

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
Phone: (760) 346-7491

Public Notice 7-22-34
Issued April 27, 2022
Reissued May 19, 2022

**REISSUED NOTICE OF PUBLIC HEARING
FOR
TENTATIVE WASTE DISCHARGE REQUIREMENTS
GENERAL ORDER R7-2022-0033
FOR CLOSED LANDFILL FACILITIES**

This Notice has been reissued to add a prohibition on ex parte communications within the 14-day period prior to the hearing.

On June 14, 2022, the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board or Board) will consider adoption of Tentative Waste Discharge Requirements General Order R7-2022-0033 (Tentative Order), which prescribes waste discharge requirements (WDRs) for Colorado River Basin Region facilities with “Closed Landfills” (see definition below).

The hearing on adoption of the Tentative Order will take place at the date, time and location specified below.

Date: June 14, 2022
Time: 9:00 a.m.
Location: 73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
(remote participation available)

The public may participate either in person at the physical meeting location or virtually via the Zoom meeting platform. Instructions concerning how to participate virtually are available on the Regional Water Board’s [website](#).

Persons desiring to receive notice about changes to the format of this meeting, or wishing to receive a copy of the meeting agenda, should sign up for the Lyris e-mail list by Subscribing to our [Electronic Mailing List](#) and selecting “Board Meetings Agenda” (www.waterboards.ca.gov/resources/email_subscriptions/reg7_subscribe.shtml).

BACKGROUND

The Tentative Order prescribes general waste discharge requirements (WDRs) for facilities with “Closed Landfills” that are subject to the prescriptive requirements of California Code of Regulations, title 27 (Title 27), section 20005 et seq., and are within the “Post Closure Maintenance Period.” For the purposes of the Tentative Order, a

“Closed Landfill” is defined as a waste management unit (WMU) that meets all of the following criteria:

- (1) The WMU no longer accepts waste of any kind for disposal;
- (2) The WMU is not subject to the requirements for “Class I” WMUs under California Code of Regulations, title 23 (Title 23), section 2510 et seq.;
- (3) The WMU either operated as a landfill during its active life, or in the case of a former surface impoundment or waste pile, the WMU has been “closed as a landfill” in lieu of clean-closure (Cal. Code Regs., tit. 27, §§ 21400(b)(2)(A), 21410(a)(2)(a));
- (4) The WMU’s entire lateral footprint¹ is enclosed by a fully-constructed Final Cover that complies with California Code of Regulations, title 27 (Title 27), section 21090; and
- (5) The WMU has undergone all operations necessary for post-closure maintenance in accordance with an approved Closure and Post-Closure Maintenance Plan or equivalent document.

Although facilities with other operating/active WMUs may enroll a Closed Landfill under the Tentative Order, it is anticipated that almost all enrollments will be facilities consisting exclusively of Closed Landfills.

As of May 2022, there are 13 facilities in the region with Closed Landfills. These facilities have already been pre-determined to be eligible for enrollment (permitting coverage). Twelve of the facilities are owned and operated by the Counties of Imperial, Riverside, and San Bernardino. **Attachment A** to the Tentative Order contains general information for each of these initially eligible facilities (e.g., dischargers, current orders and final closure dates). It is anticipated that additional facilities will become eligible as their landfills complete final closure.

The facilities initially eligible for enrollment under the Tentative Order are less complex relative to other Title 27 facilities. All of them were constructed and operated before the promulgation of prescriptive requirements for landfill construction. However, they were all closed following applicable Title 27 final closure requirements. None of them are lined, or have Leachate Collection and Removal Systems (LCRS) or pan lysimeter Leak Detection Systems (LDS). One facility has surface water monitoring requirements. All

¹ The Tentative Order will not cover landfills that are being closed on an incremental basis. The entire WMU must have a final cover.

facilities have gas monitoring probes installed as well, per Cal Recycle Requirements, and are monitored quarterly for relative gas concentrations.

Facilities potentially subject to regulatory coverage under the Tentative Order are appropriately regulated under general WDRs (rather than individual WDRs) based on the following considerations:

- (1) Wastes are not discharged to Closed Landfills. During the Post-Closure Maintenance Period [as defined in the Tentative Order], the dischargers' principal obligations are to maintain the Closed Landfills' existing waste containment systems (particularly the final cover), to conduct monitoring to detect any releases, and in the event of a verified release, to perform any necessary corrective action to address the release. These obligations are dictated by Title 27 prescriptive standards.
- (2) Closed Landfills contain previously-discharged wastes that have been classified based on their potential to impair water quality. (Wat. Code, § 13172, subd. (a).) Specifically, Closed Landfills contain nonhazardous solid waste (Class III) designated waste (Class II) and/or municipal solid waste (Class II). During the Post-Closure Maintenance Period, Dischargers' obligations under Title 27 do not depend on whether wastes are classified as Class II or Class III.
- (3) Closed Landfills do not contain wastes that require any treatment.
- (4) Closed Landfills will be more appropriately regulated under the Tentative Order than under individual WDRs. Due to the prescriptive nature of Title 27, the same requirements are applicable to each facility. This is especially true during the Post-Closure Maintenance Period, as there are no lateral expansions, design approvals, new constructions, new engineered alternatives or new waste discharges. Additionally, most of the facilities potentially eligible for enrollment are both owned and operated by three county governments: Imperial County; Riverside County; and San Bernardino County. The Tentative Order will be adopted in part to standardize the provisions applicable to their numerous facilities.

