

## California Regional Water Quality Control Board

#### San Diego Region

Linda S. Adams Secretary for Environmental Protection

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July 14, 2008

Ms. Vicky Gallagher County of San Deigo **Department of Public Works** 5201 Ruffin Road, Suite D San Diego, CA 92123

VIA CERTIFIED MAIL 7007-3020-0001-0040-6600

In reply refer to: NCGW:210029:cprowell

Dear Ms. Gallagher:

SUBJECT: NOTICE OF VIOLATION NO. R9-2008-0079 AND COMMENTS ON OCTOBER 2007-MARCH 2008 SEMI-ANNUAL AND 2007 ANNUAL MONITORING REPORT, DETECTION MONITORING PROGRAM, BONSALL LANDFILL, TWIN OAKS VALLEY ROAD, BONSALL, CA

Enclosed is **Notice of Violation (NOV) No. R9-2008-0079** for Bonsall Landfill (the Site) located in Bonsall, California. The California Regional Water Quality Control Board, San Diego Region (Regional Board) identified the violations cited in the NOV during our review of the "October 2007 - March 2008 Semi-Annual and 2007, Annual Monitoring Report, Detection Monitoring Program, Bonsall Landfill", dated April 21, 2008 (the Report). Corrective measures and further reporting should be implemented immediately to address the violations.

In addition the Regional Board has the following comments on the Report:

1. Compliance Record, Cover Letter Page 2. "Revised water quality protection standards (WQPS) were re-submitted to the Regional Board on April 3, 2000. To date no response has been received from the Regional Board." The referenced Report (dated April 3, 2000) presented WQPSs based on interwell tolerance limits. The report stated that "the appropriateness of interwell versus intrawell comparisons cannot be effectively demonstrated." The summary of the report concluded that "for sites such as Bonsall that are already in evaluation monitoring, the [Regional Board] may want to consider an alternative method of assessing monitoring results (e.g., trend testing). The County will continue to work with the [Regional Board] staff to develop an acceptable approach." Given that the proposed WQPS is based on data that are over 8 years old and used methods that the referenced report did not demonstrate to be appropriate, the County should revise the WQPS based on all

- available data and using appropriate methods that comply with sections 20390, 20400, and 20415(e)(10)(A) of California Code of Regulations Title 27.5
- 2. Landfill Gas Monitoring Report, Page 4. The November 2007 and February 2008 LFG Monitoring reports noted that settlement is impacting the LFG extraction system. Please provide a complete discussion of the extent and impacts of settlement upon the LFG extraction system in your next semiannual report. At a minimum, the discussion must indicate the location of the settlement, impacts to the landfill cover and the landfill gas extraction system, and corrective actions required to mitigate these impacts as required per Order No. 97-15 Post-Closure Maintenance Specification B.6.
- 3. 2.2 Groundwater Elevations and Flow Direction, Page 2. The Report did not contain an explanation for the 31.76 foot increase in groundwater elevations observed in well BOGW-12D. Please provide a written explanation on any significant changes in groundwater elevation and comment on any actual or potential impacts to the existing groundwater monitoring network, landfill gas extraction system, and/or waste containment structures at the Unit.
- 4. <u>2.3 Analytical Results, Page 3.</u> The Report asserted that property access was denied at well OFBO-1 during the last sampling event, and the County is in the process of negotiating property access agreements with the property owner. Due to the historic detections of VOCs in this well, additional sampling of this well is required during the next semi-annual monitoring period. Please notify the Regional Board if you need assistance gaining access to this well to comply with this requirement.
- 5. 2.4 Compliance with Electronic Reporting via GeoTracker, Page 4. The Regional Board denied the electronic submittal of the monitoring report because the electronic submittal did not include the "Landfill Gas Control System Operation Monitoring and Maintenance Reports", which were attached to the cover letter submitted in hard copy to the Regional Board. Please revise and complete your electronic submittal to GeoTracker as soon as possible.
- 6. <u>Appendix A.</u> Many of the wells at the Site are slow recovering wells. You should consider using low-flow sampling methods for future sampling events.

