

California Regional Water Quality Control Board
North Coast Region

Cleanup and Abatement Order
No. R1-2005-0119

And

Request for Technical Information
Pursuant to Water Code Section 13267(b)

For

West Sonoma County Disposal-
Standish Avenue Recycling Center

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. West Sonoma County Disposal operates a municipal waste-stream diversion facility located at 3417 Standish Avenue, Santa Rosa, Sonoma County. The municipal waste diversion center receives single-stream recyclables, which are sorted, bailed and sent out for reprocessing into various recycled products.
2. During past inspections, Regional Water Board staff have observed that large volumes of waste awaiting sorting sit outside for significant periods of time. These waste piles threaten the quality of surface waters in a number of ways. First, these diverted municipal waste piles contain residual liquids and putrescible wastes which can create leachate. In addition, while stored outside, these waste piles come into contact with stormwater, creating additional leachate. Staff have observed stormwater entering storm drains or discharging from the site when waste piles are stored outside in the rain. Further, waste materials from these piles can become mobilized by runoff, potentially entering surface waters. Finally, waste materials stored outdoors can be blown or accidentally pushed or placed into drainageways, runoff conveyance structures, or surface waters.
3. Receiving waters affected by this facility include the Todd Road flood control channel and the Laguna de Santa Rosa.
4. Designated beneficial uses for waters of the State, as adopted in the Water Quality Control Plan for the North Coast Region (Basin Plan), include:
 - a. Municipal and domestic supply
 - b. Agricultural supply
 - c. Industrial supply
 - d. Industrial service supply
 - e. Groundwater recharge
 - f. Freshwater replenishment
 - g. Water contact recreation

- h. Non-contact water recreation
 - i. Warm freshwater habitat
 - j. Cold freshwater habitat
 - k. Rare, threatened, or endangered species
 - l. Wildlife habitat
 - m. Estuarine habitat
 - n. Wetland habitat (wetland BU only)
 - o. Flood peak attenuation/ flood water storage (wetland BU only)
 - p. Water quality enhancement
4. The Basin Plan contains a number of water quality objectives considered to be necessary to protect the present and probable future beneficial uses of waters of the State. The Basin Plan includes objectives for a number of constituents including, but not limited to color, taste and odor, floating material, settleable material, biostimulatory substances, sediment, pH, dissolved oxygen, oil and grease, bacteria, etc. Further, the Basin Plan states that “[c]ontrollable water quality factors shall conform to the water quality objectives contained herein....Controllable water quality factors are those actions, conditions, or circumstances resulting from man’s activities that may influence the quality of the waters of the State and that may be reasonably controlled.”
 5. The Basin Plan also states that the “following objective shall apply to all waters of the Region. Whenever the existing quality of water is better than the water quality objectives established herein, such existing quality shall be maintained unless otherwise provided by the provisions of the State Water Resources Control Board Resolution No. 68-16, “Statement of Policy with Respect to Maintaining High Quality Waters in California.”
 6. In addition, the Basin Plan prohibits point source discharges of waste to coastal streams and natural drainageways that flow directly to the ocean.
 7. Because wastes are currently stored on the site in such a way that leachate may enter receiving waters, this facility is subject to regulation under the provisions of Title 27, California Code of Regulations, governing the discharges of waste to land.
 8. Further, because wastes are stored on the site in such a way that they may contact stormwater runoff, the site is subject to regulation under provisions of the National Pollution Discharge Elimination System (NPDES) Industrial Stormwater program. West Sonoma Disposal applied for and received an Industrial Stormwater permit (ID # 149S012696) for this facility in December 1996.
 9. The following sections of the Porter-Cologne Water Quality Control Act authorize the Regional Water Board to require persons to remediate discharges of waste:
 - Section 13267(a) - *“A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action*

- relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the state within its region.”*
- *Section 13267(b) - “In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or proposes to discharge waste within 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.”*
 - *Section 13267(c) - “In conducting an investigation pursuant to subdivision (a), the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.”*
 - *Section 13304(a) - “Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.”*
10. Finding #1 of the General NPDES Industrial Storm Water Permit (Permit) includes the following summary of the treatment requirements for authorized storm water and non-storm water discharges:
- *Federal regulations require NPDES permittees to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm discharges.*
11. The Permit includes the following Discharge Prohibition:
- *Materials other than storm water that discharge either directly or indirectly to waters of the United States are prohibited.*
12. Waste containment and storage facilities and provisions at this site must be upgraded so as to bring this site into compliance with Basin Plan standards, provisions of the Water Code,

and requirements of the NPDES permit. Specifically, the Discharger must design and implement appropriate structures, management measures, and/or operational measures to ensure that wastes stored at the facility, components thereof, and liquid draining from or coming into contact with these wastes or their components do not enter surface or ground waters.

