

California Regional Water Quality Control Board
Santa Ana Region

Staff Report

July 14, 2006

ITEM: 12

SUBJECT: Amendments to Existing Waste Discharge Requirements for the Badlands Sanitary Landfill, Riverside County Waste Management Department, Order No. R8-2006-0053

DISCUSSION:

The Riverside County Waste Management Department (RCWMD, hereinafter discharger), owns and operates the Badlands Sanitary Landfill (BSL), a Class III municipal solid waste (MSW) landfill located at 31125 Ironwood Avenue, Moreno Valley.

The applicable regulations governing the discharge of non-hazardous MSW to land are contained in Division 2, Title 27, California Code of Regulations (Title 27) and the Code of Federal Regulations Subpart D of Part 258 of Title 40 (Subtitle D). Landfill operations at the BSL are currently regulated under waste discharge requirements (WDRs) Order No. 91-105, and its amendments, Orders No. 98-99 and R8-2002-0085.

The existing WDRs for the BSL are being amended to comply with more recent state laws for the acceptance of treated wood waste (TWW) at Class III MSW landfills.

Background

"Treated wood," as defined in California Health and Safety Code (CHSC) §25150.7, means wood that has been treated with a chemical preservative for the purposes of protecting wood against insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood, and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Under federal law, wood treated with chemical preservatives registered under the FIFRA is exempted from hazardous waste classification and can be disposed of in any landfill. California has its own disposal requirements for TWW that are stricter than federal rules. Therefore, even though TWW is not subject to regulation as a hazardous waste under the federal act, it has been managed as a hazardous waste in California. Prior to January 1, 2005, state hazardous waste control laws required that TWW be disposed of in a Class I hazardous waste landfill, unless it was granted a hazardous waste variance by the State Department of Toxic Substances Control (DTSC). TWW that was granted a variance could be disposed of in a Class III MSW landfill. Under the California Water Code (CWC) §13173, TWW that had been granted a hazardous waste variance was considered a designated waste (Class II waste), which could only be disposed of in a composite-lined Class III landfill after a waiver for such disposal had been granted by a regional board under Title 27 §20200(a)(1).

Assembly Bill 1353 (New State Law for the Management and Disposal of TWW)

Improper handling and disposal of TWW can cause significant health and environmental hazards. In order to manage TWW in a safe and effective manner, Assembly Bill 1353 (AB 1353), a new state law that governs the disposal of TWW, became effective on January 1, 2005. This new law negates all existing hazardous waste variances for TWW formerly granted by the DTSC, and requires TWW to be disposed of in either:

1. A Class I hazardous waste landfill, or
2. A Class III landfill that meets the following three conditions:
 - a. The landfill has at least one composite-lined unit that meets all requirements applicable to the disposal of municipal solid waste (MSW) in California after October 9, 1993. All TWW shall be disposed of at a composite-lined unit, equipped with a composite liner and leachate collection and removal system, of an MSW landfill.
 - b. The landfill must be regulated by WDRs that specifically allow discharges of TWW, as defined in California Health and Safety Code (CHSC) §25150.7(b), or designated waste, as defined in California Water Code (CWC) §13173. All TWW accepted at a MSW landfill must be managed to prevent scavenging and must assure compliance with CHSC §25150.7(d)(2) for the management and disposal of TWW to minimize impacts to soil and water.
 - c. Groundwater monitoring of the composite-lined unit(s) to be used for TWW disposal does not indicate a verified release of any contaminants to groundwater.

Under the new law, TWW would be managed and disposed of as a solid waste at a Class III MSW landfill that meets the conditions listed above (CHSC §25150.8), not as a hazardous waste, which thereby exempts it from the state hazardous waste control laws.

This order amends the existing WDRs for the BSL to require the discharger to comply with necessary provisions, monitoring, and reporting requirements for the management and disposal of TWW and other designated waste as approved by the Executive Officer of the Regional Board.

All terms and conditions contained in the existing WDRs for the BSL that are not amended by this order shall remain in effect and unchanged.

RECOMMENDATION:

Adopt Order No. R8-2006-0053 as presented.

