



California Regional Water Quality Control Board Central Coast Region



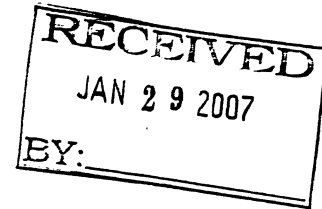
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Linda S. Adams
Secretary for
Environmental Protection

Internet Address: <http://www.waterboards.ca.gov/centralcoast>
895 Aerovista Place – Suite 101, San Luis Obispo, CA 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

January 26, 2007



Mr. Richard Shedden, P.E.
Monterey Regional Waste Management District
P.O. Box 1670
Marina, CA 93933

Dear Mr. Shedden:

NOTICE OF VIOLATION: MONTEREY PENINSULA CLASS III LANDFILL; MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT; MONTEREY COUNTY

Violations

This letter is a notice of violation for a spill of liquid waste ink from landfill Module 3 reported on November 20, 2006. The spill is a violation of Waste Discharge Requirements Order No. R3-2006-0017 (Order). The spill violated the following Prohibitions of the Order:

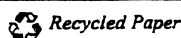
- **B.1:** Discharge of waste to areas outside the Permitted Landfill Boundary is prohibited.
- **B.2:** Liquid waste discharges outside the permitted waste disposal area to an unlined area beyond the lined waste management unit are prohibited.
- **B.4:** Prohibits discharges of solid waste, liquid waste or leachate to surface waters, ponded water from any source, surface water drainage courses, or groundwater.

Discharge Event and Response

The ink waste was discharged on lined Module 3, and due to lack of containment, subsequently flowed to an adjacent agricultural field owned by Monterey Regional Waste Management District outside the permitted waste disposal area. The area where the ink flowed is owned by Monterey Regional Waste Management District (District). District staff indicated that no conclusive evidence was obtained indicating whether the spilled material discharged to the Salinas River, the nearest surface water north of Module 3. As part of corrective action measures, the District verbally reported to Water Board staff that affected soil was removed and placed in Module 3, a lined waste management unit.

Water Board staff received your preliminary incident report, pictures, and follow-up information in response to our initial questions regarding the spill. As discussed with

California Environmental Protection Agency



Water Board staff member Dan Niles, the District will provide a final incident report incorporating the follow-up information and analytical sampling results for soil samples collected from the spill area by Local Enforcement Agency (LEA) staff of the Monterey County Health Department. As agreed upon, the final incident report shall be submitted no later than February 19, 2007. The report must also document operational changes that will be implemented to prevent similar circumstances and to maintain future compliance with Order No. R3-2006-0017. This request for spill reporting is pursuant to **Order Provision E.18** that states:

“Discharger shall notify Water Board staff, within 24 hours by telephone and within seven days in writing, of any noncompliance potentially or actually endangering health or the environment. Any noncompliance that threatens the Landfill’s containment integrity shall be promptly corrected. Correction schedules are subject to the approval of the Executive Officer, except when delays will threaten the environment or the Landfill’s integrity (i.e., emergency corrective measures). Corrections initiated prior to Executive Officer approval shall be so stated in the written report. The written report shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times or anticipated duration; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. This provision includes, but is not limited to:

- a. Violation of a discharge prohibition.
- b. Violation of any Water Quality Protection Standard.
- c. Slope failure.
- d. Liner damage.
- e. Leachate seep(s) occurring on, or in proximity to, the Landfill.”

Material Waste Profiling

In response to staff’s requests for waste profile information, the District submitted analytical results for an ink sample that was collected by the District from the generator. The purpose of the analyses was to determine waste properties while awaiting receipt of soil sampling results from Monterey County LEA staff. The ink sample contained nine metals exceeding water quality standards—some by a factor of 10. The analyses also indicated the presence of acetone, naphthalene, and high total dissolved solids. These constituents and pose a threat to water quality, and upon discharge, could impair designated beneficial uses of surface water.

