

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2006-0901

REQUIRING THE COUNTY OF AMADOR
BUENA VISTA MUNICIPAL SOLID WASTE LANDFILL FACILITY
AMADOR COUNTY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER NO. R5-2003-0078

The Executive Officer of the California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) finds that:

1. On 24 April 2003, the Regional Board adopted Operation, Detection Monitoring, and Corrective Action Waste Discharge Requirements (WDRs) Order No. R5-2003-0078. These WDRs prescribe the requirements for the Buena Vista Municipal Solid Waste Landfill Facility, which is owned and operated by County of Amador (hereafter Discharger).
2. WDRs Order No. R5-2003-0078 provides, in part, the following:

C. FACILITY SPECIFICATIONS

2. *The discharger shall immediately notify the Regional Board of any flooding, unpermitted discharge of waste off-site, equipment failure, slope failure, or other change in site conditions, which could impair the integrity of waste or leachate containment facilities or precipitation and drainage control structures.*
6. *Surface drainage within the waste management facility shall either be contained on-site or be discharged in accordance with applicable storm water regulations.*
7. *The discharger shall maintain a Storm Water Pollution Prevention Plan and Monitoring Program and Reporting Requirements in accordance with State Water Resources Control Board Order No. 97-03 DWQ, or retain all water on-site. All run-on/run-off must be maintained free of obstructions such that they perform at the design capacity.*

I. LANDFILL CLOSURE SPECIFICATIONS

2. *Vegetation shall be planted and maintained over each closed landfill unit. Vegetation shall be selected to require a minimum of irrigation and maintenance and shall have a rooting depth not in excess of the vegetative layer thickness.*
3. *Closed landfill units shall be graded to at least a three-percent grade and maintained to prevent ponding.*
4. *Areas with slopes greater than ten percent, surface drainage courses, and areas subject to erosion by wind or water shall be designed and constructed to prevent such erosion.*

K. PROVISIONS

2. *The Discharger shall comply with all applicable provisions of Title 27 that are not specifically referred to in this Order.”*
 14. *The Discharger shall maintain all the facility’s waste management units final cover such that they meet the prescriptive standard for final covers in section 20950(a)(A)(1) of Title 27.*
 16. *The Discharger shall complete the tasks contained in these waste discharge requirements in accordance with the time schedule set forth in WDRs R5-2003-0078.*
 26. *Completion of closure activities for WMUs Phase II and Phase III: 30 November 2004.*
3. The waste management facility consists of a closed 16-acre Class III municipal solid waste landfill, (Phase I) and an inactive 13 acre Class II landfill (Phases II and III) which is in the process of being closed. A 1.3 million gallon Class II surface impoundment contains leachate from the leachate collection and removal system (LCRS) of Phases II and III, and the discharge from the Phase I groundwater extraction trench. The facility is shown on Figure 1, which is attached hereto and made part of this Order by reference.
 4. Phase I is an unlined landfill, constructed before landfill liners were required. This landfill has degraded groundwater and therefore corrective action measures are in place. Phases II and III are a lined Class II landfill constructed in compliance with present regulations. This portion of the facility has had periodic detections of volatile organics constituents in groundwater.
 5. In accordance with WDRs Order No. R5-2003-0078, the Discharger was required to stop discharging waste into Phase II and III by 30 April 2004 and begin facility closure activities by 30 May 2004.
 6. WDRs Order No. R5-2003-0078 also required the Discharger to complete closure activities associated with Phases II and III landfill by 30 November 2004. However, the Discharger failed to complete the closure activities in violation of WDRs.
 7. On 21 December 2004, the Discharger discovered waste placed outside of the lined eastern boundary of the Phase II and III landfill footprint. Rainfall delayed the start of the excavation of the newly discovered waste until late May 2005, and the material was totally removed in July 2005. The Discharger excavated approximately 4,045 cubic yards of waste material.
 8. On 15 July 2005, additional waste was found outside the Phase II and III lined footprint, along the southwestern boundary. This waste was excavated so that the cover geomembrane could be seamed to the bottom liner geomembrane. The Discharger indicated that the liner and anchor trench had been severely damaged in the removal area. This required additional waste to be removed in order to find an acceptable geomembrane liner for seaming with the cover. Once the extent of the damaged liner was identified, new geomembrane liner and perimeter anchor trench were installed

and inspected. The Discharger completed the installation of the geosynthetic portion of the cover on 21 September 2005. Approximately 4,500 cubic yards of waste material were removed from the southwest boundary of the WMU.

