

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2013-0110

MODIFYING WASTE DISCHARGE REQUIREMENTS ORDER R5-2007-0092
FOR
COUNTY OF KERN
FOR
OPERATION
BAKERSFIELD METROPOLITAN (BENA) SANITARY LANDFILL
KERN COUNTY

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

1. The County of Kern (hereafter Discharger) owns and operates a municipal solid waste landfill about 17 miles east of Bakersfield and one-half mile northwest of Bena, in portions of Sections 3, 4, 9, and 10, T30S, R30E; and Section 33 and a portion of Section 34, T29S, R30E, MDB&M.
2. The 2,285-acre facility contains one 54-acre lined waste management unit known as Phase 1, and a 175-acre lined waste management unit known as Phase 2A. The facility is comprised of Assessor's Parcel Numbers (APN) 179-010-16 and 17; 179-020-02, 03, 04, 05, 38, 58, and 61; 397-050-10, 11, 12, 14, 25, 26, 27; and 397-060-07.
3. Waste Discharge Requirements Order R5-2007-0092 (WDRs), adopted by the Central Valley Water Board on 22 June 2007, prescribes requirements for construction and operation of the landfill in accordance with 40 CFR Part 258 (Subtitle D); and California Code of Regulations, title 27, section 20005 et seq. (Title 27).
4. Phase 2A is a Class III waste management unit constructed with a composite liner and leachate collection and removal system that accepts municipal solid waste.
5. The Discharger has proposed increasing the moisture content of waste contained in Phase 2A to enhance decomposition of the waste and, therefore, production of landfill gas for a waste-to-energy project in which the Discharger is participating.

6. Subtitle D prohibits the discharge of bulk liquid waste to a municipal solid waste landfill. However, discharge of a liquid that is not a waste, such as clean water, is not prohibited by the federal regulations.
7. Section 20200(d)(3) of Title 27 states that liquids or semi-solid waste shall not be discharged to Class III landfills. However, it also states that exceptions may be granted by a regional board if the discharger can demonstrate that such discharge will not exceed the moisture holding capacity of the landfill, either initially or as a result of waste management operations, compaction, or settlement, so long as such discharge is not otherwise prohibited by applicable state or federal requirements.
8. The Discharger submitted a work plan that presents a methodology for implementing the addition of water to the waste. The key points of the methodology are:
 - a. The water added to Phase 2A will not be waste and will not be derived from waste;
 - b. The water added to Phase 2A will be sampled to demonstrate that it is not liquid waste;
 - c. Only clean water from the landfill's water supply well will be added to Phase 2A;
 - d. The moisture holding capacity of the waste will not be exceeded, either initially or as a result of waste management operations, compaction, or settlement;
 - e. The target moisture content will be 25%. The waste normally contains about 15% moisture and becomes saturated at a moisture content of about 32%;
 - f. The liquid head on the liner will not exceed 30 centimeters; and
 - g. The addition of water to Phase 2A will not result in a violation of the terms and conditions of the WDRs.
9. The Discharger also proposed adding nutrients to Phase 2A with the added water to promote microbial activity which, in turn, would increase landfill gas production.
10. Water Code section 13267 states, in relevant part:

“(b)(1) 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 ... waste 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.”

11. The discharge of liquids to Phase 2A needs to be monitored and monitoring reports need to be submitted to the Central Valley Water Board to ensure that the discharge of liquids is performed in accordance with Subtitle D, Title 27, and the WDRs.
12. This order modifies Order R5-2007-0092 by adding additional discharge specifications and an additional provision for the addition of water to the waste contained in Phase 2A. Order R5-2007-0092 remains intact and applicable in all other aspects.

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13. Because the discharge of clean water at the facility is not prohibited by the current WDRs, this Order merely serves to clarify current obligations and adds additional reporting requirements to ensure that existing environmental protections will be maintained. The action of prescribing these WDRs is therefore exempt from the provisions of the California Environmental Quality Act (“CEQA”)(Pub. Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15301, which exempts the “operation, repair, maintenance, [and] permitting ... of existing public or private structures, facilities, mechanical equipment, or topographical features” from environmental review.

PROCEDURAL REQUIREMENTS

14. The Central Valley Water Board notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the addition of water to the waste contained in Phase 2A, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
15. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the modification of Waste Discharge Requirements Order R5-2007-0092.

IT IS HEREBY ORDERED, pursuant to Water Code sections 13263 and 13267, that the requirements of Order R5-2007-0092 are modified as follows:

Discharge Specifications B.7 through B.13 and Provision F.16 are added to read as:

B. DISCHARGE SPECIFICATIONS

7. Clean water and microbial nutrients may be added to the waste contained in Phase 2A to enhance the production of landfill gas.
8. The water added to Phase 2A shall not be waste and shall not be derived from waste.
9. The water added to Phase 2A shall be sampled to demonstrate that it is not liquid waste.
10. The moisture holding capacity of the waste shall not be exceeded, either initially or as a result of waste management operations, compaction, or settlement.
11. The liquid head on the liner shall not exceed 30 centimeters.
12. The addition of water and/or microbial nutrients to Phase 2A shall not result in a violation of the terms and conditions of Waste Discharge Requirements Order R5-2007-0092.
13. The Discharger shall submit technical reports describing the addition of water to the waste in Phase 2A and the results of such additions in accordance with the following:
 - a. The reports shall be generated semiannually and submitted to the Central Valley Water Board in accordance with the reporting schedule contained in Monitoring and Reporting Program R5-2007-0092.
 - b. Each report shall contain:
 - i. Analytical data demonstrating that the source water is not waste and has not been derived from waste;
 - ii. The volume of water that was added to the waste;
 - iii. The portions of the Phase 2A that received water;

- iv. Data demonstrating that the moisture holding capacity of the waste has not been exceeded; and
- v. Data demonstrating that the liquid head on the liner did not exceed 30 centimeters.

F. PROVISIONS

- 16. Prior to incorporating microbial nutrients into the water that is added to the waste, the Discharger shall submit, for Executive Officer approval, a plan for adding such microbial nutrients to the waste in Phase 2A to enhance landfill gas production, or for changing the types of nutrients specified in a previous plan.

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 26 July 2013.

Original signed by:

PAMELA C. CREEDON, Executive Officer