OPPORTUNITY TO CORRECT

Date: 5/14/2021
APN: 56-020-03 & 56-020-04

Case: EH20-020
Current Zoning: M-1

Address of Violation: No Legal Address- Stockton Rd, Sonora

Authority to enforce:
California Public Resources Code (PRC § 44100) outlines that the Local Enforcement Agency (LEA) which has been delegated to the Tuolumne County Environmental Health Division (TCEHD) has the authority to enter, inspect, and enforce under this code. A component of LEA oversight is the Closed, Illegal, and Abandoned (CIA) sites. The Sonora Refuse Burn Dump, which is also known as the Rotelli Burn Dump, is classified as a CIA site.

CIA sites are those sites which ceased operating prior to January 1, 1988 and closed under the standards in effect at the time. CIA sites are established in Subchapter 4, of California Code of Regulations (CCR), Title 27, Division 2, Chapter 3. Additionally, per Section 21100(d) of 27 CCR, Subchapter 5, the LEA may apply regulatory standards established in Subchapter 5, of CCR, Title 27, provided the LEA makes the necessary finding that the standards in Subchapter 5 are necessary to protect public health and safety and the environment.

Our records indicate that the facility closed its operation in 1965. It is unclear as to the initial start of the operations known as the Rotelli Burn Dump. Additionally, the facility filed paperwork to close the facility as a CIA in 1994.

Observation:
TCEHD conducted site inspections on October 4, 2019, March 24, 2020, April 14th, 2020; May 18th, 2020; June 9th, 2020 & July 8th, 2020, August 19, 2020, August 26, 2020, January 15, 2021 and January 22, 2021. During these inspections which included representatives from supporting agencies (Fire, Planning, Building and Safety, Environmental Health, Code Compliance, and representatives from CalRecycle), several violations were observed by all agencies. This Opportunity To Correct only pertains to the violations enforced by the LEA.

Upon entering the facility, it was noted that there was a boat, with the moniker of “Camp Hope”. The Camp Hope name was identified in an October 1, 2019 media report. The report shared information that a nonprofit organization was promoting the Rotelli Burn Dump as a refuge or camp for the homeless. The nonprofit relayed information that they had brought in a 2,500-water tank, portable toilets, roll off waste receptacles, and other materials and resources for the residents at the CIA site to utilize. A chicken coop has also been observed and photo logged. This Newer addition required that the cap and fill cover of the burn dump to be excavated and leveled. This exposed the inhabitants to various carcinogens, teratogens, and mutagens.
The entrance to the facility had no locked gates or signage that would prohibit the entrance into the facility. Also, at the entrance, it was noted that there was a large pile of waste accumulating. Some of the items in that area were rubbish, mattresses, human waste, abandoned vehicle, furniture, and various other household items.

Once we entered the Burn Dump/Camp Hope, we noticed that the roads had been graded. This grading occurred throughout the Burn Dump/Camp. We also observed several camp sites (housing units) that were directly built or placed over freshly graded areas. These housing units had various setups, but all had a source of cooking and storing food. Dust was observed to be present in all areas of the camp, including the housing units, water system, and community pantry. We also observed other activities that indicated the excavation of the soil cover used to “cap” or encapsulate debris that was buried during the burn operation of the facility. Historic burn ash was observed in some of these areas.

**Burn Ash & Rotelli/Camp Hope:**

Historically, burn ash from other sites throughout California indicate that elevated or hazardous levels of arsenic (As), beryllium (Be), cadmium (Cd), chromium (Cr), copper (Cu), lead (Pb), mercury (Hg), nickel (Ni), and zinc (Zn) may be present in residual waste left from the burn dumping process (burn ash). Low levels of total recoverable petroleum hydrocarbons (TRPH) and semi-volatile organic compounds (SVOC), such as polychlorinated biphenyls (PCB), dioxins, furans and polyaromatic hydrocarbons PAHs, may also be present at low concentrations in the burn ash. In rare cases, trace amounts of low-level radioactive waste have been noted. If burn products included explosive waste, ordnance, or pyrotechnics, compounds such as perchlorate and explosive products may also be present.

