



California Regional Water Quality Control Board

Los Angeles Region

Alex Carlos



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams
Agency Secretary

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Arnold Schwarzenegger
Governor

December 11, 2007

Mr. Dave Hauser, General Manager
Browning-Ferris Industries of California, Inc.
14747 San Fernando Road
Sylmar, CA 91342

ORDER ESTABLISHING FINANCIAL ASSURANCE FOR CORRECTIVE ACTION FUNDING TO ADDRESS KNOWN AND REASONABLY FORESEEABLE RELEASES - SUNSHINE CANYON LANDFILL FACILITY, SYLMAR, CALIFORNIA (Order No. R4-2007-0064, File No. 58-076)

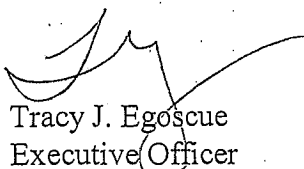
Dear Mr. Hauser:

Reference is made to our letter dated September 26, 2007, to you transmitting a tentative order establishing the amount of financial assurance for "known and reasonably foreseeable releases" from the Sunshine Canyon Landfill Facility (Facility). Pursuant to Division 7 of the California Water Code, this Regional Water Quality Control Board (Regional Board), at a public hearing held on December 6, 2007, reviewed the tentative order, considered all factors in the case, and adopted Order No. R4-2007-0064 (Order) relative to this matter (copy attached).

In accordance with Provision 4 of the Order, the Executive Officer is forwarding a copy of the Order to the California Integrated Waste Management Board (CIWMB). Pursuant to Section 22221 of Title 27 of the California Code of Regulations, BFI must demonstrate financial responsibility to the CIWMB for initiating and completing corrective action for all known or reasonably foreseeable releases from the Facility in at least the amount of \$5,859,810. BFI must make such demonstration no later than March 5, 2008.

If you have any questions or need additional information, please call Rod Nelson at (213) 620-6119 or Wen Yang at (213) 620-2253.

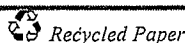
Sincerely,


Tracy J. Egoscue
Executive Officer

Enclosure

cc: See attached Mailing List

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Mailing List

Firms and Agencies

Lisa Babcock, Land Disposal Program, State Water Resources Control Board
Mark Leary, California Integrated Waste Management Board, Sacramento
Larry Israel, South Coast Air Quality Management District, Diamond Bar
Greig Smith, Council Member, 12th District, City of Los Angeles
Iris Aguirre, Los Angeles County, DHS
David Thompson, City of Los Angeles, Environmental Affairs Department
Mark Macowski, Upper Los Angeles River Area Watermaster
Wayde Hunter, North Valley Coalition
Wayne Aller, Knollwood Property Owners Association
Becky Bendickson, Granada Hills North Neighborhood Council
Kim Thompson, Granada Hill North Neighborhood Council
Anne Ziliak, Granada Hills North Neighborhood Council
Mary Crosby, Granada Hills North Neighborhood Council
Peter Anderson, Center of a Competitive Waste Industry
Sharon Rubalcava, Esq., Weston Benschhof Rochefort Rubalcava & MacCuish LLP
Dave Edwards, D. Edwards, Inc.
M. Ali Mehrzarin, A-Mehr Inc.
Gloria Molina, Supervisor, First District, County of Los Angeles
Yvonne Burke, Supervisor, Second District, County of Los Angeles
Don Knabe, Supervisor, Fourth District, County of Los Angeles
Ed Reyes, Councilmember, 1st District, City of Los Angeles
Bernard Parks, Councilmember, 8th District, City of Los Angeles
Nancy Vanyek, Mid Valley Chamber of Commerce
Bruce Ackerman, Economic Alliance
Wayne Adelstein, North Valley Regional Chamber of Commerce