9. Following the installation of the geosynthetic portion of the cover, the Discharger placed protective cover soils, graded and lined perimeter drainage channels, and initiated the installation of the landfill gas extraction system. The Discharger completed the trenching for the landfill gas header and lateral lines on 15 November 2005. The landfill gas wells were operational by late November 2005.
10. On 30 November 2005, Regional Board staff met with Amador County to discuss the incomplete closure of the Phase II and III landfill. The Discharger indicated that inclement weather and discovery of waste outside the landfill footprint contributed to closure delays.
11. On 1 December 2005, the Discharger submitted a time extension request with a proposed time schedule to complete the closure tasks for the Phase II and III landfill. Regional Board staff stated enforcement would not be recommended if Amador County committed to a closure completion date of 1 February 2006, and in addition submitted closure progress reports by 19 December 2005, 16 January 2006, and 30 January 2006, and the final Construction Quality Assurance (CQA) report by 24 February 2006.
12. The Discharger submitted the first progress report on 16 December 2005. The Discharger stated that wood chips were placed on the south, west, and north slopes of the Phase II and III landfill and that grading operations were underway. The slope vegetative layer had not been completed, but was planned. Other closure tasks that had not been completed included the headwall berm, installation of the down drain, grading and lining of the remaining perimeter drainage channel, installation of settlement monuments and berm erosion control material, adding base rock to access road, and grading of borrow area.
13. The Discharger submitted the second progress report on 17 January 2006. The Report stated that "extensive rain" delayed the application of the vegetative material. The completion of the headwall berm, installation of permanent top deck down drain, and settlement monuments would be completed once the vegetative cover was placed. Other erosion controls improvements would follow the placement of vegetative cover. The Discharger had not completed the lining of the southern perimeter drainage channel, nor completed the placement of base rock on the access road. The borrow area was 90% regraded and when soil-borrowing was done, the last 10% would be graded.
14. On 31 January 2006, Regional Board staff conducted a site visit following the most recent storm event. Staff observed ponded water and vehicle ruts on the top deck of the Phase II and III landfill, evidence of sheet flow erosion on side slopes, rilling of side slopes, loss of side slope final cover, temporary down drain structures constructed of plastic sheeting, upper perimeter drain structures partially constructed, sediment-filled lower drain structures, siltation of the sedimentation pond, and the sedimentation pond discharge point inaccessible due to general condition of site access roads.
15. Following the 31 January 2006 site inspection, Regional Board staff notified the Discharger of site observations and expressed concerns of progress towards closure.

16. Following a 10 February 2006 meeting, Regional Board staff requested that the Discharger submit a “Status of Completion” letter documenting the delays to the landfill closure. Regional Board staff also requested that the Discharger propose a schedule to complete closure activities including interim erosion control measures for the rest of the 2005-2006 rainy season. This schedule was also to include a submittal date for the Final CQA Report.
17. In a letter dated 15 February 2006, the Discharger submitted a “Status of Completion – Cell II/III Closure” letter addressing the Phase II and III landfill current closure deficiencies. According to the Discharger, the remaining work tasks include completion of vegetative cover material, completion of permanent drainage control features, and improvements to the borrow area and perimeter roads. The Discharger has proposed a “work day” schedule of closure activities of 31 working days as described below in Table 1. Because of possible rain delays the Discharger stated that landfill closure would be completed by 30 June 2006 and Final CQA Report would be completed by the middle of July 2006.

TABLE 1

Proposed Construction Schedule*

Remaining Tasks	Duration	Start Day	End Day
Vegetative Cover Production and/or Import	10	1	11
Existing Slope Erosion Repair	5	1	6
Headwall Berm Construction	5	1	6
Placement of Vegetative Cover on Side Slopes	6	6	12
Installation of Toe of Slope Erosion Barrier	2	12	14
Placement of Vegetative Cover on Top Deck and Headwall Berm	4	14	18
Installation of Slope Downdrain Structures	2	18	20
Installation of Settlement Monuments	1	20	20
Installation of Concrete Lining of Southern Perimeter Channel	3	20	23
Placement of Aggregate on Southern Access Road	1	24	24
Grading of Borrow Area, Cleanup	2	24	26
Working Days to Repair Erosion Damage	5		
Working Days to Complete Project	26		

Remaining Tasks	Duration	Start Day	End Day
Total Working Days	31		

*Construction schedule reproduced from Amador County's Status of Completion-Cell II/III Closure letter dated 15 February 2006.