Upon adoption of the Tentative Order, the Executive Officer will issue each eligible facility a Notice of Applicability establishing regulatory (permitting) coverage. The Notice of Applicability will also be accompanied by a Facility-Specific Monitoring and Reporting Program (Facility-Specific MRP), which will be based on the **Example Facility-Specific Monitoring and Reporting Program** contained in **Attachment B** to the Tentative Order. The provisions of Attachment B are provided as an example only; they will not be legally binding on the enrolled parties.

Deadline for Written Comments:
May 27, 2022

A discharger may terminate their coverage under the Tentative Order when they demonstrate that their facility no longer poses a threat to water quality (i.e., ending the Post-Closure Maintenance Period), or when the Board adopts facility-specific WDRs.

SUBMISSION OF WRITTEN COMMENTS

The Colorado River Water Board will accept written comments regarding the Tentative Order during a 30-day public comment period, which begins **April 27, 2022**, and ends **May 27, 2022**. Persons wishing to submit written comments on the Proposed Order are requested to do so as soon as possible, but no later than **May 27, 2022**.

The Board has implemented an electronic records management system to reduce paper consumption and improve overall accessibility to records and documents. To submit comments electronically, please convert the signed original documents to Portable Document Format (PDF) and submit via email to **Zakary Owens** at Zakary.Owens@waterboards.ca.gov.

Files 50 MB or larger should be transferred to a disk or USB and mailed to:

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Mailed written comments may be sent to the address above. Written comments may also be faxed to the Board's office at (760) 341-6820.

DOCUMENT AVAILABILITY

Tentative Order has been posted to the Board's [Tentative Orders](http://www.waterboards.ca.gov/coloradoriver/board_decisions/tentative_orders) page (www.waterboards.ca.gov/coloradoriver/board_decisions/tentative_orders).

For a hard copy of the Tentative Order, contact **Mary Castañeda** at (760) 776-8945 or **Hilda Vasquez** at (760) 776-8950.

Deadline for Written Comments:
May 27, 2022

HEARING PROCEDURE

The parties to the proceeding are those dischargers that own/operate facilities listed on **Attachment A** to the Tentative General Order:

- (1) County of Imperial, Department of Public Works
- (2) United States Gypsum Co.
- (3) County of San Bernardino, Department of Public Works, Solid Waste Management Division
- (4) County of Riverside, Department of Waste Resources

Additionally, the Board Chair will consider designating as parties those facility owners/operators with landfills and other WMUs that may eventually be subject to enrollment under the Tentative Order at a later point in time. The deadline for requesting “designated party” status is **May 27, 2022**.

All other interested persons are invited to attend and express their views orally on this matter at the public hearing. The Board requests that those persons wishing to speak at the hearing provide a copy of their oral comments in writing before or during the hearing to ensure accuracy of the record.

For more information, please refer to the Board’s [Meeting Procedures](http://www.waterboards.ca.gov/coloradoriver/board_info/agenda/docs/bm_procedures.pdf) (www.waterboards.ca.gov/coloradoriver/board_info/agenda/docs/bm_procedures.pdf).

EX PARTE COMMUNICATIONS **[NEW]**

Ex parte communications are allowed in this matter, subject to the disclosure requirements of Water Code section 13287, and further provided that such communications shall be prohibited within the 14 days immediately prior to the scheduled hearing date (May 31 through June 13, 2022).

In the event that the Colorado River Basin Water Board does not take action on June 14, 2022, the prohibition shall remain in place until the Board, Board Chair or Executive Officer directs otherwise (e.g., in the form of a further revised notice).

For more information on ex parte communications, please refer to [Ex Parte Questions and Answers](https://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf) (https://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf).

Deadline for Written Comments:
May 27, 2022

ACCESSIBILITY

Disabled persons requiring special accommodations to participate in the hearing must contact **Hilda Vasquez** at (760) 776-8950 or hilda.vasquez@waterboards.ca.gov at least 10 days beforehand.

INTERPRETER SERVICES

If you need interpreter services, contact **Mary Castaneda** at (760) 776-8945 or Mary.Castaneda@waterboards.ca.gov at least 10 working days prior to the hearing.

ADDITIONAL INFORMATION

If you have questions concerning this matter, please contact **Zakary Owens** at (760) 776-8962 or via email at Zakary.Owens@waterboards.ca.gov. Please bring the foregoing to the attention of any persons known to you who would be interested in this matter.