SWIS #44-AA-0002

# CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
# CENTRAL COAST REGION

## CEASE AND DESIST ORDER NO. 96-08

**July 26, 1996**

## ORDER REQUIRING THE CITY OF WATSONVILLE, SANTA CRUZ COUNTY, TO CEASE AND DESIST FROM DISCHARGING WASTE AT THE CITY CLASS III LANDFILL CONTRARY TO REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL COAST REGION

The California Regional Water Quality Control Board, Central Coast Region (hereafter Board), finds:

1. The City of Watsonville (hereafter "Discharger") owns and operates the City of Watsonville Class III Landfill (hereafter "Landfill").

2. The Discharger purchased the site property and began operation as a Class II facility for discharge of municipal solid waste in 1968. Based on revisions to the California Code of Regulations, the site was reclassified under Chapter 15 as a Class III landfill for municipal solid waste on March 13, 1987. The 103 acre Landfill is located off San Andreas Road in the coastal region of Santa Cruz County, approximately 1.5 miles East of Monterey Bay and 3.5 miles West of the City of Watsonville.

3. Three aquifer systems are located below the landfill. The uppermost aquifer is found in the perched terrace deposits. The terrace deposits are limited in lateral extent and thickness. The principal water bearing formation in the site vicinity is in the deeper Aromas Formation. Well water levels at approximately sea level correspond to the geologic contact between the terrace deposits and the underlying Aromas sands formation. The deepest aquifer is found in the Purisima formation. The use of this aquifer is limited since the Aromas formation yields ample water for area needs. The site contains no wells completed in the Purisima formation.

4. Present and anticipated beneficial uses of ground water in the vicinity of the discharge include:

   a. municipal and domestic supply;
   b. agricultural supply.

5. Wastes historically discharged to the landfill include residential and commercial refuse, demolition debris, liquid food processing remains, and sewage sludge.

6. The discharge is subject to Waste Discharge Requirements Order No. 94-20 adopted by the Board February 11, 1994 and Waste Discharge Requirements Order No. 93-84 adopted by the Board October 8, 1993 . Waste Discharge Requirements implement state and federal regulations.

   Order No. 94-20 specifies in part:

   "B. Discharge Specifications

"2. Discharge of waste shall not cause the concentration of any Constituent of Concern or Monitoring Parameter to exceed its respective background value in any monitored medium at any Monitoring Point assigned to Detection Monitoring pursuant to the current version of the Monitoring and Reporting Program.

"3. Discharge of waste shall not cause the release of pollutants, or waste constituents in a manner which could cause a condition of pollution, or nuisance to occur, as indicated by the most appropriate statistical [or non-statistical] data analysis method and re-test method listed in the Monitoring and Reporting Program Part II.a,f.

"4. Discharge of waste shall neither cause nor contribute to the pollution of ground water via the release of waste constituents in either liquid or gaseous phase.

"5. Discharge of waste shall neither cause nor contribute to any surface water pollution or nuisance, including, but not limited to:

a. Floating, suspended, or deposited macroscopic particulate matter or foam;

b. Increases in bottom deposits or aquatic growth;

c. An adverse change in temperature, turbidity, or apparent color beyond natural background levels;

d. The creation or contribution of visible, floating, suspended, or deposited oil or other products of petroleum origin;"

Order No. 93-84 specifies in part:

"§13. Detection Monitoring Program, (c) Contingency Responses, (5) Release beyond facility boundary

Any time the discharger concludes (or the Regional Water Board Executive Officer directs the discharger to conclude) that a release from the Unit has proceeded beyond the facility boundary, the discharger shall so notify all persons who either own or reside upon the land that directly overlies any part of the plume (Affected Persons)."

"§ 17 Definitions

'Affected Persons' means all individuals who either own or occupy land outside the boundaries of the parcel upon which the landfill is located that has been or may be affected by the release of leachate or waste constituents ( in gas or liquid phase) from an MSW landfill."

7. In 1988 the Discharger began surface and ground water sampling at the Landfill. Initial sampling and analysis (November 1988) indicated volatile organic compounds had polluted a perched ground water aquifer. Analysis of samples taken during September of 1995 indicated volatile organic compounds had polluted perched ground water, and the regional Aromas supply aquifer, and possibly surface water, in violation of Order No. 94-20, Discharge Specification Nos. B.2, B.3, B.4, and B.5.

8. Initial sampling data was submitted with the Solid Waste Water Quality Assessment Test (SWAT) Report dated August 28, 1989. The SWAT report concluded that, "...groundwater monitoring wells screened across the perched zone indicate water quality impacts appear to have resulted from waste disposal." A review of the report was mailed to the Discharger on October 10, 1989. The review letter required the Discharger to define the lateral and vertical extent of the pollution and develop and implement appropriate corrective measures.

