

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TIME SCHEDULE ORDER R5-2010-XXXX

REQUIRING
COUNTY OF TULARE
OROSI SOLID WASTE LANDFILL
TULARE COUNTY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2009-0107

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

1. On 8 October 2009, the Central Valley Water Board adopted Waste Discharge Requirements Order R5-2009-0107 (WDRs) prescribing waste discharge requirements for the County of Tulare (hereafter Discharger) for closure and postclosure maintenance of the waste management unit (Unit) at the Orosi Solid Waste Landfill (landfill). The landfill is classified as a Class III landfill. The Unit disposed of nonhazardous solid wastes and lesser amounts of municipal solid wastes from 1941 until 1987 when the landfill ceased operation.
2. Construction Specification C.3 of the WDRs requires the Discharger to close the Unit with an engineered alternative cover system comprised, in ascending order, of: 1) a two-foot thick foundation layer comprised of soils compacted to a minimum relative compaction of 90%; 2) a low hydraulic conductivity layer consisting of a reinforced (needle-punched), geotextile-backed geosynthetic clay liner (GCL) that exhibits appropriate strength characteristics to accommodate stresses associated with the specific design parameters; and 3) an erosion resistant layer consisting of a one-foot thick vegetative layer capable of sustaining native or other suitable plant growth.
3. As a part of closure construction activities, the clean closure of a part of the Unit's northwestern portion (Area 3), including confirmation sampling and analysis, was conducted. Wastes and soils were excavated from Area 3 and placed within the remainder of the Unit. After reviewing documentation provided by the Discharger in a 10 May 2010 report, California Valley Water Board staff (Staff) determined that Area 3 of the Unit had been adequately clean-closed. The Area 3 excavation will be filled with clean soils.
4. Construction Specification C.1 of the WDRs requires the Discharger to complete all closure construction activities by 9 October 2010.
5. Construction Specification C.7 of the WDRs requires the Discharger to submit a final construction report for Executive Officer approval by 9 January 2011.

6. The Discharger planned to initiate construction of the final cover in June 2010. The Discharger submitted a letter on 29 June 2010, requesting a one-year extension (to October 2011) of the closure completion date based on unexpected time delays (approximately 2 months) resulting from the excavation and clean closure of Area 3, as described in Finding No. 3. Additionally, the Discharger stated that it wanted to avoid constructing a final cover system that utilizes a GCL during the 2010-2011 rainy season.
7. Staff reviewed the Discharger's request and determined that the time delays were unexpected and for a reasonable cause, and that it would be impracticable to complete final closure construction of the Unit by 9 October 2010 and that a one-year extension is appropriate.
8. *California Water Code (CWC) section 13300 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."*
9. In accordance with CWC section 13300, the Central Valley Water Board finds that the Discharger may not be able to comply with Construction Specification C.1 and C.7 of the WDRs. Therefore, the Central Valley Water Board finds that a Time Schedule Order is appropriate.
10. California Water Code section 13267(b) states 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 a 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 the waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."
11. The technical reports required by this Time Schedule Order (Order) are necessary to assure compliance with the Order and applicable provisions of the CWC. The Discharger operates the facility that discharges the waste subject to this Order.

PROCEDURAL REQUIREMENTS

13. The Central Valley Water Board notified the Discharger and interested agencies and persons of its intent to prescribe a Time Schedule Order and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
14. On _____, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider a Time Schedule Order under CWC section 13300 to establish a time schedule to achieve compliance with the WDRs.
15. The issuance of this Order is exempt from the provisions of the CEQA (Public Resources Code, Section 21000, et seq.), because it is an enforcement order exempted under 15321(a)(2), Title 14, California Code of Regulations. This Order is also exempt under Section 15061(b)(3), because it implements the closure and postclosure maintenance requirements imposed by another Order.

IT IS HEREBY ORDERED that, pursuant to sections 13300 and 13267 of the California Water Code, the County of Tulare and its agents, successors, and assigns, shall comply with the following:

1. **By 10 October 2011**, all closure construction activities shall be completed.
2. **By 10 January 2012**, following the completion of construction of the cover system, a construction report shall be submitted for Executive Officer review and approval. The report shall be certified by a California registered civil engineer or certified engineering geologist. It shall contain sufficient information and test results to verify that construction was in accordance with the design plans and specifications, and with the prescriptive standards and performance goals of Title 27. The cover construction report shall include at a minimum, but not be limited to, the following:
 - a. Test results on the chemical and geotechnical properties of materials used in the cover system, as specified in these waste discharge requirements;
 - b. Test results on the hydraulic conductivity of the cover system; and
 - c. Construction quality assurance and quality control procedures and results for all aspects of cover system construction.

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 CWC section 13320 and

California Code of Regulations, title 23, sections 2050 and the 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 (including mandatory furlough days), 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 _____.

PAMELA C. CREEDON, Executive Officer

VSM: 8/6/2010