<sup>&</sup>lt;sup>5</sup> CCR Title 27 §20090(g) [CAI Units] authorizes the Regional Board to apply detection monitoring and corrective action requirements to units that were inactive or closed prior to November 27, 1984.

The next semi-annual monitoring report is due on October 30, 2008. If you have any questions regarding this matter, please contact Ms. Cheryl Prowell at (858) 467-2745 or by e-mail at cprowell@waterboards.ca.gov. Written correspondence should be directed to the following address:

Julie Chan, Groundwater Basins Branch Chief California Regional Water Quality Control Board

San Diego Region - ----

9174 Sky Park Court, Suite 100

San Diego, CA 92123-4340

Attn: Cheryl Prowell, North Coast Groundwater Unit

Sincerely,

Julie Chan, P.G., Supervising Engineering Geologist

Groundwater Basins Branch

JAC:ma:jro:kkd:clp

Attachments:

Notice of Violation No. R9-2008-0079

CC:

Rebecca Lafreniere, Supervising Environmental Health Specialist

County of San Diego Solid Waste Local Enforcement Agency

9325 Hazard Way, San Diego, CA 92123

CIWQS:

Regulatory Measure ID	348377
Place ID	210029
Violation ID	768078
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:	770990

IN THE MATTER OF	)
	) NOTICE OF VIOLATION
	NO. R9-2008-0079
Ms. Vicky Gallagher	)
County of San Diego	) WDID NO.
Department of Public Works	) 9 00000173
5201 Ruffin Road, Suite D	) .
San Diego, CA 92123	) In reply refer to:
	) NCGW:210029:cprowell

Order No. 97-15: Waste Discharge Requirements, Bonsall Landfill

SUBJECT: BONSALL LANDFILL, TWIN OAKS VALLEY ROAD, BONSALL,

CA 92003

#### YOU ARE HEREBY NOTIFIED THAT:

The County of San Diego (County) is in violation of waste discharge requirements issued by the California Regional Water Quality Control Board, San Diego Region (Regional Board) in Order No. 97-15, Waste Discharge Requirements (WDRs) for Post-Closure Maintenance of County of San Diego Bonsall Sanitary Landfill, San Diego County. These violations subject the County to possible further enforcement action by the Regional Board, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$5,000 per day per violation; 1 referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.

The Regional Board received the October 2007 – March 2008 Semi-annual Monitoring Report and 2007 Annual Monitoring Report, Detection Monitoring Program, Bonsall Landfill (the Report) on April 25, 2008. The Report dated April 21, 2008 provided documentation of specific violations of Order 97-15.

### **Summary of Violations:**

- VIOLATION OF ORDER NO. 97-15 AND THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO BASIN (BASIN PLAN) FOR CAUSING A CONDITION OF POLLUTION WHICH ADVERSLY AFFECTS BENEFICIAL USES OF GROUNDWATER
  - Prohibition A.2(g): "The discharge of wastes shall not cause pollution, contamination or nuisance or adversely affect beneficial uses of ground or surface waters as established in the Basin Plan."
  - Prohibiton A.6: "Basin Plan discharge prohibitions shall not be violated."

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<sup>&</sup>lt;sup>1</sup> Under authority of California Water Code section 13350.

Ms: Vicky Gallagher, County of San Diego Bonsall Landfill: NOV R9-2008-0079

> Provision C-1: "Neither the treatment or discharge of waste shall create a condition of pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code."

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- Basin Plan Waste Discharge Prohibition 1: "The discharge of waste to waters
  of the state in a manner causing, or threatening to case a condition of
  pollution, contamination or nuisance as defined in California Water Code
  section 13050, is prohibited."
- Basin Plan Waste Discharge Prohibition 7: "The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited unless authorized by the Regional Board."