Individuals

Marlene Bane	Sylvia Libis
Karen Barrile	Scott and Sharon Manate
Patrick Casparian	Gus Montes
Robert Chase	Robin Navickas
Ralph Crøy	Dora Prihar
Joyce Edelman	Robert Ricketts
George and Mary Edwards	Charles and Kay Stelzried
Mary Anna Kienholz	Irene Tomlinson
Jack Lester	Phil and Bobbie Wenger
Sheldon Levitt	Chris Ward
Louise Lewis	Anthony Zero

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

ORDER NO. R4-2007-0046

**ESTABLISHING FINANCIAL ASSURANCE FOR CORRECTIVE ACTION FUNDING
TO ADDRESS KNOWN AND REASONABLY FORESEEABLE RELEASES
FROM THE SUNSHINE CANYON LANDFILL FACILITY OF
BROWNING-FERRIS INDUSTRIES OF CALIFORNIA, INC.;
SUPPLEMENT TO ORDER NOS. R4-2003-0155 AND R4-2007-0023
(File No. 58-076)**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), finds that:

1. Browning-Ferris Industries of California, Inc. (BFI) owns and operates the Sunshine Canyon Landfill ("Facility") at 14747 San Fernando Road, Sylmar, California. The Facility includes two distinct Class III municipal solid waste management units, referred to as the Sunshine Canyon City Landfill ("City Landfill") and the Sunshine Canyon County Extension Landfill ("County Extension Landfill"). The City Landfill is currently regulated by Waste Discharge Requirements Order No. R4-2003-0155, adopted by the Regional Board on December 4, 2003. The County Extension Landfill is currently regulated by Waste Discharge Requirements Order No. R4-2007-0023, adopted by the Regional Board on April 5, 2007.
2. California Code of Regulations, title 27, section 20380(b), requires waste discharge requirements for a municipal solid waste management unit to contain provisions which require the discharger to obtain and maintain assurances of financial responsibility for initiating and completing corrective action for all known or reasonably foreseeable releases from the waste management unit.
3. General Provision L.12 of Order No. R4-2007-0023 provides:

"Within 30 days of the adoption of this Order, the Discharger shall submit a proposal to the Regional Board, in accordance with 27 CCR section 22222, for assurance of financial responsibility in an amount appropriate for initiating and completing corrective action for all known or reasonably foreseeable releases from the Landfill. Upon approval by the Regional Board, the Executive Officer shall forward the proposal to the CIWMB. The Regional Board shall reconsider the amount after the promulgation of the regulations by the CIWMB, as required by Public Resources Code sections 43050 and 43501."
4. No provisions that correspond to General Provision L.12 exist in Order R4-2003-0155.
5. As required by General Provision L.12, and otherwise applicable regulations, BFI submitted a letter to the Regional Board on May 4, 2007 that proposed the amount of

financial assurance for known or reasonably foreseeable releases at the County Extension Landfill to be \$749,849 and the City Landfill to be \$2,073, 841.

