

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report

9:00 A.M., Thursday, May 2, 2013
Wharfinger Building
Eureka, California

- ITEM: 8
- SUBJECT: Public Hearing on Order No. R1-2013-0014, to consider adoption of Waste Discharge Requirements for the Closure of the Humboldt Waste Management Authority, Cummings Road Class III Solid Waste Disposal Site, WDID No. 1B791330HUM, Humboldt County (*Gina Morrison*)
- BOARD ACTION: Consider adoption of Order R1-2013-0014.
- BACKGROUND: Humboldt Waste Management Authority (HWMA) has filed an application for revision of Waste Discharge Requirements (WDRs) for the final closure of its permitted Cummings Road Class III Waste Management Unit (WMU). Staff of the North Coast Regional Water Quality Control Board (Regional Water Board) have prepared a tentative permit for this Discharger (HWMA) containing limitations and provisions in accordance with Title 27, California Code of Regulations and the California Porter-Cologne Water Quality Control Act.
- HWMA currently owns the 107 acre Cummings Road Solid Waste Disposal Site (SWDS) (Site) which is located two miles southeast of Eureka at the end of public access on Cummings Road. The property is on hilly terrain above tidal sloughs of Humboldt Bay. The permitted WMU covers approximately 33.6 acres of the Site, and contains approximately 1,450,000 cubic yards of non-hazardous wood waste and debris. The Site also includes an additional 1.23 acres of burn dump material, with an estimated volume of 11,156 cubic yards of waste, which is part of the Cummings Road Burn Ash Site (Burn Ash Site). The remaining portion of the Burn Ash Site is on property owned by Recology Humboldt County. Staff propose to regulate closure of the Burn Ash Site by separate action, because of the multiple property owners.
- In 1986, water quality samples collected from wells installed through the Solid Waste Assessment Test (SWAT) program revealed groundwater contamination at the Site. Site owner/operators have undertaken a series of corrective action measures at the Site since that time, including installing a groundwater interception trench upgradient of the landfill; installing a leachate collection and recovery system; installing a landfill-gas extraction system; installing liner

systems; and conducting extensive monitoring. The Discharger will continue to maintain and operate all corrective action systems; monitor these systems; and monitor the surrounding groundwater, storm water, and surface water, both during and following WMU closure.

On September 25, 1974, the Regional Water Board issued WDRs Order Nos. 74-173, 74-174, and 74-175 to Mr. Stig Strombeck, dba City Garbage Company of Eureka; those WDRs designated the Site as a Class II-2 (now known as a Class III) solid waste disposal site suitable for municipal solid waste under the Subchapter 15 regulations prevailing at that time. In 1975, the Regional Water Board issued updated WDRs, Order Nos. 75-200, 75-201, and 75-202. In 1975 City Garbage Company of Eureka, which changed its name to Recology Humboldt County in 2009, was incorporated and acquired property from Stig and Marilyn Strombeck, including the property regulated under WDR Order Nos. 75-200, 75-201, and 75-202. The Regional Water Board updated the WDRs several more times; the Site operated under WDR Order No. 79-133, then WDR Order No. 88-66, and finally Order No. 93-83, the 1993 General Order which amended existing requirements for landfills to comply with Title 27, California Code of Regulations. On June 16, 2000, HWMA purchased the property from Recology. On June 28, 2001, the Regional Water Board issued WDRs Order No. R1-0106-65, naming HWMA the Discharger for Cummings Road SWDS.

In 2005, following regrading efforts around the toe area of the landfill to prepare for final closure, site erosion control failed during a rainfall event, resulting in a significant discharge of sediment to surface water. In response, the Regional Water Board Executive Officer first issued Cleanup and Abatement Order (CAO) R1-2005-0120 on November 25, 2005, then issued an updated CAO, No. R1-2006-0028, on March 13, 2006. WDR Order R1-2013-0014, the subject Order of this Hearing, will rescind CAO R1-2006-0028, WDRs Orders No. 93-46 and R1-0106-65, and amend General Order No. 93-83 to delete Cummings Road Class III SWDS Waste Management Unit.