Comments were solicited from the following agencies:

State Water Resources Control Board, Division of Clean Water Program – Joe Mello
State Water Resources Control Board, Office of Chief Counsel – Jorge Leon
California Integrated Waste Management Board, Sacramento – Robert Holmes
State Department of Health Services - San Diego/Santa Ana/San Bernardino
State Department of Toxic Substances Control, Cypress - Karen Baker
Riverside County Waste Management Department – Hans Kernkamp
Riverside County Department of Environmental Health Services, LEA – John
Watkins/Laura Wallace

California Regional Water Quality Control Board
Santa Ana Region

ORDER NO. R8-2006-0053

Amending Waste Discharge Requirements for
Badlands Sanitary Landfill
Riverside County Waste Management Department

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. The Riverside County Waste Management Department (RCWMD, hereinafter discharger) owns and operates the Badlands Sanitary Landfill (BSL). The landfill has been in operation since 1966, and is located in the San Timoteo Badlands at 31125 Ironwood Avenue, Moreno Valley. The site encompasses approximately 1,170 acres, including all of Section 32, T2S, R2W, and portions of Sections 4 and 5, T3S, R2W, SBB&M. The BSL is designated as a Class III landfill with 150 acres currently permitted to accept non-hazardous municipal solid waste (MSW).
2. The discharge of MSW to land at BSL is currently regulated under waste discharge requirements (WDRs) Board Order No. 91-105, and its amendments, Orders No. 98-99 and R8-2002-0085. Order No. 91-105 was amended by Orders No. 98-99 and R8-2002-0085 to comply with updated regulations contained in the Code of Federal Regulations Subpart D of Part 258 of Title 40 (Subtitle D) and California Code of Regulations (CCR) Title 27, and to allow the use of engineered alternatives to the prescriptive liner design, respectively.
3. On January 1, 2005, Assembly Bill 1353 (AB 1353), a new state law that governs the disposal of treated wood waste (TWW), became effective. "Treated wood," as defined in California Health and Safety Code (CHSC) §25150.7, means wood that has been treated with a chemical preservative for the purposes of protecting wood against insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 and following). This may include but is not limited to waste wood that has been treated with chromated copper arsenate (CCA), pentachlorophenol, creosote, acid copper chromate (ACC), ammoniacal copper arsenate (ACA), ammoniacal copper zinc arsenate (ACZA), or chromated zinc chloride (CZC).
4. This new law negates all existing hazardous waste variances for TWW formerly granted by the Department of Toxic Substances Control (DTSC), and requires TWW to be disposed of in either:

- a. A Class I hazardous waste landfill, or
 - b. A Class III landfill that meets the following three conditions:
 - i. The landfill has at least one composite-lined unit that meets all requirements applicable to the disposal of MSW in California after October 9, 1993. All TWW shall be disposed of at a composite-lined unit of an MSW landfill.
 - ii. The landfill must be regulated by WDRs that specifically allow discharges of TWW, as defined in CHSC §25150.7(b), or designated waste, as defined in California Water Code (CWC) §13173. All TWW accepted at a MSW landfill must be managed to prevent scavenging and must assure compliance with CHSC §25150.7(d)(2).
 - iii. Groundwater monitoring of the composite-lined unit(s) to be used for TWW disposal does not indicate a verified release of contaminants to groundwater.
5. AB 1353 does not affect the existing law (CHSC, §25143.1.5) applying to the disposal of utility poles, which allows MSW landfills to accept TWW generated by the utility industries for disposal at composite-lined units if so authorized in the facilities' WDRs.
 6. Currently, the existing WDRs for the BSL do not include any provisions that allow the acceptance of TWW, as defined in CHSC §§25143.1.5 and 25150.7, or designated waste, as defined in CWC §13173.
 7. On May 19, 2006, RCWMD submitted an amended Report of Waste Discharge (ROWD) in the form of Joint Technical Document (JTD) No. 4, requesting the Regional Board to amend the existing WDRs for the BSL to allow the acceptance of TWW at the site. Regional Board staff considered JTD Addendum No. 4 complete on May 23, 2006.
 8. The Regional Board has reviewed JTD Addendum No. 4 and has determined that the site meets the conditions listed in Finding 4.b, above, as follows:
 - a. The permitted disposal area at the BSL consists of 38 acres of unlined area and 76 acres of composite-lined area. The 76 acres of composite-lined area, which comprise a total of nine (9) waste management units (WMUs), is shown on **Attachment 1** to this order. Another 36 acres of composite-lined area will be constructed within the next few years for the disposal of MSW and TWW. All of the composite-lined WMUs have met the applicable state and federal regulations pertaining to the disposal of non-hazardous MSW.
 - b. The site is currently in detection monitoring. The existing groundwater monitoring network for the site, which includes the lined units to be used for TWW disposal, has not indicated a release of contaminants to groundwater.