6. The Regional Board has reviewed the amounts of financial assurances proposed by BFI for the County Extension Landfill and the City Landfill and determines that such amounts are inadequate. This determination is based on the following considerations:
 - a) The Facility is not underlain by a major groundwater basin. However, the northern boundary of the San Fernando Groundwater Basin, an important groundwater resource in the Los Angeles Region, is approximately one mile to the south of the Facility. Groundwater beneath the Facility occurs in two main zones: a shallow, unconfined water bearing zone consisting of alluvial deposits and the upper weathered portion of the bedrock, and a deeper, locally confined water-bearing zone consisting primarily of relatively fresh bedrock. The majority of groundwater flow beneath the Facility occurs within alluvium and weathered bedrock near canyon bottoms, generally following pre-landfill construction topography. Groundwater flow within the canyon is generally to the southeast towards the mouth of Sunshine Canyon and the velocity of groundwater flow within the alluvium is estimated to be from 0.04 to 4.4 ft/day.
 - b) Landfill cells in the Facility have been constructed with changing standards from the 1950s to present. The closed City Landfill Unit 1 has no liner and leachate collection and removal system; Phases I through IV of the County Extension Landfill (approved in 1991) have been equipped with a single composite liner system, while the City Landfill Unit 2 (approved in 2003) and Phases V through VII (approved in 2007) of the County Extension Landfill are required to have double composite liner systems. Both the County Extension and City Landfills have known releases of pollutants to groundwater and are currently implementing corrective action programs (CAPs) to remediate such contamination.
 - c) At the County Extension Landfill, water collected from the subdrain system (subdrain water) has been impacted by volatile organic chemicals (VOCs) that are considered to have originated from landfill gas migrating into the subdrain system. The CAP for the County Extension Landfill requires BFI to collect, treat as necessary, and properly manage VOC impacted subdrain water, control the migration of landfill gas, and remove preferred landfill gas migration pathways at the landfill.
 - d) At the City Landfill, VOCs, 1,4-Dioxane, and elevated concentrations of total dissolved solids (TDS) have been detected in a number of shallow groundwater monitoring wells. These pollutants are considered to be from releases at the unlined City Landfill Unit 1. As part of the CAP for the City Landfill required by Board Order R4-2003-0155, BFI has installed an impermeable subsurface barrier (cutoff wall) across the mouth of Sunshine Canyon. Contaminated groundwater is extracted from behind the cutoff wall, treated as necessary, and either used for irrigation or dust control on-site or discharged to the Los Angeles City sanitary sewer system. Such operations minimize the potential for contaminated groundwater to leave the site.

- e) The Regional Board believes that the remediation of both contaminated subdrain water and shallow groundwater at the site will last for a significantly longer period than what is proposed by BFI. Because the post-closure period required in Title 27 of the California Code of Regulations for Class III landfills is 30 years, the Regional Board has determined that financial assurance for known and reasonably foreseeable release should be required for a minimum of 30 years. Using the annual cost data provided in BFI's proposal, the amount of financial assurance required for the clean up of contaminated subdrain water at the County Extension Landfill for 30 years is \$1,712,130, and the amount of financial assurance required for the clean up of contaminated groundwater at the City Landfill is \$4,147,680. The total amount of financial assurance for known and reasonably foreseeable releases for the Facility is \$5,859,810.

The Regional Board has notified BFI and interested agencies and persons of this proposed Order, and has provided them with an opportunity to submit their written comments and recommendations.

The Regional Board, in a public meeting, heard and considered all comments pertaining to this proposed Order.

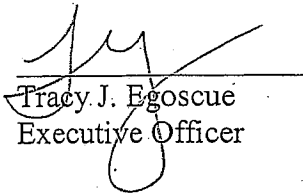
THEREFORE, it is hereby ordered:

1. Pursuant to California Code of Regulations, title 27, section 20380(b), BFI shall obtain and maintain assurances of financial responsibility for initiating and completing corrective action for all known or reasonably foreseeable releases from the City Landfill and the County Extension Landfill (the Facility), and shall demonstrate to the California Integrated Waste Management Board that it has done so.
2. The amount of financial assurance for initiating and completing corrective action for all known or reasonably foreseeable releases from the County Extension Landfill shall be at least \$1,712,130, adjusted annually for inflation.
3. The amount of financial assurance for initiating and completing corrective action for all known or reasonably foreseeable releases from the City Landfill shall be at least \$4,147,680, adjusted annually for inflation.
4. The Executive Officer shall forward a copy of this Order to the California Integrated Waste Management Board within 30 days of the date of adoption.
5. The Executive Officer is authorized to revise the amounts of financial assurance set forth in paragraphs 2 and 3 above, as warranted under the provisions of California Code of Regulations, title 27, section 22221 and/or following adoption of the regulations to be promulgated pursuant to Public Resources Code sections 43050 and 43501, and shall advise the Regional Board and the California Integrated Waste Management Board accordingly.

6. The provisions of this Order shall supplement Order Nos. R4-2003-0155 and R4-2007-0023.

CERTIFICATION

I, Tracy J. Egoscue, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on December 6, 2007.



Tracy J. Egoscue
Executive Officer