Parcel Number (APN) 38-26-23.
3. Waste Discharge Requirements (WDRs) Order R5-2005-0023, adopted by the Central Valley Water Board on 27 January 2005, prescribes requirements for construction and operation of the landfill.
4. The Discharger submitted a Joint Technical Document dated 2 August 2012. The Joint Technical Document was determined to be adequate by Central Valley Water Board staff. The Joint Technical Document proposed the discharge of treated wood waste at the Facility in accordance with California Code of Regulations, title 22 ("Title 22"), section 67386.11.

5. The Discharger proposes to discharge treated wood waste in the composite-lined expansion unit at the landfill. The Health and Safety Code, section 25150.7, defines "treated wood" to mean wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from 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).

6. Title 22, section 67386.11 allows treated wood waste to be discharged to a composite-lined portion of a municipal solid waste landfill that is regulated by WDRs issued pursuant to the Water Code provided that the landfill owner/operator:
 - a. Comply with the prohibitions in Title 22, section 67386.3, which are:
 - i. Treated wood waste shall not be burned, scavenged, commingled with other waste prior to disposal, stored in contact with the ground, recycled without treatment (except as in iii, below), treated except in compliance with Title 22, section 67386.10, or disposed to land except in compliance with Title 22, section 67386.11.
 - ii. Any label or mark that identifies the wood and treated wood waste shall not be removed, defaced, or destroyed.
 - iii. Treated wood waste may be recycled only by reuse when all of the following apply:
 - (1) Reuse is on-site.
 - (2) Reuse is consistent with FIFRA approved use of the preservative.
 - (3) Prior to reuse, treated wood waste is handled in compliance with Title 22, division 4.5, chapter 34.
 - b. Ensure treated wood waste is managed at the landfill according to Title 22, division 4.5, chapter 34 prior to disposal.
 - c. Monitor the landfill for a release and if a verified release is detected from the unit where treated wood is discharged, the disposal of treated wood will be

terminated at the unit with the verified release until corrective action ceases the release.

- d. Handle treated wood waste in a manner consistent with the applicable sections of the California Occupational Safety and Health Act of 1973.
7. This order modifies Order R5-2005-0023 by adding additional discharge specifications for the discharge of treated wood waste to the composite-lined expansion unit. Order R5-2005-0023 remains intact and applicable in all other aspects.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

8. The City of Avenal certified a final environmental impact report for the facility expansion on 20 September 2004. This Order allows this expanded unit to receive TWW, as the expanded unit satisfies the requirements in Title 22. The Facility, including the expansion unit, has already been fully permitted and there are no significant environmental impacts that will occur as a result of allowing TWW to be discharged to the expansion unit. Therefore, the approval of this Order is exempt from the provisions of the California Environmental Quality Act, (Pub. Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15301.

PROCEDURAL REQUIREMENTS

9. The Central Valley Water Board notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the closure of Phase 1, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
10. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the modification of WDRs Order R5-2005-0023.

IT IS HEREBY ORDERED, pursuant to California Water Code sections 13263 and 13267, that the requirements of WDRs Order R5-2005-0023 are modified as follows:

Discharge Specifications B.9 and B.10 are added to read as:

B. DISCHARGE SPECIFICATIONS

9. The Discharger shall discharge treated wood wastes only to landfill units equipped with a composite liner system and a leachate collection and removal system. If a verified release is detected from the waste management unit where treated wood is disposed, the disposal of treated wood shall be terminated at the unit with the verified release until corrective action ceases the release.
10. The Discharger shall manage treated wood waste in accordance with California Health and Safety Code sections 25143.1.5 and 250150.7 and shall comply with all prohibitions listed in Title 22, section 67386.3.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 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
or will be provided upon request.

I, PAMELA C. CREEDON, 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, Central Valley Region, on 7 December 2012.

