

## LATE REVISIONS – 9 October 2014

### Item 9 Recology Hay Road, Jepson Prairie Organics DBA of Recology Hay Road, Hay Road Landfill, Solano County - *Consideration of Cease and Desist Order*

#### Title

Correct the spelling of the facility's name as follows:

JEPSPON PRAIRIE ORGANICS...

Edit the last two lines of the title of the Proposed Order as follows:

~~TO CEASE AND DESIST  
FROM DISCHARGING CONTRARY TO REQUIREMENTS~~  
**WATER CODE SECTION 13301 ORDER**  
**TO COMPLY WITH WASTE DISCHARGE REQUIREMENTS ORDER R5-2008-0188**

#### Header

Edit each page header as follows:

~~CEASE AND DESIST~~ **Water Code Section 13301** ORDER R5-2014-XXXX  
RECOLOGY HAY ROAD LANDFILL  
SOLANO COUNTY

#### Finding 20

Edit Finding 20 to read:

20. The design documents and Construction Quality Assurance (CQA) reports for the various landfill units contain the bottom elevation of each unit, as shown in the table below. The bottom elevations shown in the table for units 2.1, 2.2A, 2.2B, 4.1, 5.1A, 5.1B, 9.1A, 9.1B, 11.1, and 11.2 are based on the design elevations, which may have been slightly modified during construction. ***The Discharger disagrees with the Prosecution Team's interpretation of the compliance determination location for measuring the separation between waste and groundwater. In order to evaluate compliance, prepare revised WDRs, and in order to accurately determine the final elevation of these units, this Order requires the Discharger to submit CQA reports<sup>7</sup> with stamped surveyor's as-built drawings showing the bottom elevation of the units as constructed and the base elevation of the LCRS sumps and LDS sumps the wastes or leachate. Staff contends the elevations for the remainder of the landfill units shown in the table are accurate as they are based on surveyed data. The Discharger disagrees with the contents of the table. However, the Discharger will further refine and verify the elevation measurements and data shown in the table in order to***

***accurately determine the final elevation of these units and the elevations of the LCRS sumps and LDS sumps.***

<sup>7</sup> *The Discharger contends that a CQA report (stamped or unstamped) does not exist for subgrade construction of DM-2.1 Phase 1 and 2, that a CQA report (stamped or unstamped) does not exist for the low permeability clay for DM-2.1 Phase 1, and that an unstamped CQA report only exists for the low permeability clay for DM-2.1 Phase 2. The Discharger shall provide an explanation as to the unavailability of the CQA reports and further specify its solution to determine the elevation measurements at DM 2.1.*

### **Finding 21**

Edit Finding 21 to read:

21. A review of the monitoring reports show that, for units DM-2.2, 5.1, 9, and 11, the Discharger appears to be appropriately reporting separation between the bottom of the LCRS and groundwater. However, not all of the units are constructed in the same manner, and for units DM-3.1, 3.2, 3.3, 4.1, 5.2, and 6, the lowest point of the unit at which there could be leachate is the secondary liner. ***Prosecution Team contends that groundwater separation should be referenced from the bottom of the leak detection layer 60-mil HDPE membrane as that location more accurately interprets Construction Specification D.2 and the MRP's compliance determination for the separation requirement.*** For these units, the Discharger has been reporting the ***groundwater*** separation at the LCRS instead of the lowest point of the unit, the secondary liner. Similarly, at DM-1, the Discharger has been reporting separation at Sump S-1 (6 feet msl), but ***the Prosecution Team contends that a*** review of the 2007 Joint Technical Document (drawing 2.a) shows that the lowest point of the unit is on the north-central side at an elevation of 5 msl. This Order clarifies the Monitoring and Reporting Program requirement to determine the separation of groundwater from the lowest point of each module and/or unit, and requires ***The Prosecution Team contends that the Discharger to should*** report the separation between groundwater and leachate at the lowest known elevation at which leachate can be present, as discussed in Finding 20. ***The Discharger disagrees with the Prosecution Team's interpretation of the compliance determination location for measuring separation between waste and groundwater and it is anticipated that this issue will be resolved when updated WDRs are issued.***

### **Finding 22**

Edit Finding 22 to read:

22. ... Between 2009 and 2013, groundwater was consistently reported by the Discharger to be approximately 15 feet above the waste. ***The Prosecution Team contends this is a violation of Title 27 and the WDRs...***

**Finding 23**

Edit Finding 23 to read:

23. Unit DM-3.3 is in the south-east corner of the facility, adjacent to the wetland bird sanctuary. The WDRs require a separation of 2.5 feet. The **Prosecution Team contends that** the Discharger has been erroneously reporting the separation from the bottom of the LCRS sump rather than bottom of the **leak detection layer 60-mil HDPE membrane**. Staff has re-calculated the separation using the **point that staff considers to be the** unit's lowest known elevation as found in Finding 20 and the elevation of the groundwater at the adjacent groundwater monitoring well (G-30). **By staff's calculations**, between 2011 and 2014, the separation has ranged between 0.35 feet and 1.1 feet<sup>8</sup>, in violation of the WDRs separation requirement. **The Discharger disagrees with the Prosecution Team's interpretation of the compliance determination location at unit DM 3.3, however, the Discharger has agreed to certain actions at DM 3.3.** This Order requires the Discharger to ~~take corrective actions~~ **perform an analysis of the separation at** for Unit DM-3.3 by delineating the extent of the high groundwater, completing an Engineering Feasibility Study, **and if required**, implementing the chosen option, and then conducting monitoring to demonstrate effectiveness.

**Finding 42**

Edit Finding 42 to read:

42. On XX October 2014, in Rancho Cordova, 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 ~~an~~ **Cease and Desist** Order under Water Code section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.

**Item 6**

Edit Item 6 to read:

6. **Beginning with the fourth quarter 2014, for all units listed in Finding 20,** the Discharger shall ~~report compliance with~~ **separation between waste or leachate and groundwater according to** Discharge Specification D.2, Finding 64, and Finding 65 (~~separation between waste or leachate and groundwater~~) using the lowest known elevation of each unit, as shown in Finding 20 of this Order, or as modified as the result of the information submitted in Item #7, below. The results shall be reported to units of 0.1 feet, and if desired, the Discharger may also include what it believes, in its professional opinion, is the margin of error for that measurement. **The Discharger shall also clearly report the elevation and rationale it is using to define the location used for determining groundwater separation from waste or leachate.** The **information described above** ~~se~~ results shall continue to be **measured quarterly and** reported in the **semi-annual** ~~quarterly~~ monitoring reports required by the MRP.

**Item 7**

Edit Item 7 to read:

7. By **15 December 2014**, the Discharger shall submit Construction Quality Assurance (CQA) reports with stamped surveyor's as-built drawings showing the bottom elevation ***of the units as constructed and the bottom elevation of*** wastes or leachate for ***all*** units ~~2.1, 2.2A, 2.2B, 4.1, 5.1A, 5.1B, 9.1A, 9.1B, 11.1, and 11.2.~~ ***identified in the text of Finding 20<sup>12</sup>. The Discharger shall refine and verify the elevation measurements and data in Finding 20 in order to accurately determine the final elevation of these units and the elevations of the LCRS sumps and LDS sumps.*** ~~After approval by Board staff, these elevations shall be used instead of those in Finding 20 to determine compliance with Discharge Specification D.2.~~

<sup>12</sup> *The Discharger contends that a CQA report (stamped or unstamped) does not exist for subgrade construction of DM-2.1 Phase 1 and 2, that a CQA report (stamped or unstamped) does not exist for the low permeability clay for DM-2.1 Phase 1, and that an unstamped CQA report only exists for the low permeability clay for DM-2.1 Phase 2. The Discharger shall provide an explanation as to the unavailability of the CQA reports and further specify its solution to determine the elevation measurements at DM 2.1*

**Item 8**

Edit Item 8 to read:

8. By **15 January 2015**, the Discharger shall submit a *Groundwater Separation Delineation Workplan* describing the methods it will use to determine the separation, or lack thereof, between waste and groundwater (a) throughout unit DM-1 and (b) unit DM-3.3. Drawing 2.a of the 2007 JTD shall be used as the reference elevation for waste in unit DM-1, unless the Discharger proposes to conduct ***additional data review or*** field investigations to determine the waste elevations. For unit DM-3.3, ~~the reference elevation shall be the bottom of the secondary liner.~~ ***though the Parties disagree over the reference elevation as the bottom of the leak detection layer 60-mil HDPE membrane, the Discharger has agreed as part of the Workplan to further evaluate the historical groundwater separation beneath unit DM 3.3 and whether additional separation is needed.*** The methods selected shall be sufficient to determine the lateral and vertical extent of groundwater....

**Item 10**

Edit Item 10 to read:

10. By **15 November 2015**, the Discharger shall submit an *Engineering Feasibility Study (EFS)*. The ***new EFS may reference the 1996 EFS that was prepared to address groundwater separation at DM-1, shall incorporate data collected since the 1996 EFS was submitted, as well as*** the information developed from

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the *Delineation Workplan* and shall evaluate alternatives to ~~achieve compliance with~~ **achieve compliance in unit DM-1 and maintain or increase** the groundwater separation requirement in units DM-1 and DM-3.3. The EFS shall identify the selected alternative, propose methods to monitor effectiveness of the corrective action, and propose a schedule for compliance.