With increased land development of these previously rural areas on or near burn dump sites or change of use such as the construction of Camp Hope, there is the potential for human exposure to waste and/or burn ash. Elevated or hazardous levels of As, Be, Cd, Cr, Cu, Pb, Hg, Ni, and Zn have been reported in soil/ash samples from other burn dump sites. So, we are assuming that the burn ash at the Rotelli/Camp Hope CIA site would also contain these hazards.

Burn ash constituents of concern are typically not readily soluble in water and represent a low probability of leaching to groundwater (e.g., lead). However, migration of metals may occur depending on site specific conditions (e.g., soil acidity). Shallow groundwater (less than 20-feet below ground surface) may present an increased potential for heavy metals to leach to groundwater. Wood’s Creek has been determined by the California Water Board as a 303(d) impaired water body (fecal coliform). Altering the surface of the soil protective cover, as what is currently happening at the Burn Dump/Camp may allow water to enter the burn ash and allow further contamination of “Waters of the State”, and further degrade our already sensitive water infrastructure.

Also, burn ash constituents can pose a health risk if they become airborne, become suspended in surface water runoff, or come in contact with the skin surface. Human exposure to burn ash constituents may occur through inhalation if allowed to become airborne, and ingestion or direct skin contact through wind and surface erosion. As noted above, dust was observed at all the housing units. Burn dump problems and potential hazards result primarily from improper surface cover, poor surface erosion and drainage control, and/or lack of adequate site security. However, in some cases, soluble contaminants, such as TRPH and SVOCs, including dioxins,
furans, and PAHs, are present in the soil ash and may represent a threat or impact to groundwater.

California's historic burn dump activities and the unknown factor of what each burn dump accepted during the life of the operation is what gives great pause from an enforcement perspective. Every resident, volunteer, water hauler, portable toilet employee, and inspector are being put at a high risk for the activities that have been documented during site inspections at the Rotelli/Camp Hope site. Tuolumne County was a mining community and waste associated with mining activities are a real possibility as constituents of the site, thus increasing the risk of exposure.

NOTICE IS HEREBY GIVEN that on January 22, 2021, at approximately 10:00 a.m., a representative of the Tuolumne County Division of Environmental Health inspected the premises located at the former Sonora Refuse (Rotelli Burn Dump) and confirmed that a violation of the Tuolumne County Ordinance Code and Title 27 of the California Code of Regulations was found to exist on the premises as described below. Monthly inspections have documented the growth of the illegal use of this facility. Full code descriptions are provided as a separate attachment. The code cited will correlate with each violation:

California Code of Regulations, Title 27:

Details of Violation:

1. **27 CCR § 20750**

   The operator shall implement a preventative maintenance program to monitor and promptly repair or correct deteriorated or defective conditions with respect to requirements of the CIWMB standards, and conditions established by the EA. All other aspects of the disposal site shall be kept in a state of reasonable repair.

   Observed the change in use from a Closed, Illegal, Abandoned (CIA) site to an operating homeless camp/village. The owners have allowed the CIA site to be occupied by long term campers. A water tank, community bathrooms, hand dug latrines, buckets of human feces, tents, recreational vehicles (RV's), vans, trailers, community kitchen structures, grading of capping material, and fire pits. The overall condition of the CIA is compromised by the unapproved use. Potential heavy metals and other carcinogens are being distributed and potentially contaminating the residents of this CIA/Camp Hope site. The owners need to submit a maintenance program; this written maintenance program will need to be approved by the Tuolumne County Environmental Health Division. The facility will be required to follow the criteria outlined in the approved maintenance program.

2. **27 CCR § 21180**

   (a) Postclosure maintenance for the purposes of reducing impacts to health and safety, shall be conducted to ensure the integrity of the final cover and environmental control systems. The landfill shall be maintained and monitored for a period of not less than thirty (30) years after the completion of closure of the entire solid waste landfill. Any areas in which final cover is placed prior to the
closure of the entire landfill shall be maintained in accordance with an approved postclosure maintenance plan, but the thirty (30) year monitoring period shall not commence until closure of the entire landfill is complete. Maintenance and monitoring shall include, but not be limited to the following:

As mentioned above, the change in use of the CIA site has allowed the facility to be occupied as a homeless camp/village. The capping fill material was observed to be disturbed by the new use of the CIA site as roads were cut-in, foundations excavated for tents, structures, latrines, and historic bottle collecting. The CIA site lacks site security and allows for transient access to the site. The heavy metals that are typically found at former burn dumps are carcinogenic and can be a teratogen (cause birth defects). The lack of fencing or other means of site security makes it very difficult to keep people out of the historic burn ash. Fencing and signage will be required as part of the Local Enforcement Agency (LEA) closure requirement.