Original signed by:

PAMELA C. CREEDON, Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
1685 E Street, Fresno, California 93706

PUBLIC HEARING
concerning

**MODIFYING WASTE DISCHARGE REQUIREMENTS ORDER R5-2005-0023
FOR
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MADERA DISPOSAL SYSTEMS, INC.
FOR
CONSTRUCTION AND OPERATION
CITY OF AVENAL MUNICIPAL SOLID WASTE LANDFILL
KINGS COUNTY**

The City of Avenal owns a municipal solid waste landfill northeast of the intersection of State Road 269 and Hydril Road within the incorporated limits of the City of Avenal in Section 15, T22S, MDB&M. The waste management facility (facility) is operated by Madera Disposal Systems, Inc., a California corporation and subsidiary of Waste Connections, Inc. Current discharges are to cells within the expansion unit which are lined with an engineered alternative liner system (composite liner system with a leachate collection and removal system).

The Discharger proposes to discharge up to approximately 300 tons per month of treated wood waste (TWW) to the composite-lined cells of the facility. Treated wood waste may contain chemical preservatives such as chromated copper arsenate, pentachlorophenol, creosote, acid copper chromate, ammoniacal copper arsenate, ammoniacal copper zinc arsenate, and chromated zinc chloride. Treated wood waste is allowed at municipal solid waste landfills provided the TWW is discharged to a Unit that is composite-lined, regulated by waste discharge requirements, managed in accordance with Section 67386.3 of Title 22, and the Unit where TWW is discharged is not leaking.

The proposed order modifies Order R5-2005-0023 to include discharge specifications regulating disposal of TWW pursuant to Section 67386.3 of Title 22 and the California Occupational Safety and Health Act of 1973 for the discharge of TWW.

A public hearing concerning this matter will be held during the Central Valley Regional Water Quality Control Board (Central Valley Water Board) meeting, which is scheduled for:

DATE: December 6 and 7, 2012
TIME: 8:30 a.m.
PLACE: Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

The designated parties for this hearing are as follows:

- City of Avenal
- Madera Disposal Systems, Inc.

Designated parties, but not interested persons, will have these rights: to call and examine witnesses; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. Central Valley Water Board staff will prepare the administrative record, and may present evidence, make an oral presentation and cross-examine opposing witnesses.

Interested persons may not cross examine witnesses, and will not be subject to cross examination. Interested persons may submit evidence (e.g., photographs, eye-witness testimony, monitoring data) if the evidence is submitted in accordance with the deadlines for submitting evidence described below. Interested persons who present evidence may be subject to cross-examination. Interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Central Valley Water Board no later than **6 November 2012**. The request must explain the basis for status as a designated party and in particular how the person is affected by the discharge.

The tentative Waste Discharge Requirements were issued on 5 October 2012. Persons wishing to comment on this item must submit testimony, evidence, if any, and/or comments in writing to the Central Valley Water Board no later than noon on **6 November 2012**. Written materials submitted after noon on the above date will not be accepted and will not be incorporated into the administrative record absent a ruling by the Central Valley Water Board Chair. A party requesting to submit late materials must demonstrate good cause for the late submission, and the Central Valley Water Board Chair must find that the late submission would not prejudice the Central Valley Water Board or any designated party.

All designated parties and interested persons may speak at the Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Central Valley Water Board Chair. Both designated parties and interested persons may be asked to respond to clarifying questions from Central Valley Water Board members, counsel staff or others, at the discretion of the Central Valley Water Board.

Anyone having questions on tentative waste discharge requirements should contact Scott Moore at (559) 445-5170 or by email at vmoore@waterboards.ca.gov. Interested parties may download the proposed Order and related documents from the Central Valley Water Board's Internet website at http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/. Copies of these documents can also be obtained by contacting or visiting the office of the Central Valley Water Board at 1685 E Street, Fresno, California, 93706, weekdays between 8:00 a.m. and 5:00 p.m. by appointment.

The final meeting agenda will be available at http://www.waterboards.ca.gov/board_info/agendas/ at least ten days before the meeting. The agenda will provide the dates the Central Valley Water Board meeting will be held, indicate the anticipated order of agenda items, and may include staff revisions to the proposed order(s).

The procedures governing Central Valley Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Central Valley Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing http://www.waterboards.ca.gov/laws_regulations/. Information on meeting and hearing procedures is also available on the Central Valley Water Board's website at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml or by contacting any one of the Central Valley Water Board's offices. Questions regarding such procedures should be directed to Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

Original signed by:

DOUGLAS PATTESON, Supervising Engineer

10/5/2012