

California North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2220

Notice of Application and Public Hearing

For Regional Water Board Consideration of

Proposed Waste Discharge Requirements Order No. R1-2013-0014

For

CLOSURE OF THE
HUMBOLDT WASTE MANAGEMENT AUTHORITY
CUMMINGS ROAD CLASS III SOLID WASTE DISPOSAL SITE
WDID NO. 1B79133OHUM

Humboldt County

Humboldt Waste Management Authority (HWMA) has filed an application for revision of Waste Discharge Requirements (WDRs) for the final closure of the subject permitted waste management unit. Staff of the North Coast Regional Water Quality Control Board (Regional Water Board) have prepared a tentative waste discharge requirements for this discharger 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, and is accessed by taking Myrtle Street out of Eureka, turning right onto Mitchell Road, then left onto Cummings Road and taking it to the end of public access on Cummings Road. The property is on hilly terrain above tidal sloughs of Humboldt Bay. The permitted waste management unit covers approximately 33.6 acres of this 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. The remaining portion Cummings Road Burn Ash Site is on property owned by Recology. Closure of the Cummings Road Ash Burn Dump will be regulated by separate action because of the multiple property owners.

Groundwater contamination was first found at the Site in 1986 as a result of testing in wells installed during the Solid Waste Assessment Test (SWAT) investigation. A series of corrective action measures has occurred at the Site 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 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.

City Garbage Company of Eureka was the original owner and operator of the Site. In 1975 the Site was purchased by the incorporated City Garbage Company of Eureka (now known as Recology). The first WDRs Order Nos. 74-173, 74-174, and 74-175 were issued on September 25, 1974 designating 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. WDRs were updated several times and the site operated under WDR Order Nos. 75-200, 75-201, and 75-202; then WDR Order No. 79-133; WDR Order No. 88-66; and finally Order No. 93-83. In 1983 General Order No. 93-83 was adopted, amending existing requirements for landfills, including the Cummings Road Landfill, to be compliant with California Code of Regulations, title 27. 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.

After the discharger regraded the toe area of the landfill in 2005 to prepare for final closure an erosion control failure and release of sediment to surface water triggered by a rainfall event led to the issuance of Cleanup and Abatement Order (CAO) R1-2005-0120, which has since been updated by CAO R1-2006-0028. WDR Order R1-2012-0063 will rescind CAO R1-2006-0028, WDRs Orders No. 93-46 and R1-0106-65 and will amend General Order No. 93-83 to delete Cummings Road Solid Waste Disposal Site, Class III Waste Management Unit.

On the basis of preliminary staff review and application of lawful standards and regulations, the California North Coast Regional Water Quality Control Board (Regional Water Board) will consider adopting Waste Discharge Requirements Order R1-2012-0063 for the Cummings Road SWDS. 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. 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. The Closure of the Cummings Road Ash Burn Dump will be regulated by separate action because of the multiple property owners. This item will be open for public comment from February 8 to March 25, 2013.

Public Hearing Procedures

The Regional Water Board intends to consider adopting the tentative waste discharge requirements during a public hearing to commence at the time and location as follows:

Time and Date:	9:00 a.m. May 2, 2013
Location:	Wharfinger Building #1 Marina Way Eureka, CA 95550

At the public hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed waste discharge requirements.

In order for the Regional Water Board to consider any evidentiary material concerning this matter, any documents, including written technical reports and other evidentiary material, must be received by the Regional Water Board no later than 5:00 p.m., on March 25, 2013, at 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403. All documents that are received timely will be distributed to the Regional Water Board members and interested persons. These records will also become a permanent part of the administrative record for this public hearing.

Except at the discretion of the Regional Water Board Chair, written material received after the above date will not be accepted. If the Chair chooses to accept late written material, that material will not be incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, Title 23, sections 648.1 and 648.4).

All those who plan to testify at this hearing must submit written statements to the Regional Water Quality Control Board no later than March 25, 2013. The statements should provide the name of the witness, his or her qualifications (if an expert), and the scope of his or her intended testimony. The time limit for oral testimony or comments will be set by the Regional Water Board Chair and are subject to change. These time limits normally allow no more than 10 minutes each for Regional Water Board staff and Dischargers. All speakers are expected to honor these time limits. Other interested persons may also provide testimony at this public hearing. However, any testimony given by someone other than staff or the Discharger may be limited to 3 minutes and may only be given under the limited scope of summarizing or explaining any timely-submitted or late-accepted written evidence. No new evidence will be allowed to be presented at this public hearing. In an effort to be fair to all people who wish to testify at this public hearing, the Regional Water Board Chair may choose to use a timer to ensure that individuals stay within the time limits set by the Chair. The Chair also requests that in order to avoid unnecessary repetitive testimony, that one spokesperson be selected to speak on behalf of many individuals, when those individuals share a common affiliation or interest.

The procedures governing Regional water Board meetings may be found at sections 647 et seq. and 648 et seq. of Title 23 of the California Code of Regulations, and are available upon request.

All issues raised in petitions brought to the State Water Resources Control Board pursuant to California Water Code section 13320 must be raised in the proceedings before the Regional Water Board. Pursuant to section 2050(c) of Title 23 of the California Code of Regulations, if the action or inaction that is the subject of the petition was taken by the regional board after notice and opportunity to comment, the petition will be limited to those substantive issues or objections that were raised before the Regional Water Board at the public hearing or in timely submitted written correspondence delivered to the Regional Water Board.

Document Review

The tentative Order, related documents, and comments received by the Regional Water Board will be on file and may be inspected or copied at the Regional Water Board's office, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. Appointments are recommended for document review. Appointments can be made by calling (707) 576-2220. The tentative Order and any additional information and developments on this matter are also available at www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders. A response to comments will be posted on that website one week prior to the hearing. Contact Gina Morrison at (707) 576-2501, or by e-mail at Gina.Morrison@waterboards.ca.gov if you have any questions on this matter, if you wish to be deleted from the interested parties list, or change your contact information to accept notices via email.

Matthias St. John
Executive Officer

February 8, 2013

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