

MONTEREY COUNTY

13



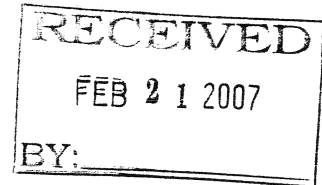
DEPARTMENT OF HEALTH LEN FOSTER, Director

ADMINISTRATION
ANIMAL SERVICES
BEHAVIORAL HEALTH

CLINIC SERVICES
COMMUNITY HEALTH
EMERGENCY MEDICAL SERVICES

ENVIRONMENTAL HEALTH
OFFICE OF THE HEALTH OFFICER
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

February 13, 2007



William Merry
Monterey Regional Waste Management District
14201 Del Monte Blvd.
Marina, CA 93933

**RE: Liquid Waste Spill Incident of November 18, 2006
Monterey Regional Waste Management District (MRWMD); 27-AA-0010**

Dear Mr. Merry:

The Monterey County Local Enforcement Agency (LEA) has completed its investigation of the ink waste spill of Smurfit Stone material received at the MRWMD on November 18, 2006. Based on this investigation, the LEA has determined the following:

1. Even if a material is classified as non-hazardous, releases outside the permitted boundary, including but not limited to soil, leachate, and gas, are a violation of the SWFP. Even a non-hazardous material may be a threat to public health, safety and the environment.
2. The LEA contacted the Office of Emergency Services (OES) to officially report this incident (Control #067468). For future incidences, as required by the California Health and Safety Code §25507, it is the responsibility of the operator to contact the OES and other appropriate agencies. For more information on reporting procedures, please review OES release notification guidance documentation (enclosed).
3. The MRWMD failed to produce test results for hazardous characteristics of the material coming from Smurfit Stone as required by the Report of Facility Information (RFI). Failing to follow the RFI is a violation of the Solid Waste Facility Permit (SWFP). Please review load check documentation procedures with MRWMD staff to ensure consistent, correct application in the future.
4. MRWMD staff broke through a section of the containment berm so that stormwater could be released, also allowing the release of the material in the liquid waste area. This issue was corrected immediately, and the LEA has no knowledge of any additional releases since the 11/18/06 incident.
5. The results of the December 15, 2006 sampling in the incident spill path at the MRWMD by the LEA and Monterey County Certified Unified Program Agency (CUPA) indicated a Total Petroleum Hydrocarbon concentration of 200 parts per million (ppm).

1270 Natividad Road, Room B301, Salinas CA 93906-3198 · Tel (831) 755-4579 · Fax (831) 755-8929
<http://www.co.monterey.ca.us>

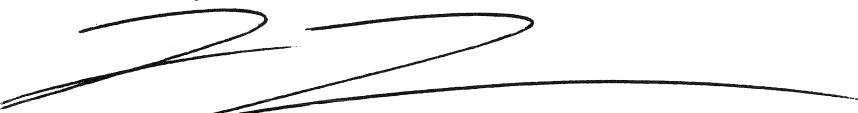
6. Results of the December 14, 2006 sampling of waste material directly from Smurfit Stone by MRWMD staff indicated a Total Dissolved Solids concentration of 4200 ppm.

Testing results have been forwarded to the Regional Water Quality Control Board and the Department of Fish and Game for further review. The LEA is awaiting further guidance from the District Attorney's Office regarding further enforcement action.

It is expected that the MRWMD will fully comply with its SWFP, and the LEA will be working with MRWMD staff to ensure compliance.

If you have any questions, please contact me at (831) 755-8977.

Sincerely,



Ted J. Terrasas, REHS
Senior Environmental Health Specialist

C: Mary Madison-Johnson, CIWMB
John Ramirez, MCHD
Dean Thomas, RWQCB
Bruce Welden, MCHD
Don Kelly, Dept. of Fish and Game
Kyle Hiatt, Dept. of Fish and Game, OSPR