

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
May 9, 2007

ITEM: 6

SUBJECT: Amendment of Waste Discharge Requirements: United States Marine Corps, Las Pulgas Landfill, Marine Corps Base, Camp Pendleton: Tentative Addendum No. 1 to Order No. 2000-54 (Amy Grove)

PURPOSE: Tentative Addendum No. 1 would, if adopted, amend waste discharge requirements Order No. 2000-54, and re-establish the landfill composite liner requirements to the prescriptive standards required by the Code of Federal Regulations (CFR), Title 40, Part 258, and referenced by implementing State requirements found in State Water Board Resolution No. 93-62 and the California Code of Regulations (CCR) Title 27.

PUBLIC NOTICE: A Public Notice of this agenda item was published in: (1) the Notifications section of the Regional Board meeting agenda for April 11, 2007; (2) the San Diego Union Tribune on February 22, 2007, and (3) the North County Times on February 23, 2007. The draft agenda package was sent to the Discharger on April 9, 2007, and made available to the public via the Regional Board web page on April 13, 2007.

DISCUSSION: The Las Pulgas Landfill is currently regulated by waste discharge requirements issued to the Discharger (U.S. Marine Corps) as Order No. 2000-54, as adopted by the San Diego Regional Board on May 10, 2000. Order 2000-54 updated existing waste discharge requirements (in Orders 93-86 and 87-51) by incorporating the applicable State requirements of State Water Board Resolution No. 93-62 and CCR Title 27, and Federal requirements found in CFR Title 40, Part 258. The planned development of the landfill includes a 49.3-acre lateral expansion to be completed in five separate phases. Under Order 2000-54, the lateral expansion of the Las Pulgas Landfill allowed the Discharger to build an engineered alternative design to the prescriptive liner requirements established by the applicable State and Federal requirements cited above.

In February 1998, the Discharger submitted a Joint Technical Document (JTD), including a Report of Waste Discharge (ROWD), for the proposed expansion project. Revisions of the ROWD were received by the Regional Board through September 1998. Section 13264 of Porter-Cologne provides that following a 150-day waiting period, a discharger may proceed to initiate a discharge. The 150-day waiting period for the Phase 1 expansion area expired on January 29, 1999. Based on the statutory criteria, the Discharger constructed the proposed engineered alternative liner system in the Phase 1 expansion area of the Las Pulgas Landfill.

Between April 2003 and February 2006, the Regional Board issued a series of enforcement actions to the Discharger for violations of waste discharge requirements and discharge prohibitions (in Order 2000-54) related to the failure of the landfill engineered alternative composite liner system in the Phase 1 expansion area. The enforcement actions culminated in the issuance of cleanup and abatement Order R9-2006-0016 (<http://www.waterboards.ca.gov/sandiego/orders/orders-06.html>) to the Discharger. Based on information from field investigations, the engineered alternative composite liner system in the Phase 1 expansion area fails to meet the required performance standards set forth in CCR Title 27, 40 CFR Part 258, and Order 2000-54. For a more complete description of violations related to the liner failure, see Attachment 8 (Technical Report for Cleanup and Abatement Order R9-2006-0016) to this EOSR. A history of the development of the Phase 1 expansion area, as well as the violations and enforcement actions taken by the Regional Board can be found in Attachment 9 of this Agenda package.

KEY ISSUES:

Tentative Addendum No. 1 would reset the existing landfill composite liner requirements to the prescriptive standard designed required by 40 CFR, Part 258, and referenced in State Water Board Resolution No. 93-62 and in CCR Title 27 §20330. However, the applicable regulations allow the Discharger to propose an engineered alternative to the prescriptive liner standards, if the Discharger can provide the Regional Board with an acceptable demonstration as required by CCR Title 27 §20080(b), and 40 CFR, Part 258. Additional information to support the regulatory findings in tentative Addendum 1 to Order 2000-54 may be found in the attached Technical Staff Report (Attachment 7).

LEGAL CONCERNS:

None.

SUPPORTING DOCUMENTS:

1. Site Map
2. Tentative Addendum No. 1 to Order 2000-54

3. State Regulatory References from CCR Title 27
4. State Regulatory References from SWRCB Resolution 92-63
5. State Statutory References
6. Federal Regulatory References
7. Technical Staff Report
8. Technical Staff Report for CAO Order No. R9-2006-0016
9. Compliance History
10. Public Participation

RECOMMENDATIONS: Adoption of tentative Addendum No. 1 to Order No. 2000-54 is recommended.