9. From 1989 to present, ground water monitoring data in the vicinity of the Landfill show continued pollution as a result of the discharge. Concentration of Vinyl Chloride, 1,2-Dichlorethane, and Cis-1,2-Dichloroethene exceed drinking water standards maximum contaminate levels (MCLs) established by Title 22 of the California Health and Safety Code.

10. The horizontal and vertical extent of pollution in the perched and Aromas aquifers has not been defined. WDR Order No. 94-20 requires the Discharger comply with Monitoring and Reporting Program (MRP) No. 94-20 and all applicable provisions of Chapter 15, both documents require complete extent of pollution determination (MRP No. 94-20, IV.C.4.d; Chapter 15, §2550.9). Furthermore, a plan for corrective action has not been submitted nor has corrective action been initiated as required by WDR Order No. 94-20.

11. Refuse disposal continues in unlined areas of the landfill. The relatively permeable natural subgrade offers little resistance to flow of leachate. Discharger's data developed from gas wells indicates a condition of saturation within the waste. Additionally, leachate collection and disposal records show that the majority of the 3000+ gallons of polluted water collected daily at the site is spread on roads for dust control. During the wet season this may add to the problem of saturated waste conditions, infiltration, and migration of leachate to ground waters. Disposal of waste to unlined areas of the landfill contributes to continuing violation of WDR Order No. 94-20.

12. After due notice to the Discharger and other affected persons, the Board, on July 26, 1996, in San Luis Obispo, California, held a public hearing at which evidence was presented concerning adoption of a time schedule for achieving full compliance with conditions of Waste Discharge Requirements.

13. This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

**IT IS HEREBY ORDERED**, pursuant to Section 13301 of the California Water Code:

1. The Discharger shall immediately cease and desist from discharging waste in violation of Waste Discharge Requirements Order No. 94-20 according to the following time schedule:

| | Task | Due Date |
|---|---|---|
| a. | Immediately cease discharging collected leachate at the landfill site. Cease discharging seep and contact water within fifty feet of unlined landfill areas. Seep water may only be used in amounts necessary for dust control and in compliance with existing WDR Order No. 94-20. | **JULY 26, 1996** |
| b. | Submit a current listing of property owners adjacent to the landfill and of all wells within 3/4 mile of the landfill. The listing shall include the name and address of property owners, occupants and other potential well users. | **AUGUST 31, 1996** |
| c. | Commence semi-annual information mailings to affected persons. [Affected Persons is defined in WDR No. 93-84,§17 as individuals who either own or occupy land, outside the boundaries of the parcel upon which the landfill is located, that has been or may be affected by the release of waste constituents from the landfill.] The informational mailing shall include all pertinent release information, as determined by the Executive Officer. Until the extent of the pollution is known, all adjacent property owners and other persons determined by the Executive Officer to be potentially affected shall be considered Affected Persons. | **SEPTEMBER 30, 1996** |
| d. | Cease disposing of waste over un-lined areas of the landfill. | **AUGUST 31, 1996** |
| e. | Define the current vertical and horizontal extent of the VOC pollution in ground water. At a minimum the investigation shall determine cause and extent of pollution detected in "up-gradient" well MW-12, extent of pollution down gradient of Aromas well MW-3, extent of pollution down gradient of Terrace wells MW-2 and MW-8, and the vertical extent of pollution (a third aquifer, the Purisima, is reported below the Aromas). The extent of release shall be accomplished in three stages:<br><br>1. Complete hydrogeologic study and conceptual model.<br>2. Install additional Aromas and Terrace wells and begin sampling of new wells | **MAY 31, 1997**<br><br>**Milestones**<br>**August 31, 1996**<br>**October 30, 1996** |
| f. | In accordance with Chapter 15, § 2550.9, (d), submit a corrective action program consisting of:<br><br>1. A schedule for installing an impermeable cap and vegetative layer on Phase I/II.<br>2. A schedule for installing the main gas extraction system in Phase I/II.<br><br>Additional remediation measures will be considered after the vertical and horizontal extent of release are determined.<br><br>The corrective action program is subject to the approval of the Executive Officer. | **AUGUST 31, 1996** |

| | | |
|---|---|---|
| g. | Implement corrective action within 90 days of receiving Executive Officer concurrence with proposed actions. | |

2. The Discharger shall submit written reports within fifteen (15) days after each due date explaining the current status of the project relative to the time schedule in sufficient detail to enable Regional Board staff to determine compliance status and the circumstances of any noncompliance.

3. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of the Order, including compliance with the above mentioned schedule, the Executive Officer is authorized to: 1)request the Attorney General to take appropriate enforcement action against the Discharger, including injunction and civil remedies, if appropriate; 2)issue an Administrative Civil Liability Complaint; or 3)refer the matter back to the Board for further enforcement action.

**I, ROGER W. BRIGGS,** Executive Officer of the California Regional Water Quality Control Board, Central Coast Region, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region on July 26, 1996.

Paul Hogan
for EXECUTIVE OFFICER

MSL/WAT/96-008.CDO