3. 27 CCR § 21190

The facility has allowed various activities to occur at the site. These activities conflict with the requirements of protecting public health and safety. The facility has allowed structures to be erected, allowed the grading of capping material, latrines, camping, creating a water system on the burn ash, created a transfer station (the 100 plus residents take trash to a processing area), reactivated active dumping on the CIA site. Code requires that any structures meet the minimum standards for addressing public health and safety. Such as, maintaining a 1,000-foot buffer from the waste area.

During every inspection, it was observed, and photo logged the various methods of heating, cooking, and power generation. Several fire pits were observed near dry and combustible materials. Fire personal were called to Camp Hope on July 7, 2020 for a reported fire. I observed the burning of trash and rubbish. I also observed several variations of electrical generators. During one of my inspections, I observed a running unit that was held together by duct tape. Containers of fuel were observed in and around each campsite. This gives great concern for a potential fire. Several subdivisions are directly behind the camp and an uncontrolled fire could easily make its way to those areas.

The use of the CIA site for the residential activity and human use is not permitted nor allowed. The owners are required to halt all activities on the CIA site and follow the requirements to properly close out the site. This includes removing all structures, toilets, water tanks, housing units, vehicles, and general rubbish.

4. 27 CCR § 20650; § 21140; § 21142; § 21145

Covered surfaces of the disposal area shall be graded to promote lateral runoff of precipitation and to prevent ponding. Grades shall be established of sufficient slopes to account for future settlement of the fill surface. Other effective maintenance methods may be allowed by the enforcement agency. The current activity has altered the final cover. Various forms of grading, excavating, leveling, treasure hunting, historic mine alteration, have been observed.
Observed graded roads, bottle excavations, possible drainage alterations (activity in swells). The extent of the location of the CIA site boundaries is unknown. The heavy industrial activity at the site can damage the integrity of the final capping cover, expose toxins, carcinogens (cancer causing), and teratogens (birth defects). Woods Creek, which is within the watershed of this camp, has already been classified as a 303 D impaired water body due to human waste. The facility needs to ensure that the current activity is not contributing to an already compromised water body.

5. § 20620; § 21150

Mentioned in violation #4, drainage and erosion control. The current activity at the site is potentially causing drainage and erosion issues at the site. This was verified on subsequent inspections, within the drainage swell, which flows into Wood's Creek.

The various roads and building pads that were cut into the CIA site are attributing to site runoff (verify next inspection). Various toxins, carcinogens, and teratogens can make its way off of the CIA site, which can adversely impact public health and safety.

6. § 20790. CIWMB

The disruption of the final capping cover can expose various leachates. During my October 2019 inspection, I observed an old mine that was being used as a home and dumpsite for various rubbish. The subsurface of Tuolumne County is mostly fractured rock. Various leachate from past activities, new activities, mine sites, can make its way into the various cracks and fissures which in turn could contaminate the water bearing strata, thus putting public health and safety at risk.

7. § 20830

Due to the excavation of capping material, historic ash, litter, and other debris was observed during our inspections. We also observed that the site was operating as a transfer station and new landfill. Due to the lack of security fencing and the proximity to Stockton Road; this area has been targeted for illegal dumping. The facility operations shall cease and desist all active landfill operations and transfer station operation.

8. § 20530; § 21137

Mentioned in violation #7, site security will be required. Fencing the property, posting warning signs about the hazardous nature of the site shall be posted, routine inspections by the owners of the facility shall also be conducted and documented.

All structures are required to be removed and upon doing so, ensure that the leachate control is in place and that the CIA site follow the approved closure plan.