REGULATORY CONSIDERATIONS

19. In accordance with WDRs R5-2003-0078, the Discharger was required to complete closure activities associated with the Phase II and III landfill by 30 November 2004. The Discharger failed to complete the closure activities in violation of WDRs R5-2003-0078.
20. Based on Regional Board staff observations made during the 31 January 2006 site inspection, the Discharger failed to notify the Regional Board of a change in site conditions that could impair the integrity of waste or drainage control systems and is therefore a violation of Facility Specification C.2. The Discharger also failed to contain surface water on-site or discharge surface water in accordance with the applicable storm water regulations and manage all run-on/run-off according to Best Management Practices (BMPs) and maintain those facilities so that they perform at the design capacity, in violation of Facility Specifications C.6 and C.7 of WDRs Order No. R5-2003-0078.
21. Based on observations made during the 31 January 2006 site inspection, Regional Board staff believes the Discharger failed to properly maintain or construct the required vegetative layer of the final cover, failed to maintain the top deck grade to prevent ponding, and failed to employ BMPs to properly control and channel surface water from areas susceptible to erosion, in violation of Landfill Closure Specifications I.2, I.3, and I.4 of WDRs Order No. R5-2003-0078.
22. According to WDRs Order No. R5-2003-0078, the Discharger is required to maintain all the facility's waste managements units' final cover such that they meet the prescriptive standard for final covers in Section 20950(a)(A)(1) of Title 27, this was not completed.
23. As a result of the findings described above, the Executive Officer finds that a discharge of waste is taking place, or threatening to take place, in violation of waste discharge requirements prescribed by the Regional Board.
24. Section 13300 of the California Water Code (CWC) states: *"Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."*
25. Section 13267(b) of the CWC provides that: *"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, or any*

citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters 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.”

26. The technical reports required by this Order are necessary to ensure compliance with this Time Schedule Order (TSO), WDRs Order No. No. R5-2003-0078, all applicable provisions of the California Water Code and CCR Title 27, and to ensure the protection of the public health and safety and waters of the State. The Discharger owns and operates the facility that discharges waste subject to this Order.
27. The issuance of this TSO is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15321(a)(2), Title 14, California Code of Regulations.
28. Any person affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Section 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions are available at http://www.waterboards.ca.gov/water_laws/cawtrcde/wqpetition_instr.html and will also be provided upon request.

IT IS HEREBY ORDERED THAT pursuant to CWC Sections 13300 and 13267, Amador County, shall comply with the following time schedule to ensure future compliance with WDRs Order No. R5-2003-0078 and Title 27 California Code of Regulations (CCR):

Any person signing a document submitted under 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.”

1. By **30 June 2006**, the Discharger shall complete all remaining work tasks proposed in Table 1 (Finding No. 18). The Discharger shall submit weekly progress reports documenting construction activities and progress toward closure. Weekly progress reports should include the Discharger’s use of BMPs to control storm water run-off, to properly control and channel surface water from areas susceptible to erosion, and to reduce potential impacts to surface water.
2. By **21 July 2006**, the Discharger shall submit the Final Construction Quality Assurance (CQA) Report. The CQA Report shall meet the requirements set forth in Section 20324 of Title 27.

In addition to the above, the Discharger shall comply with existing WDRs Order No. R5-2003-0078 and all applicable provisions of the California Water Code and CCR Title 27 that are not specifically referred to in this Order. 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 Professional Engineer or Professional Geologist and signed by the registered professional.

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 or may issue a complaint for administrative civil liability.

Failure to comply with this Order may result in the assessment of an Administrative Civil Liability up to \$1,000 per day or up to \$10,000 per day of violation, depending on the violation, pursuant to the California Water Code, including sections 13268, 13271, and 13350. The Regional Board reserves its right to take any enforcement actions authorized by law.