13. The workplan required by this Order is necessary to ensure that the prior harm and future threat to water quality created by the discharges described above are properly abated and controlled.
14. This is an enforcement action by a regulatory agency, being taken for the protection of the environment, and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, Section 21000 et seq.) in accordance with California Code of Regulations (CCRs), Title 14, Sections 15308 and 15321. Failure to comply with the terms of this Order may result in enforcement under the CWC.
15. Any person failing to provide technical reports containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to CWC Section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs. Any person failing to clean up or abate threatened or actual discharges as required by this Order is, pursuant to CWC Section 13350(e), subject to administrative civil liabilities of up to five thousand dollars (\$5,000.00) per day or ten dollars (\$10) per gallon of waste discharged.
16. Failure to comply with the terms of the general industrial stormwater permit constitutes a violation of the federal Clean Water Act (CWA) and the California Porter-Cologne Water Quality Control Act and is grounds for (a) enforcement action, for (b) General Permit termination, revocation and reissuance, or modification, or (c) denial of a General Permit renewal application. Section 309 of the CWA provide for civil penalties of up to \$25,000 per day of violation. The Porter-Cologne Act also provides for civil and criminal penalties in some cases greater than those under the CWA.
17. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with CWC Section 13320 and Title 23, CCRs, Section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If you choose to request reconsideration of this Order or file a petition with the State Water Board, be advised that you must comply with the Order while your request for reconsideration and/or petition is being considered.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to CWC Sections 13267(b) and 13304, the Landowner shall prepare the following technical reports and perform the following cleanup and abatement actions:

1. Short Term Water Quality Protection Plan

By no later than **December 30, 2005**, the Landowner shall submit a short term water quality protection plan which describes interim measures to be taken on the site to prevent waste, wastewater, and/or untreated runoff from entering surface or ground waters at and adjacent to the site.

2. Short Term Plan Implementation

The Landowner shall begin implementation of the Short Term Water Quality Protection Plan immediately; in no event later than **December 30, 2005**.

3. Long Term Water Quality Protection Plan

By no later than **January 31, 2006**, the Landowner shall submit a long term water quality protection plan designed to either contain all wastes in compliance with Title 27 (i.e., full containment with leakage detection system, monitoring, financial assurance, closure plan, etc.) or indoors on a paved surface to prevent formation of leachate, to capture any residual liquids which drain from the waste (and allow for cleanup), and any other physical transport of the waste (dumping, pushing, spilling, tracking, blowing, etc.) to receiving waters (directly or indirectly).

It should be noted that if the Landowner chooses to store and/or handle waste outdoors, the facility will be subject to the requirements of Title 27, and the long term water quality protection plan must include information about design, construction, operation, closure, and monitoring. If the Landowner proposes to store or handle any waste in a building or under a roof, the long term water quality protection plan must include an operations plan describing design volumes and capacities of waste, description of waste processing, packaging, etc. activities, traffic control, cleaning, site inspections, etc. Both options must ensure and demonstrate that wastes, components of waste, and liquids which have come into contact with these wastes and/or components will not enter receiving waters, either surface or ground. In either case, the Landowner shall submit an updated Stormwater Pollution Prevention Plan (SWPPP) for the site, in compliance with the National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater Permit reflecting existing and proposed site conditions and measures being and to be taken to comply with the provisions of that Permit.

The Landowner shall include a proposed implementation schedule with the long term water quality protection plan.

The Landowner shall implement the long term water quality protection in accordance with the proposed implementation schedule, with any modifications made by the Executive Officer, upon receipt of approval by the Executive Officer.

4. Water Quality Monitoring Plan

Pursuant to Water Code Section 13267(b), the Landowner shall develop and submit, by **December 31, 2005**, a water quality monitoring plan designed to measure the concentration of constituents of concern in leachate and runoff generated on the site and liquids flowing off the site and/or entering storm drains or surface waters. The monitoring plan shall, at a minimum, include the following components:

a. Sampling Points

The monitoring plan shall include a map or site plan showing proposed sampling points. Liquids to be sampled may include, but are not limited to:

- i. leachate from waste piles; sampling point(s) should be immediately adjacent to waste pile(s)
- ii. runoff from waste piles; sampling point(s) should be immediately adjacent to waste pile(s)
- iii. runoff or other liquids discharging off the property, into storm drains, and/or into watercourses (if any). Liquids flowing off the property should be sampled at the point where they leave the property. Liquids entering storm drains and/or surface waters should be sampled adjacent to and immediately above the discharge point.

b. Analytical Parameters

Analytical parameters will depend upon the composition of the waste materials stored onsite. In absence of specific information as to the composition of this waste and the leachate which may be produced by it, the Landowner shall have samples tested for all constituents on the Title 27 Five Year Constituents of Concern list for municipal solid waste. The Landowner may propose a reduced list of analytes by demonstrating that specific constituents are not present in wastes stored or generated onsite.

c. Sampling Schedule

The monitoring plan shall include a sampling schedule. Samples must be collected under the following conditions:

- i. During dry periods, whenever liquids are observed adjacent to waste piles. The Landowner may propose to have this requirement waived for any waste pile stored in such a way that liquids generated by or coming into contact with the pile cannot enter either surface or ground water.
- ii. During each precipitation event generating an inch or more of precipitation in an hour.

d. Quality Assurance/Quality Control

The monitoring plan shall include a Quality Assurance/Quality Control (QA/QC) plan for sample collection, handling, and transport to the analytical laboratory. The monitoring plan shall also include a copy of the QA/QC plan for the analytical laboratory to be used by the Landowner for sample analysis.

e. Reporting

Monitoring reports summarizing sample collection activities and analytical data shall be submitted to the Regional Water Board monthly. The Landowner shall also transmit analytical results to the Regional Water Board via facsimile (707-523-0135) upon receipt from the laboratory.

5. Monitoring Plan Implementation

The Landowner shall begin implementation of the Monitoring Plan immediately; in no event later than **December 31, 2005**. It should be noted that, upon review of the Monitoring Plan, Regional Water Board staff may recommend changes to the Plan.

Ordered by _____

Catherine E. Kuhlman
Executive Officer

November 29, 2005