9. § 21130. CIWMB

The facility shall also submit as part of their post closure plan an Emergency Response Plan. This component of the plan must identify occurrences that may exceed the design of the site and endanger public health or the environment. Refer to the attached code section for a detailed list of requirements for this plan.
10. § 21170; § 21880

Tuolumne County Environmental Health is requiring that upon completion of closure of the site, shall file a detailed description of the closed site, including a map, with the Recorder of the County in which the site is located, with the EA and with the local agency that has been selected to maintain the county integrated waste management plan. Please refer to the attached violation sheet for a full description of the requirements for recordation of your C1A site. The closure documentation will need to include financial certification for all cost associated with the C1A site.

YOU ARE HEREBY ORDERED to correct the violation above by July 12, 2021:

You are required to follow the conditions within this letter. You will have 60 days to remove the immediate threat to health & safety to the residents at your C1A/Camp Hope site. This will include all habitation, structures, portable toilets, water tank, rubbish, and other open solid waste at the site. You will also have 60 days from the time of this letter to construct and submit a proper closure plan as outlined in this Opportunity To Correct notice and code sections cited. Your closure plan shall include measures of site security, operations, maintenance, and monitoring (OM&M) of your C1A site.

Failure to correct the violations or the continuance to allow habitation of the C1A site may result in fines or the County of Tuolumne taking action and abating the hazards as set forth in Public Resources Code (PRC) §4500. Abatement may entail the assistance of CalRecycle and contractors working on their behalf. If the county or state abates the hazards and violations cited in this letter, the County or state will require cost recovery. A lien may be placed upon the title of this property. Additional requirements may be needed upon discovery of new violations during this abatement process.

Penalty for Failure to Correct

Failure to correct the violation(s) in compliance with the Tuolumne County Ordinance Code Chapter 8.05 and Public Resources Code §45000 et. seq by July 12, 2021, will result in your being issued a Notice and Order (N&O), which may include:

- Petitioning the Superior Court for civil penalties in an amount not to exceed $10,000 per day for each violation. [PRC Section 45023 and 45024] and;

- Imposing administrative civil penalties in an amount not to exceed $5,000 per day for each day the facility fails to achieve compliance within the time frames specified above [PRC Section 45011] and;

If a N&O is issued, you will be granted an additional 30 days to comply with the Order and the final deadline would be August 11, 2021. At that time, If you do not request a hearing within 15 days of the N&O, the violation(s) shall be deemed admitted, the fine and obligation for abatement costs shall be deemed accepted, and the Notice and Order shall be deemed a Final Abatement Order and the final determination of these issues.
Notwithstanding the application of the Statute of Limitations, all allegations of activities being conducted on the subject premises without the required permits shall be referred to the County Assessor's Office for potential reassessment.

Robert B. Kostilivy, Director
Environmental Health Division
List of Codes (indexed from Enforcement letter)

Inspection Authority:

**California Code, Public Resources Code (PRC) - PRC § 44100**

(a) The enforcement agency, in issuing or reviewing a solid waste facilities permit or in connection with an action relating to a solid waste facilities permit or as otherwise authorized by this division, may investigate the operation of a solid waste facility, a transfer or processing station, a disposal site, collection or handling equipment, or a storage area for solid wastes.

(b) In the investigation, the enforcement agency may require a person, who is, or proposes to become, an operator of a solid waste facility, a transfer or processing station, a disposal site, collection or handling equipment, or a storage area for solid wastes, or a person that the enforcement agency believes may have information concerning a suspected violation of this division, to furnish, under penalty of perjury, any nonprivileged technical or monitoring program or other reports that the enforcement agency may specify.

(c) If the owner of property upon which solid waste is unlawfully stored, stockpiled, disposed, handled, or maintained refuses to allow or provide the board, the enforcement agency, or a contractor of the board or enforcement agency with access to enter onto the property and perform all necessary cleanup, abatement, or remedial work as authorized pursuant to Section 45000 or 48020, the court may issue the board, the enforcement agency, or a contractor of the board or enforcement agency a warrant pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure to permit reasonable access to the property to perform that activity, if the following conditions have been met:

(1) An administrative order requiring corrective action has been issued or obtained pursuant to Section 45000 against the property owner.