This Order is effective upon the date of signature.

Original Signed By
PAMELA C. CREEDON, Executive Officer

2 May 2006
(Date)

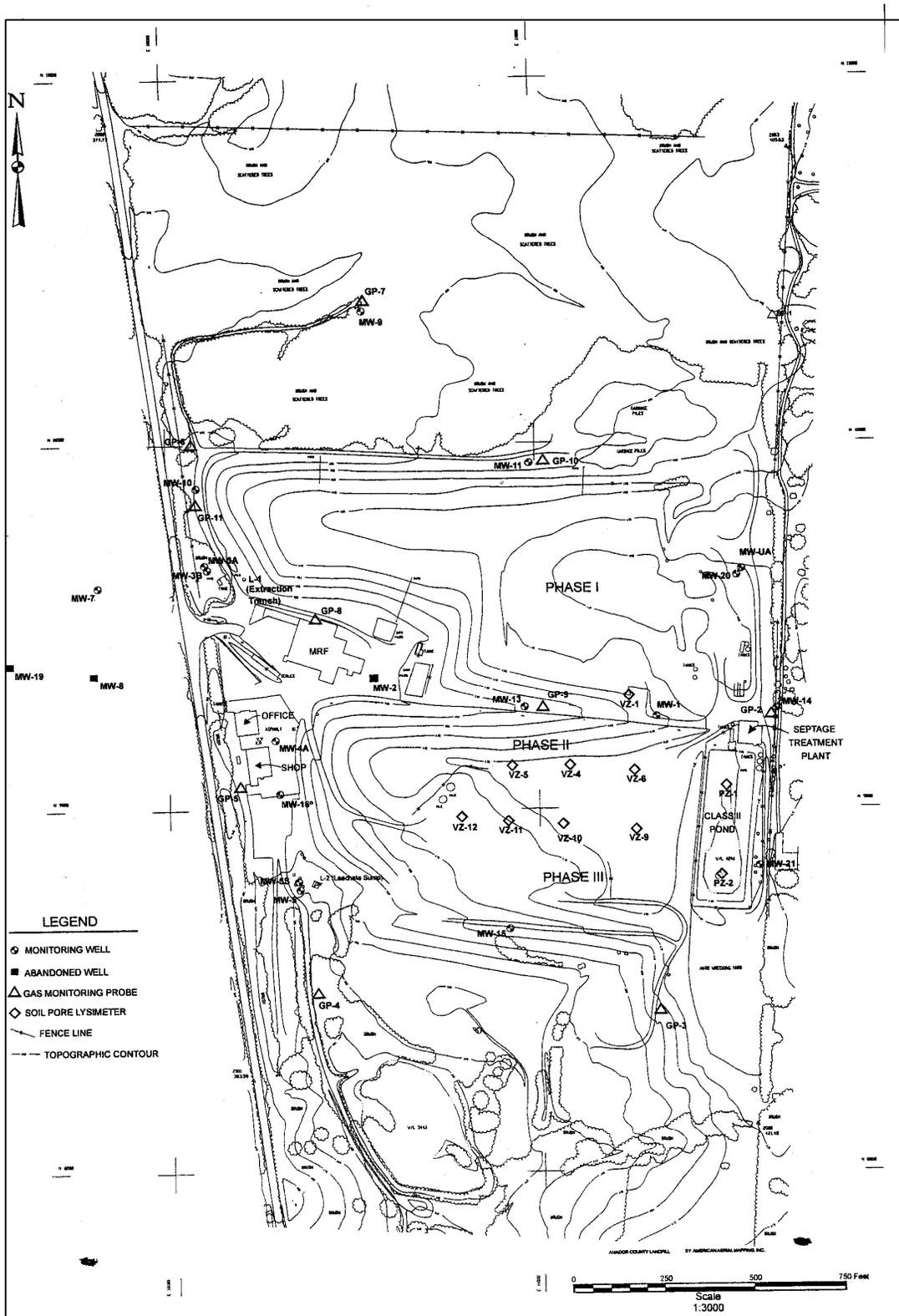


Figure 1
 Site Map and Monitoring Point Locations
 Buena Vista Landfill
 Amador County