Staff received soil sample results from the LEA via e-mail on January 19, 2007. Laboratory analyses indicate diesel range organics (C10 to C28) and motor oil range organics (C16 to C36), in addition to metals, as noted above for the ink sample.



Future Enforcement

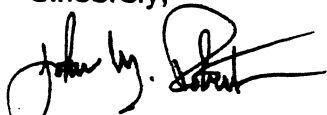
In light of the above information, the nature of this spill is serious. Water Board staff will take prompt enforcement actions for future violations that threaten or impact water quality. The Salinas River drains to Monterey Bay National Marine Sanctuary (Sanctuary); many local, State, and Federal agencies, and public interest groups are involved with monitoring and protecting the resources in and adjacent to the Sanctuary.

General Waste Profiling

In related matter, the District shall profile non-municipal ("special wastes") wastes prior to acceptance pursuant to Order Section E.8. This is particularly applicable to liquid wastes and petroleum contaminated soil. Staff understands the District and its consultant are developing a revised waste characterization and screening program. Please submit the plan for Water Board staff review and approval not later than February 28, 2007. As indicated in e-mails and telephone conversations, staff is willing to work with the District during the draft development phase to help facilitate expedited review of the final plan.

If you have questions regarding this letter, please contact **Dan Niles at 805-549-3355**, or his supervisor, John Robertson, at 805-542-4630.

Sincerely,



FOR
Roger W. Briggs
Executive Officer

cc:

Mr. Scott Walker
California Integrated Waste Management Board
1001 I Street
P.O. Box 4025
Sacramento, CA 95812

Mr. Ted Terrasas
Monterey County Health Department
Environmental Health Division
1270 Natividad Road
Salinas, CA 93906

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California Environmental Protection Agency

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MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Home of the Last Chance Mercantile

January 19, 2007

Mr. Roger Briggs, Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

RE: Report of Overflow and Potential Release of Non-Hazardous Liquid Waste; Monitoring and Reporting Program (MRP) No. R3-2006-0017; Monterey Peninsula Landfill (MPL), Monterey County, California

Dear Mr. Briggs:

Pursuant to Part III, Section C of MRP No. R3-2006-0017, we are submitting this written report of a possible liquid waste release incident at the MPL. Additionally, we notified you by telephone and submitted a preliminary incident report via e-mail, within 24 hours of our knowledge of the release, as required.

Although there is no direct evidence that an off-site release of non-hazardous liquid waste had occurred, circumstantial evidence exists that points to a possible overflow situation that may have reached the Salinas River. The overflow incident was caused by the discharge of liquid waste to an area that was not properly bermed to prevent runoff of liquids to an adjacent down drain. This problem has since been remedied.

Acceptance of Liquid Waste

On Saturday November 18, 2006, at 3:04pm, a tanker truck load containing 17.85 tons (approximately 4,200 gallons) of wastewater from Smurfit-Stone was accepted by the District for disposal. Green Line was the liquid waste hauler. Following standard practice, the load was first rejected by the Monterey Regional Water Pollution Control Agency. The MRWPCA does not accept this waste because the ink color is not removed by their treatment processes, tainting the final effluent. Smurfit-Stone had, over a year ago, installed a new treatment process that effectively eliminates the need for liquid waste disposal at the landfill or the MRWPCA. However, on November 18 their treatment process was shut down for the day for lack of treatment chemicals. Enclosed is a copy of the certified weight ticket and the completed MRWPCA Liquid Waste Hauler Manifest for the subject load.

In accordance with current liquid waste management protocol, this load was directed to the liquid waste evaporation/solidification area located on the south east corner of lined landfill Module 3, as shown on the enclosed site map. This area is permitted and prepared to accept such waste with an earthen containment berm surrounding the pad.



Smurfit-Stone Liquid Waste

The subject liquid waste is a non-hazardous; soy based liquid ink from the printing/coloring process of Smurfit-Stone Corrugated Container Division, a waxed cardboard box manufacturer, located in Salinas. Enclosed are the MSDS sheets for the Smurfit-Stone raw process materials and waste profile data on-file from April 2004.