(2) The board or enforcement agency finds that there is a significant threat to public health or the environment.

(a) In the investigation, the enforcement agency may inspect the facility, equipment, or vehicle used for storage, collection, transportation, processing, or disposal of solid waste, as necessary to ensure compliance with this division and to determine that the terms and conditions of solid waste facilities permits are being complied with.

(b) The inspection shall be made with the consent of the owner or possessor of the solid waste facilities permit or, if consent is refused, with a warrant duly issued pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public health or safety, an inspection may be made without consent or the issuance of a warrant.

**PRC § 45000**
(a) Except as provided in subdivision (b), the enforcement agency or the board may issue an administrative order requiring the owner or operator of a solid waste facility or disposal site or a person in violation of Section 44000.5, to take corrective action as necessary to abate a nuisance, or to protect human health and safety or the environment. If both the board and the enforcement agency issue an administrative order regarding the same facility, disposal site, or person, the order issued by the board shall prevail if there is a conflict between the orders.

(b) An administrative order shall not be issued for a minor violation that is corrected immediately in the presence of the inspector. Immediate compliance in that manner shall be noted in the inspection report.

(c) The enforcement agency or the board may contract for corrective action after an order issued pursuant to subdivision (a) becomes final and the owner or operator fails to comply with the order by the date specified in the order.

(d) If an enforcement agency or the board expends any funds pursuant to subdivision (b), the owner or operator of the solid waste facility or disposal site or a person in violation of Section 44000.5 shall reimburse the enforcement agency or the board for the amount expended, including, but not limited to, a reasonable amount for contract administration, and an amount equal to the interest that would have been earned on the expended funds. The amount expended shall be recoverable in a civil action by the Attorney General, upon request of the local enforcement agency or the board.

PRC § 45023

A civil penalty of not more than ten thousand dollars ($10,000) may be imposed upon a person who for each day the violation or operation occurs:

(a) Owns or operates a solid waste facility or disposal site and who intentionally or negligently violates or causes or permits another to violate the terms and conditions of a solid waste facilities permit or a standard, requirement, or order applicable to a solid waste facility or disposal site.

(b) Operates a solid waste facility without a solid waste facilities permit.

(c) With respect only to a solid waste facility or disposal site, intentionally or negligently violates a provision of this division, or a regulation, administrative order, or standard adopted by the board or an enforcement agency.

PRC § 45024

Any attorney authorized to act on behalf of the board or a local enforcement agency may petition the superior court to impose, assess, and recover the civil penalties authorized by Section 45023. Any penalties recovered pursuant to this section shall be paid, to the maximum extent allowed by law, to the board or to the local enforcement agency, whichever is represented by the attorney bringing the action.

PRC § 45011

If an enforcement agency or the board determines that a solid waste facility or disposal site is in violation of this division, a regulation adopted pursuant to this division, the terms or conditions of a solid waste facilities permit, an order issued under this division, or poses a potential or actual threat to public health and safety or the environment, or determines that a person has disposed of solid waste at an
unpermitted disposal site in violation of Section 44000.5, the enforcement agency or board may issue an order establishing a time schedule according to which the facility or site shall be brought into compliance with this division. The order may also provide for a civil penalty, to be imposed administratively by the enforcement agency or board, in an amount not to exceed five thousand dollars ($5,000) for each day on which a violation occurs, if compliance is not achieved in accordance with that time schedule.

Title 27 - CALIFORNIA CODE OF REGULATIONS (below)

Violation #1

§ 20750. CIWMB - Site Maintenance

The operator shall implement a preventative maintenance program to monitor and promptly repair or correct deteriorated or defective conditions with respect to requirements of the CIWMB standards, and conditions established by the EA. All other aspects of the disposal site shall be kept in a state of reasonable repair.


Violation #2

§ 21180. CIWMB - Postclosure Maintenance.

(a) Postclosure maintenance for the purposes of reducing impacts to health and safety, shall be conducted to ensure the integrity of the final cover and environmental control systems. The landfill shall be maintained and monitored for a period of not less than thirty (30) years after the completion of closure of the entire solid waste landfill. Any areas in which final cover is placed prior to the closure of the entire landfill shall be maintained in accordance with an approved postclosure maintenance plan, but the thirty (30) year monitoring period shall not commence until closure of the entire landfill is complete. Maintenance and monitoring shall include, but not be limited to the following:

(1) site security;

(2) gas monitoring and control system maintenance as specified in the final closure and postclosure maintenance plans.

