

Memorandum

Date: October 17, 2002

To: Santa Barbara County Board of Supervisors

From: Phillip M. Demery, Director
Public Works Department

Subject: Board of Supervisors October 1, 2002 Request for Response
Regarding Water Quality Monitoring at Tajiguas Landfill



At the Board of Supervisors Hearing of October 1, 2002, Supervisor Schwartz requested in her closing remarks that staff provide a statement of response regarding the need for testing in the 48" Culvert (Culvert).

As a point of information, the Revised Monitoring and Reporting Plan (M&RP) issued by the Regional Water Quality Control Board in 1999 included the relocation of surface water monitoring point SW-4, which is located in Pila Creek, to a point further downgradient of the outlet of the Culvert. The purpose of moving SW-4 further away from the Culvert was to assure that that no pollutants were migrating past the boundaries of Landfill property:

“...[Regional Water Quality Control Board – Central Region] staff has moved surface water monitoring point SW-4 further down creek to a point near ground water monitoring well MW-15. This area of Pila Creek experiences occasional summer time flow likely caused by ground water perching to surface. Sampling of flow at this point will provide data for surface water leaving the watershed at all times of the year.” And further, “SW-4 shall be locate near MW-15 with the intention of monitoring surface water leaving the watershed. Interference [sic] from Highway 101 discharge shall be avoided.”

If pollutants are not detected at sampling point SW-4, it stands to reason that pollutants are not migrating off the Landfill site and into the ocean, which is the underlying concern of environmental groups, of the County, and of the State Water Quality Control Board and its Regional Boards, which are the regulatory agencies responsible for the protection our state’s waters.

The 1969 Porter-Cologne Water Quality Control Act designated the State Water Quality Control Board and its Regional Boards the “principal state agenices with primary responsibility for the coordination and control of water quality” in the State of California. Legislation such as the Porter-Cologne Water Quality Control Act and the Clean Water Act guide the Regional Water Quality Control Board (RWQCB), and the Tajiguas Landfill is regulated through the RWQCB’s Monitoring and Reporting Program (M&RP).

Therefore, decisions made regarding water quality protection practices at Tajiguas Landfill are ultimately the purview of the Regional Water Quality Control Board.

Given that the present practices at Tajiguas are meeting the requirements of the M&RP, any alterations to present practices would most appropriately be stipulated by the Regional Water Quality Control Board through their M&RP. It is our understanding that the RWQCB will be re-issuing a new M&RP for Tajiguas Landfill at some point during the 2003 calendar year. [For your reference, I have attached a Summary of Role and Responsibilities of the RWQCB, in general and as it pertains to water quality protection at Tajiguas Landfill.]

As a final point of information, the replacement of 850 feet of the 48" Culvert has been completed. The project to replace the entire 2,660-foot Culvert will be 85% complete within in two years, and the balance will occur within six years.

PMD:rm
Attachment

SUMMARY:

Regional Water Quality Control Board: Source of Regulatory Role and Responsibilities

[information herein was obtained from State Water Quality Control Board's web site, from the 1999 Revised M&RP No.93-69, and from Solid Waste & Utilities Division water quality monitoring staff]

- The State Water Resources Control Board (State Board) and the nine (9) Regional Water Quality Control Boards (Regional Boards) work together to protect California's water resources.
- With passage of the Porter-Cologne Water Quality Control Act in 1969, the Boards together became the "principal state agencies with primary responsibility for the coordination and control of water quality."
- The State Board and the Regional Boards promulgate and enforce narrative and numeric water quality standards in order to protect water quality, and regulate discharges of harmful substances to surface waters including wetlands under the federal Clean Water Act (CWA) and the California Porter-Cologne Water Quality Control Act (Porter-Cologne). Discharges to dry land are also regulated under Porter-Cologne.
- The Porter-Cologne Act established a comprehensive program for the protection of water quality and beneficial uses of water. It applies to surface waters (including wetlands), groundwater, and point and non-point sources of pollution.
- In 1991, the Boards were brought together with five other State environmental protection agencies under the newly crafted California Environmental Protection Agency (Cal/EPA).
- Section 401 of the Clean Water Act gives the State Board and Regional Boards the authority to regulate through water quality certification any proposed federally-permitted activity which may result in a discharge to water bodies, including wetlands. The State may issue, with or without conditions, or deny certification for activities which may result in such discharges.
- The State Board is generally responsible for setting statewide water quality policy and considering petitions contesting Regional Board actions.
- The nine Regional Boards are each semi-autonomous and comprised of nine part-time Board members appointed by the Governor. Each Regional Board makes