On December 14, 2006, we collected a sample of the ink liquid waste from Smurfit-Stone Container Company. The sample was representative of the liquid waste that was accepted by the District on November 18, 2006. We submitted the sample to Severn Trent Laboratories (STL) in order to determine if the liquid waste is hazardous or non-hazardous. Enclosed for your information is the Analytical Report from STL, dated December 22, 2006. The results are summarized below:

PARAMETER	RESULT (PPB ⁽¹⁾)	CA DHS Drinking Water Standards MCL ⁽²⁾ (PPB ⁽¹⁾)	PRGs ⁽³⁾	CA DHS Criteria Threshold Limit Concentration for Hazardous Waste (PPB ⁽¹⁾)
VOCs	All ND, except Acetone = 2,900			
SOCs	All ND, except Naphthalene = 7.7	170		
PCBs	< 0.78	0.5		50,000
pH	8.59			
Total Dissolved Solids	4,200,000	500,000	NE ⁽⁴⁾	
Mercury	< 0.2	2	22,000	20,000
Antimony	10	6	NE	500,000
Arsenic	6.2	50	NE	500,000
Barium	3,500	1,000	NE	10,000,000
Beryllium	6.6	4	NE	75,000
Chromium	93	50	210,000	2,500,000
Cobalt	150	NE	NE	8,000,000
Copper	110,000	1,300	2,800,000	2,500,000
Lead	30	15	130,000	1,000,000
Molybdenum	16,000	NE	NE	3,500,000
Nickel	200	100	1,500,000	2,000,000
Selenium	5.3	50	370,000	100,000
Silver	23	100	370,000	500,000
Thallium	< 5	2	NE	700,000
Vanadium	130	50	NE	2,400,000
Zinc	2,000	5,000	22,000,000	5,000,000

- (1) PPB = parts per billion
- (2) MCL = Maximum Contaminant Level
- (3) PRGs = Preliminary Remediation Goals (residential/soils) - EPA Region IX, 6/98 (non-enforceable, risk-based screening level)
- (4) NE = none established

With the exception of TDS (at 4,200,000 ppb) the levels of contamination are extremely low, and although some parameters are above drinking water standards, the wastewater is clearly below EPA's Preliminary Remediation Goals and hazardous waste levels.

Discovery of Potential Release

At approximately 10:30 am on November 20, 2006, during the course of his daily check of the perimeter of the landfill site, the Site Manager noted a darkened tint to the metal storm water flume on the lower slope of the southeast side of landfill Module 3. He followed the v-ditch down stream, and observed the same discoloring along the rim of the ditch. He found that approximately 200 gallons of this discolored liquid had collected in a depression approximately 400 feet before the ditch discharges to the Salinas River. While the drainage ditch had the same discolored water as noticed up on the landfill, no apparent discoloring was visible where the ditch flows into the river (see enclosed photos). Although we speculate that it is possible that a very small volume of this liquid waste may have found its way to the river, we could not find conclusive evidence that it had actually entered the river. The Site Manager then followed the path back upstream to where the discharge had originated and discovered that there was a breach in the containment berm up on top of Module 3. The Monterey County Health Department and the Regional Water Quality Control Board were telephoned and informed of the release.

Estimate of Liquid Waste Release Volume

We estimate that of the 4,278 gallons of the soy based ink accepted, approximately 300 gallons escaped the liquid waste disposal area and was released to the drainage ditch along side Module 3. The estimate of the volume of liquid waste that managed to work its way to the down drain ditch area was generated from visual observations of remaining material contained appropriately in the receiving area, minus the known total volume of liquid waste received. We also incorporated a visual estimate based on observation of water contained within the drainage ditch. It was determined that most of the liquid waste was absorbed by wood chips at the evaporation/solidification area, as is standard practice. It is estimated that approximately 300 gallons of this liquid may have passed through the opening of the berm and flowed through the storm drain system of ditches and pipes. The flow path that this material took consists of runs of metal flumes and v-ditches that direct water off of the top deck of the landfill and ultimately to the Salinas River. These flumes direct the storm water runoff to a v-ditch at the base of the south east slope of Module 3 where it is commingled with water being pumped into the ditch from the storm water detention pond.