(b) If nonliquid waste is exposed during postclosure maintenance activities at a solid waste landfill, the waste may be returned to that landfill provided that the integrity of the final cover is maintained.

(c) The operator shall provide to the CIWMB and the EA copies of the maps and reports provided to the RWQCB pursuant to §21090(e)(2) describing the amount of differential settlement.
Violation #3

§ 21190. CIWMB - Postclosure Land Use. (T14:s17796)

(a) Proposed postclosure land uses shall be designed and maintained to:

(1) protect public health and safety and prevent damage to structures, roads, utilities and gas monitoring and control systems;

(2) prevent public contact with waste, landfill gas and leachate; and

(3) prevent landfill gas explosions.

(b) The site design shall consider one or more proposed uses of the site toward which the operator will direct its efforts, or shall show development as open space, graded to harmonize with the setting and landscaped with native shrubbery or low maintenance ground cover.

(c) All proposed postclosure land uses, other than non-irrigated open space, on sites implementing closure or on closed sites shall be submitted to the EA, RWQCB, local air district and local land use agency. The EA shall review and approve proposed postclosure land uses if the project involves structures within 1,000 feet of the disposal area, structures on top of waste, modification of the low permeability layer, or irrigation over waste.

(d) Construction on the site shall maintain the integrity of the final cover, drainage and erosion control systems, and gas monitoring and control systems. The owner or operator shall demonstrate to the satisfaction of the EA that the activities will not pose a threat to public health and safety and the environment. Any proposed modification or replacement of the low permeability layer of the final cover shall begin upon approval by the EA, and the RWQCB.

(e) Construction of structural improvements on top of landfilled areas during the postclosure period shall meet the following conditions:

(1) automatic methane gas sensors, designed to trigger an audible alarm when methane concentrations are detected, shall be installed in all buildings;

(2) enclosed basement construction is prohibited;

(3) buildings shall be constructed to mitigate the effects of gas accumulation, which may include an active gas collection or passive vent systems;

(4) buildings and utilities shall be constructed to mitigate the effects of differential settlement. All utility connections shall be designed with flexible connections and utility collars;

(5) utilities shall not be installed in or below any low permeability layer of final cover;
(6) pilings shall not be installed in or through any bottom liner unless approved by the RWQCB;

(7) if pilings are installed in or through the low permeability layer of final cover, then the low permeability layer must be replaced or repaired; and

(8) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with §20933 of Article 6, of Subchapter 4 of this Chapter.

(f) The EA may require that an additional soil layer or building pad be placed on the final cover prior to construction to protect the integrity and function of the various layers of final cover.

(g) All on-site construction within 1,000 feet of the boundary of any disposal area shall be designed and constructed in accordance with the following, or in accordance with an equivalent design which will prevent gas migration into the building, unless an exemption has been issued:

1. a geomembrane or equivalent system with low permeability to landfill gas shall be installed between the concrete floor slab of the building and subgrade;

2. a permeable layer of open graded material of clean aggregate with a minimum thickness of 12 inches shall be installed between the geomembrane and the subgrade or slab;

3. a geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer;

4. perforated venting pipes shall be installed within the permeable layer, and shall be designed to operate without clogging;

5. the venting pipe shall be constructed with the ability to be connected to an induced draft exhaust system;

6. automatic methane gas sensors shall be installed within the permeable gas layer, and inside the building to trigger an audible alarm when methane gas concentrations are detected; and

7. periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with Article 6, of Subchapter 4 of this chapter (§20920 et seq.).

Note: Authority cited: Sections 40502 and 43020, Public Resources Code; and Section 66796.22(d), Government Code. Reference: Sections 43021, 43103 and 44105, Public Resources Code; and Section 66796.22(d), Government Code.

Violation # 4

§ 20650. CIWMB - Grading of Fill Surfaces

Covered surfaces of the disposal area shall be graded to promote lateral runoff of precipitation and to prevent ponding. Grades shall be established of sufficient slopes to account for future settlement of the fill surface. Other effective maintenance methods may be allowed by the enforcement agency.