- water quality planning and regulatory decisions for its region. These decisions include issuing State waste discharge requirements (discharge permits) or recommending Clean Water Act certification for activities affecting wetlands and other water bodies.
- The Regional Boards regulate discharges under Porter-Cologne primarily through the issuance of waste discharge requirements (“WDRs”). Porter-Cologne provides several means of enforcement, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecution.
- The Waste Discharge Requirements are administered through the Monitoring and Reporting Program (M&RP). In November, 1993, the initial M&RP No. 93-69 for the County of Santa Barbara Department of Public Works, Tajiguas Class III Landfill, was issued by the Regional Water Quality Control Board – Central Coast
- In 1999, the RWQCB issued the Revised M&RP No. 93-69 for , Tajiguas Class III Landfill, Santa Barbara County. As stated in the letter of transferral to the County,

“Revisions to MRP 93-69 consider comments received in response to the December 3, 1998 draft version that was mailed to all interested parties. Written comments were received from Santa Barbara County Public Works and Santa Barbara County Health Care Services. Verbal comments were received from Mr. Bob Hazard of the Gaviota Coast Conservancy.”

- The RWQCB – Central Coast Region will be revising the M&RP again this year.
- Revisions to the M&RP in 1999 included the addition of iron, arsenic and mercury to the routine monitoring parameters for ground and surface water, and the relocation of surface water monitoring point SW-4.
 - The reasoning for moving SW-4, addressed on page 2 of the March 4, 1999 correspondence from the RWQCB, is as follows:

“...staff has moved surface water monitoring point SW-4 further down creek to a point near ground water monitoring well MW-15. This area of Pila Creek experiences occasional summer time flow likely caused by ground water perching to surface. Sampling of flow at this point will provide data for surface water leaving the watershed at all times of the year.”

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Further explanation occurs on page 4 of the M&RP, in the table found under the heading “Ground and Surface Water Monitoring” and pertaining to SW-4:

“5. SW-4 shall be locate near MW-15 with the intention of monitoring surface water leaving the watershed. Interference [sic] from Highway 101 discharge shall be avoided.”

- The Ground and Surface Water Monitoring Locations designated for Tajiguas Landfill by the RWQCB are listed on page 4 of the Revised M&RP No. 93-69. There are twelve (12) locations designated.
- Exact monitoring parameters are listed under Definition of Terms, page 11, section G, Monitoring Parameters.
- From 1996 to 2000, samples were taken from the outlet of the 48” pipe that diverts surface drainage around the landfill, inside the cement structure called “box culvert”. Because OSHA now requires stricter adherence to the use of a Confined Space Permit (see explanation below), current sampling consists of a qualified technician collecting a sample at a point (called “the apron”) approximately 8 feet from the pipe outlet.
 - Confined Space Permit: as required by OSHA, a team of specialists must be present along with the technician conducting the sampling, incurring extra costs.
 - The Regional Water Quality Control Board, as the state’s regional water quality regulatory agency designated to promulgate the Porter Cologne Act, should determine the appropriate sampling locations and constituents
 - The Regional Water Quality Control Board will have the opportunity to modify these conditions with the upcoming permit review and reissuing, and will consider all related information, such as the Environmental Impact Report, supporting technical studies, and historic site monitoring information.