- c. The RCWMD has submitted a TWW Management and Disposal Plan, in compliance with CHSC §25150.7(d)(2).
9. In order to fully comply with AB 1353 and CHSC for TWW disposal, Order No. 91-105, as amended, must be further amended to allow the acceptance of TWW at the BSL.
10. This order amends the existing WDRs for the BSL to require the discharger to comply with necessary provisions, monitoring, and reporting requirements for the disposal of TWW and designated waste at the landfill, as approved by the Executive Officer of the Regional Board.
11. This project involves the amendment of waste discharge requirements for an existing facility for which revised waste discharge requirements are needed to comply with new and existing laws, and as such, is exempt from the California Environmental Quality Act (Public Resources Code, §21100 et seq.) in accordance with CCR §15301, Chapter 3, Title 14.
12. The Regional Board has notified the discharger and interested agencies and persons of the Board's intent to amend the waste discharge requirements previously adopted for the discharger, and has provided them with an opportunity to submit their written comments and recommendations.
13. The Regional Board, in a public meeting, heard and considered all comments pertaining to the proposed amendment of the existing waste discharge requirements for BSL.

IT IS HEREBY ORDERED THAT the discharger shall comply with the following amended requirements:

1. Replace Discharge Specifications A.4 of Order No. 91-105 with the following:

The discharge of hazardous¹ or designated² wastes in unlined waste management units (WMUs) at the site is prohibited. The discharge of any TWW that has been removed from electric, gas, or telephone service and is subject to regulation as a hazardous waste under the federal act is prohibited.

2. Add the following as new Discharge Specifications B.24, B.25 and B.26 of Order No. 91-105:

¹ Hazardous waste as defined under the state hazardous waste control laws.

² Designated waste as defined in CWC §13173.

24. Treated wood waste³ (TWW) and designated waste⁴, as approved by the Executive Officer of the Regional Board, may only be disposed of at composite-lined WMUs meeting all the requirements for a composite liner and leachate collection and removal system described under Provision C.2 of Order No. 98-99⁵.
 25. If monitoring at the composite-lined portion of a landfill unit that has received TWW indicates a verified release, the disposal of TWW to that landfill unit shall immediately cease until corrective action, implementing the requirements of Title 27 §20385, results in cessation of the release.
 26. The discharger shall manage and dispose of TWW in accordance with the site's TWW Management and Disposal Plan and all requirements of CHSC §§25143.1.5 and 25150.7.
3. Add the following as Monitoring Program B.2.e of Order No. 98-99 for the BSL:

The discharger shall keep a permanent log of the daily incoming quantity, source(s), and disposal area of TWW and any designated waste accepted at the site.
 4. Replace Reporting C.1.f of Order No. 98-99 with the following for the BSL:

Waste type and placement – The quantity and types of wastes discharged and the locations within the landfill where waste has been placed since the submittal of the last monitoring report. An evaluation summary of the site's TWW management and disposal in compliance with the CHSC shall also be included.
 5. All terms and conditions contained in the existing WDRs for the BSL that are not amended by this order shall remain in effect and unchanged. Amended or revised requirements contained in this order supersede any conflicting provisions in the existing WDRs.

I, Gerard J. Thibeault, 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, Santa Ana Region, on July 14, 2006.


Gerard J. Thibeault
Executive Officer

³ Treated wood waste as defined in CHSC §§25143.1.5 and 25150.7.

⁴ Designated waste as defined in CWC §13173.

⁵ Provision C.2 of Order No. 98-99 was amended by Order No. R8-2002-0085 to allow the use of an engineered alternative to the prescriptive liner design.