§ 21140. CIWMB - Final Cover
(a) The final cover shall function with minimum maintenance and provide waste containment to protect public health and safety by controlling at a minimum, vectors, fire, odor, litter and landfill gas migration. The final cover shall also be compatible with postclosure land use.

(b) In proposing a final cover design meeting the requirements under §21090, the owner or operator shall assure that the proposal meets the requirements of this section. Alternative final cover designs shall meet the performance requirements of ¶(a) and, for MSWLF units, 40 CFR 258.60(b); shall be approved by the enforcement agency for aspects of ¶(a).

(c) The EA may require additional thickness, quality, and type of final cover depending on, but not limited to the following:

(1) a need to control landfill gas emissions and fires;

(2) the future reuse of the site; and

(3) provide access to all areas of the site as needed for inspection of monitoring and control facilities, etc.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code; and Section 66796.22(d), Government Code. Reference: Sections 43021 and 43103, Public Resources Code; and Section 66796.22(d), Government Code.

§ 21142. CIWMB - Final Grading.

(a) Final grades must be designed and maintained to reduce impacts to health and safety and take into consideration any postclosure land use. [Note: for final grading requirements concerning water quality protection, see section s21090(b).]

(b) Subsequent to the creation and submittal of the initial postclosure topographic map, pursuant to s21090(e)(1), the EA shall require the owner and/or operator to produce five-yearly iso settlement maps meeting the requirements of s21090(e)(2) and (3) only if:

(1) the RWQCB does not require such maps (for the purpose of water quality protection at the landfill); and

(2) the EA finds that such maps are needed for reasons other than water quality protection.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code; and Section 66796.22(d), Government Code. Reference: Sections 43021, 43103 and 44100, Public Resources Code; and Section 66796.22(d), Government Code

§ 21145. CIWMB - Slope Stability

(a) The operator shall ensure the integrity of final slopes under both static and dynamic conditions to protect public health and safety and prevent damage to postclosure land uses, roads, structures, utilities, gas monitoring and control systems, leachate collection and control
systems to prevent public contact with leachate, and prevent exposure of waste. Slope stability analyses shall be conducted and reported pursuant to the requirements of Division 2, Subdivision 1, Chapter 4, Subchapter 3, Article 4 Section 21750(f)(5).
(b) The operator shall notify the EA, CIWMB, and RWQCB in the event of any slope failure.
Note: Authority cited: Sections 40502 and 43020, Public Resources Code; and Section 66796.22(d), Government Code. Reference: Sections 43021, 43103 and 44100, Public Resources Code; and Section 66796.22(d), Government Code.

Violation # 5

§ 20820. CIWMB - Drainage and Erosion Control

(a) The drainage system shall be designed and maintained to:

(1) ensure integrity of roads, structures, and gas monitoring and control systems;

(2) prevent safety hazards; and

(3) prevent exposure of waste.


§ 21150. CIWMB - Drainage and Erosion Control

[Water quality protection aspects for drainage and erosion control are addressed in s20365 and s21090, and in Table 4.1 (in Article 4, Subchapter 2, Chapter 3 of this subdivision).]

(a) The drainage and erosion control system shall be designed and maintained to ensure integrity of postclosure land uses, roads, and structures; to prevent public contact with waste and leachate; to ensure integrity of gas monitoring and control systems; to prevent safety hazards; and to prevent exposure of waste.

(b) In cases where the design precipitation event in Table 4.1, Article 4, Subchapter 2 of Chapter 3, is not adequate for the protection of public health and safety, the EA, in consultation with the RWQCB, may require the implementation of a more stringent design.

(c) Slopes not underlain by waste shall be stabilized to prevent soil erosion. Methods used to protect slopes and control erosion shall include, but are not limited to, terracing, contour furrows, and trenches.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code; and Section 66796.22(d), Government Code. Reference: Sections 43021 and 43103, Public Resources Code; and Section 66796.22(d), Government Code.
Violation # 6

§ 20790. CIWMB - Leachate Control

The operator shall ensure that leachate is controlled to prevent contact with the public.