Order R1-2013-0014 will require closure of the permitted waste management unit with a cap consisting of 2 feet of foundation soil, a 60-mil textured linear low-density polyethylene (LLDPE) geomembrane barrier layer, overlain by a geocomposite drainage layer, and topped by an eighteen-inch minimum thickness vegetation layer, except at the drainage swales where the vegetative layer thickness will be twelve-inches. Where the barrier layer is a 60-mil Super Gripnet® LLDPE geomembrane barrier layer and drainage net combination, a geotextile will be used instead of the geocomposite drainage layer. The Site will continue to maintain and operate all

corrective action systems; monitor these systems; and monitor the surrounding groundwater, storm water, and surface water.

Staff propose to regulate closure of the Burn Ash Site by separate action, because of the multiple property owners.

ISSUES: Staff first made the WDRs for the closure of the Cummings Road Class III SWDS available for public comment from May 31 to July 16, 2012, intending to bring the WDRs to the Board for consideration at its August 2012 Board Meeting. Because of significant public comment from both the Discharger (HWMA) and Recology (owner of adjacent property containing a portion of the Burn Ash Site) staff delayed scheduling the WDRs for Board consideration in order to address these issues. The July 2012 comment letters and staff response to comments are included in the Board package for this item. WDR Order No. R1-2013-0014 is the revised draft WDR, which staff made available for public comment a second time, from February 8 to March 25, 2013. During this second public comment period, staff received one comment letter, from Recology, contesting the Order. The following summarizes Recology's significant concerns and provides staff's responses.

- Recology requests that the Order mandate the phased closure of the WMU such that the waste from the Burn Ash Site may be accommodated in the WMU prior to final closure.

Staff note that we cannot mandate construction methods for Order compliance, nor can we mandate that one Discharger take another Discharger's waste. However, as explained in the responses to comments and in the Order itself, the Order does allow for a phased closure of the WMU, and also allows placement of the Burn Ash Site waste in the portion of the WMU that has a Subtitle D liner which has not yet reached full waste capacity, should the Discharger so choose.

Some of the burn ash material at the Burn Ash Site is considered hazardous, as shown through investigation conducted by Recology. However, placement of this material in the Cummings Road Class III WMU, as allowed under the WDRs, constitutes a consolidation of burn ash onto a contiguous parcel that already contains ash, since the footprint of the WMU includes burn ash waste upon which waste was subsequently placed under WDRs. This is a burn ash dump remediation scenario that is exempt from hazardous waste management requirements, per March 3, 1995 correspondence from the California Department of Toxic Substances Control (DTSC) regarding the regulation of burn dump ash. CalRecycle Local Enforcement Advisory #56 also describes this burn ash dump remediation scenario.

Staff believe that the WDRs already provide as much flexibility as is within our authority with respect to Burn Ash Site material disposal in the WMU; staff do not recommend revising the WDR language per Recology's request.

- Recology requests that the Order require HWMA to address slope stability issues along the southwest boundary of the Site.

Staff note that information submitted by Recology shows that there is a slope stability issue within the Cummings Road Burn Ash Site on both HWMA's and Recology's properties. While slope stability issues exist on the Burn Ash Site, there is no indication that closure of the WMU would cause a slope stability issue. In staff's opinion, closure of the WMU does not pose a threat to this unstable area.

Staff do not recommend revising the WDR language per Recology's request. Rather, staff recommend that both parties address the unstable area as part of the Burn Ash Site cleanup. To that end, staff have issued a draft Cleanup and Abatement Order (CAO) to both parties addressing the Burn Ash Site, and anticipate finalizing that CAO for Executive Officer issuance on or around May 1, 2013.

- Recology requests mitigation measures for impacts related to discharges of storm water into the Burn Ash Site.