Cause of Potential Release

It was concluded that the material had migrated away from the liquid waste evaporation/solidification area because the containment berm in the rear portion of the receiving area had been knocked down by a District heavy equipment operator who had performed grading in the area. The misinformed equipment operator opened the berm because he thought that by regulation we are required to mitigate standing water on top of landfilled waste. Because the liquid waste was not properly contained to the discharge area, it was allowed to enter the storm water diversion flume and move down the side slope to connect with the drainage ditch at the toe of the landfill.

Corrective Measures Taken

- The berm surrounding the liquid waste evaporation/solidification area was immediately reinstated on Monday November 20th to prevent any further movement of material down the slope.
- Upon discovery of the release we blocked off the culvert between the collected liquid and the v-ditch to prevent any further possible discharge to the river.
- We intercepted the remaining discharge at the point closet to the drainage ditch to the river, containing the remaining water on site.
- Poned liquid waste and the underlying soil were excavated and disposed of in the landfill.
- We documented the incident via digital photographs (see enclosed), contacted staff at the RWQCB and LEA, and wrote up the incident in the Log of Special Occurrences.

- We collected a water sample of the ponded liquid waste and submitted for lab analysis to get an indication of what potentially might have reached the Salinas River. The lab rejected the sample because of insufficient sample volume to run appropriate lab tests.
- The Monterey County Health Department collected soils samples from the v-ditch on December 15, 2006. The analytical results are enclosed for your review. The samples were non-detect for all volatile and semi-volatile organics. The sample also passed the aquatic bioassay test (none of the fish died) and the metals analyses show relatively low levels. The only constituent which showed elevated levels was Total Petroleum Hydrocarbons, which came back as 220 ppm as motor oil.

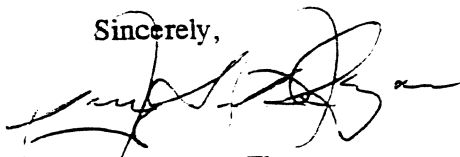
Preventive Action

- We reviewed with scale personnel and operations personnel the proper notification and receiving protocols for acceptance of liquid waste.
- We re-worked the liquid waste receiving area to become better able to receive incoming loads of material and provide proper containment.
- We re-positioned hay bales used in storm water management plan to capture any runoff from directly entering down drain culverts.
- We will confer with the RWQCB and the LEA and review our liquid waste acceptance protocols to see if any changes need to be adopted to our current accepted plans.
- We will conduct refresher training with the heavy equipment operators and maintenance and scale personnel to review liquid waste acceptance and handling practices and containment procedures to better manage liquid waste disposal on site.
- We will be updating our protocol in the acceptance and handling of liquid waste, as well as conduct review training for our on-site scale personnel and site operations personnel to make sure area is available for receipt of material and witnessed by District staff as it is off-loaded.
- We will require all loads of liquid waste to be pre-approved prior to acceptance for disposal (as we do for acceptance of petroleum contaminated soils). We will no longer accept any liquid waste that has not been properly profiled and pre-approved. Liquid waste generators will be notified that they must send a sample of their liquid waste to the lab for analysis to determine if their waste needs to be managed as a hazardous waste.
- We plan to re-visit all of our waste acceptance policies as part of a greater site-wide review of waste screening and potential hazardous material acceptance.

The Monterey Regional Waste Management District considers the protection of the surface water and the underlying groundwater quality to be of the utmost importance. Please be assured that we will take every precaution to prevent recurrence of this nature.

If you have any questions or require additional information, please call the undersigned at (831) 384-5313.

Sincerely,



Timothy S. Flanagan
Assistant General Manager



Richard D. Shedden, P.E.
Senior Engineer

Enclosures

cc: Mr. Ted Terassas, Monterey County Health Department