

**27-28 APRIL 2023 BOARD MEETING
UNCONTESTED AGENDA ITEM**

ITEM: 9

SUBJECT:

Folsom Corporation Yard Former Landfill

BOARD ACTION:

Consideration of Rescission of Waste Discharge Requirements
R5-2023-XXXX, Uncontested

BACKGROUND:

The City of Folsom (“Discharger”) owns and operates the clean closed former Folsom Corporation Landfill (Facility), on Leidesdorff Street near Lake Natoma in the City of Folsom in Sacramento County. The Discharger’s municipal corporation yard is an 18-acre property within the American River corridor on a slight bluff along the eastern side of Lake Natoma, about 3.3 miles downstream of the Folsom Dam and 2.6 miles upstream of the Nimbus Dam. At present, the Discharger uses the property as a municipal corporation yard to store City equipment, vehicles, and other similar uses.

The Folsom Corporation Yard is near the site of historic Black Miner’s Bar townsite, a former gold rush era boomtown, and much of the area is built on dredge tailings from historical mining activities. Current land uses near the Facility include residential development to the south and east; state park land to the southwest and northwest; a cemetery (adjacent to the private residences to the south); commercial development (i.e., to east on edge of downtown); and industrial development (i.e., City corporation yard to the northeast).

On 31 July 2008 the Central Valley Water Board adopted WDRs Order No. R5-2008-0106 for Clean Closure and Post-Closure Maintenance and Monitoring of the Facility. From October 2008 through September 2009, with breaks during the winter rainy season, the Discharger performed activities to clean close the Facility. The Discharger excavated and removed approximately 100,000 cubic yards of material, including the landfill cap, fill, former wastewater lagoon liner, and contaminated soils underlying the WMUs. The Discharger backfilled excavated materials with

clean soil and covered with asphalt and clean aggregate. In January 2010, the Executive Officer recognized that the Discharger implemented clean closure activities for the former landfill in a manner consistent with Title 27 and WDRs Order No. R5-2008-0106. The Department of Toxic Substances Control and CalRecycle both also affirmed the Discharger implemented clean closure activities in a manner consistent with applicable statutes, regulations, and plans.

ISSUE:

Adoption of the proposed order would rescind and terminate active regulatory oversight by the Regional Board of the clean-closed former landfill.

Board Staff Response:

Successful completion of clean closure of a landfill unit eliminates the need for any post-closure maintenance period and removes the Waste Management Unit from being subject to the State Water Board promulgated requirements of Title 27 (Title 27, Section 20950(2)(B)). The Discharger clean closed the Facility in accordance with WDRs Order R5-2008-0106 and Title 27 Sections 20950(a)(2)(B) and 21090(f). Based on the available information, the Discharger also satisfied remaining requirements, including decommissioning of all monitoring devices at the Facility and recording of a Deed Notification Covenant with the Sacramento Recorder's Office which provides notice of certification of closure as required by Title 27, Section 21880 and deed notation as required by Title 27, Section 21170.

ISSUES:

Potential future regulatory oversight, if needed.

Board Staff Response:

By rescinding WDRs Order No. R5-2008-0106, the Regional Board does not cede authority set forth in California Water Code section 13000 et seq. or Title 27, section 20005 et seq. and does not relieve the Discharger from the requirements of other state agencies (including the agents of such agencies) such as CalRecycle and Local Enforcement Agency in the event evidence developed in the future indicates the former landfill is a threat to water quality or public health.

RECOMMENDATION:

Adopt the proposed Rescission of Waste Discharge Requirements.

REVIEWS:

Management Review:	RDB 4/5/2023
Legal Review:	CBM 4/5/2023

BOARD MEETING LOCATION:

Kern County Board of Supervisors Chambers

1115 Truxtun Avenue

Bakersfield, CA 93301

And

Internet Zoom Meeting