Staff note that the closure of the WMU will redirect storm water from the WMU away from the Burn Ash Site. There is a sedimentation pond at the Site with an existing discharge point near the Burn Ash Site and the diversion trench discharge point is nearby. Neither will undergo any changes during WMU closure. Sediment pond and diversion trench discharge points and associated impacts at this location represent existing conditions under CEQA, and are features built by Recology, prior to HWMA's ownership of the Site. Nothing in the Order would prevent these discharge locations from being changed at a later date. Staff have not required any changes to these discharge points in this Order because it is unnecessary for the closure of the WMU and it would be costly to redirect the drainage because of the terrain. Staff also note that clean closure of the Burn Ash Site in this area would make relocation of these discharge points unnecessary; this portion of the Burn Ash Site has very steep slopes and it is unlikely they will be able to close the Burn Ash Site waste in place. Accordingly, staff do not recommend revising the WDR language per Recology's request.

- Recology requests development of a new/supplemental environmental document pursuant to CEQA, in light of the additional information available regarding the Burn Ash Site.

Staff disagree that there is any additional information regarding the Burn Ash site that impacts this Order for the closure of the Class III WMU. Waste from the Burn Ash Site may ultimately be placed in the WMU, as discussed above, but this would not represent a situation/condition for the WMU that differs from its operating state, as described and evaluated in the 1978 environmental impact report for the Site. WMU closure is covered by a mitigated negative declaration adopted in 2003.

While Burn Ash Site cleanup activities may trigger the need for CEQA compliance, and placement of the waste from the Burn Ash Site in the WMU may turn out to be the most feasible alternative for the Burn Ash Site cleanup, staff believe that the appropriate timing and mechanism for CEQA compliance associated with Burn Ash Site cleanup activities hinge on the Cleanup and Abatement Order and the resulting cleanup plan and schedule developed by the two parties responsible for that effort. Requiring further CEQA for the closure of the WMU is not necessary. Accordingly, staff do not recommend revising the WDR language per Recology's request.

- SIGNIFICANT CHANGES: The proposed Order No. R1-2013-0014 contains several significant changes from the existing permits, Order Nos. 93-46, 93-83, and R1-0106-65 as follows:
- Updates WDRs for direct incorporation of California Code of Regulations, title 27, so that it is no longer necessary to regulate the Site through General Order No. 93-83.
 - Updates WDRs to reflect Class III WMU closure rather than operation, as covered under existing WDRs.
 - Allows fulfillment of corrective action requirements in WDR Order No. 93-46 (which included completion of preliminary and final closure plans; completion of Hookton aquifer interception trench; completion of toe berm and placement of additional cover; installation of permanent gas and leachate extraction system; and placement of final cover). Placement of the final cover on the WMU is the only remaining corrective action requirement specified in WDR Order No. 93-46 which has not been completed.
 - Updates monitoring and reporting requirements to reflect changes in landfill regulations and changes in site conditions since adoption of the previous Orders.
 - Allows disposal of Cummings Road Burn Ash Site waste which constitutes a consolidation of burn ash onto a contiguous parcel that already contains ash, since the footprint of the WMU includes burn ash waste upon which waste was subsequently placed under WDRs.
 - Allows for phased, multiple year closure.
 - Rescinds CAO R1-2006-0028.

RECOMMENDATION: Adopt Order No. R1-2013-0014 as proposed.

SUPPORTING DOCUMENTS:

1. Hearing Procedure
2. Proposed Waste Discharge Requirements, Order No. R1-2013-0014
3. Proposed Monitoring and Reporting Program, Order No. R1-2013-0014
4. Response to July 2012 Comment Letters
5. Response to March 2013 Comment Letter
6. Comment Letters
 - i. Barg Coffin Lewis & Trapp LLP letter of July 16, 2012 on behalf of Recology
 - ii. Lawrence & Associates letter of July 13, 2012 on behalf of HWMA
 - iii. Barg Coffin Lewis & Trapp LLP letter of March 26, 2013 on behalf of Recology
7. Public Notice