Basis: The California Water Code defines pollution as "an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: the waters for beneficial uses, or facilities which serve these beneficial uses." Bonsall Landfill is located in the Bonsall hydrologic unit, which has municipal, agricultural, and industrial uses designated in the Basin Plan. Detectable concentrations of seven volatile organic compounds (VOCs) were reported in groundwater samples collected in February 2008 from five monitoring wells located downgradient of the landfill. Perchloroethylene (PCE) was detected at a concentration of 12 µg/L in the groundwater sample collected from offsite well BOGW-7. The reported concentration exceeds the applicable Water Quality Objective<sup>2</sup> and California Department of Public Health (CDPH) Maximum Contaminant Limit (MCL)<sup>3</sup> at 5 µg/L. As documented in the cover letter to the "Evaluation Monitoring Program, Bonsall Landfill", dated December 1999, "landfill gas appears to be the primary source of VOCs detected in groundwater."4 Therefore, VOCs attributable to the landfill have created a condition of pollution impacting beneficial uses of the aguifer.

# II. VIOLATION OF WASTE DISCHARGE REQUIREMENT ORDER No. 97-15 FOR FAILING TO PROVIDE A COMPREHENSIVE DISCUSSION OF THE COMPLIANCE RECORD

 Monitoring and Reporting Program Requirement D.3.B: "A comprehensive discussion of the compliance record, result of any corrective actions taken or planned which may be needed to bring the discharger into full compliance with the waste discharge requirements."

<sup>&</sup>lt;sup>2</sup> The Water Quality Objective is established at 5 μg/L by the Basin Plan (see Table 3-5, page 3-25) for "Tetrachloroethylene," which is a synonym for PCE.

<sup>&</sup>lt;sup>3</sup> California Department of Public Health (CDPH) Maximum Contaminant Limit (MCL) is established at 5 μg/L by CCR Title 22, section 64444: Table 6-4444-A.

<sup>&</sup>lt;sup>4</sup> Rollin, Jon, December 3, 1999. Cover letter to Bonsall Landfill – Report of Finding Evaluation Monitoring Program RWQCB Order No. 97-15.

Basis: Report Section 3.2, Compliance Record, included the statement that "no corrective actions were necessary" and did not discuss any past corrective actions. The "Evaluation Monitoring Program, Bonsall Landfill", dated December 1999, recommended upgrades to the landfill gas extraction system as a corrective action to address the offsite migration of VOCs. The cover letter to the "April - September 2007 Semi-Annual Monitoring Report, Bonsall Landfill", dated October 29, 2007 included confirmation that this corrective action had been implemented: "The County suspects that the VOC detections are primarily due to landfill gas and are anticipated to decrease as a result of the landfill gas extraction system upgrade that was completed in March 2000." The Report failed to address the effectiveness of the upgrades, including results of the upgraded landfill gas extraction system upon water quality, or to provide any discussion of further corrective actions that may be necessary to eliminate the condition of pollution and bring the Bonsall Landfill into full compliance with the WDRs.

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# VIOLATION OF WASTE DISCHARGE REQUIREMENT ORDER NO. 97-15 FOR FAILING TO MEET ELECTRONIC REPORTING REQUIREMENTS

 Monitoring Provision A.9, as Specified in Technical Change Order No., T-1 for Monitoring and Reporting Program 97-15: "After July 1, 2005, the discharger shall submit any reports required by this Order electronically, in accordance with Section 3890 et. seq. of the California Code of Regulations, Title 23, Division 3."

**Basis:** The Regional Board denied the electronic submittal of the monitoring report because the electronic submittal did not include the "Landfill Gas Control System Operation Monitoring and Maintenance Reports", which were attached to cover letter submitted to the Regional Board in hard copy format.

Julie Chan, Supervising Engineering Geologist Groundwater Basins Branch

JAC:ma:jro:kkd:clp

7/14/08

SENDER: COMPLETE THIS SECTION	COMPLETE THIS:SECTION:ON:DELIVERY		
<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature  X		
1. Article Addressed to:  MS. VICKY Gallagher  (conty of San Diege  Dept of Public works	D. Is delivery address different from item 1?		
San Diego, CA 92127	3. Service Type  Certified Mail Registered Insured Mail C.O.D.  4Restricted Delivery? (Extra Fee)  Yes		
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