Violation # 7

§ 20830. CIWMB Litter Control

Litter shall be controlled, routinely collected and disposed of properly. Windblown materials shall be controlled to prevent injury to the public and personnel. Controls shall prevent the accumulation, or off-site migration, of litter in quantities that create a nuisance or cause other problems.


Violation # 8

§ 20530. CIWMB - Site Security

The site shall be designed to discourage unauthorized access by persons and vehicles by using a perimeter barrier or topographic constraints. Areas within the site where open storage or ponding of hazardous materials occurs shall be separately fenced or otherwise secured as determined by the EA. The EA may also require that other areas of the site be fenced to create an appropriate level of security.


§ 21135. CIWMB - Site Security

(a) Sign(s) shall be posted at all points of access to a site sixty (60) days prior to the last receipt of waste at the site and for a period of not less than one hundred eighty (180) days after the facility has received the final shipment of waste stating the intended date of last receipt of waste at the site and the location of alternative permitted solid waste management facilities. A notice shall be placed in a local newspaper(s) thirty (30) days prior to the last receipt of waste which includes the intended date of the last receipt of waste at the site and the location of alternative solid waste management facilities.

(b) Sites which do not allow public disposal and which have not allowed public access to the site for more than one year prior to cessation of acceptance of waste, or are undertaking partial final closure pursuant to s21120, shall be exempt from the provisions of this section.

(c) The EA may require more signs, signs written in additional languages, larger signs, or signs of clearer design, if necessary to protect public health and safety.
(d) The EA may grant variances from the sign provisions of this section after receiving a written request by the operator.

(e) Sedimentation and detention basins shall be secured and maintained during the closure and postclosure maintenance period to prevent unauthorized access.

(f) The operator shall ensure that all points of access to the site are restricted to protect public health and safety as of the date the final shipment of waste is received. Components of any monitoring, control or recovery systems at the site shall be protected from access other than that allowed in accordance with the approved closure and postclosure maintenance plans.

(g) Once closure activities are complete, site access by the public may be allowed in accordance with the postclosure maintenance plan, as approved by the EA.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code; and Section 66796.22(d), Government Code. Reference: Section 66796.22(d), Government Code; and Sections 43103 and 44100, Public Resources Code.

§ 21137. CIWMB - Structure Removal

(a) The operator shall dismantle and remove site structures at the time of closure to protect public health and safety in accordance with the implementation schedule of the approved final closure plan.

(b) The operator shall ensure that structures and components of landfill gas and leachate control systems not intended for reuse that have come into contact with leachate or landfill gas, and that are dismantled at the time of closure or during the postclosure period are:

(1) disposed of within the landfill, in accordance with the approved final closure plan; or

(2) transported to another solid waste facility which is approved for receipt of such materials. Transportation and disposal should be accomplished in a manner to protect public health and safety.

Note: Authority cited: Sections 40504 and 43020, Public Resources Code; and Section 66796.22(d), Government Code. Reference: Sections 43021 and 43103, Public Resources; and Section 66796.22(d), Government Code.

Violation # 9

§ 21130. CIWMB - Emergency Response

Water quality protection aspects for emergency response plan are addressed in §21132.

(a) The operator shall maintain a written postclosure emergency response plan at the facility or at an alternate location as approved by the EA. The emergency response plan must identify occurrences that may exceed the design of the site and endanger public health or the environment. The plan shall describe specific procedures that minimize these hazards to protect public health and safety. The events that the plan shall address include, but are not limited to: vandalism, fires, explosions, earthquakes,
floods, the collapse or failure of artificial or natural dikes, levees or dams; surface drainage problems; and other waste releases.

(b) The emergency response plan shall contain the following:

(1) identification of events which could require the implementation of emergency response actions. This section shall not apply to the gas monitoring provisions;

(2) a description of the actions to be taken, and the sequence and implementation timetable needed to mitigate the conditions; and

(3) a statement regarding the general availability of equipment required to mitigate each type of emergency.

(c) The operator shall amend the emergency response plan under the following conditions:

(1) whenever a failure or release occurs for which the plan did not provide an adequate response;

(2) when the postclosure land use and/or structures on the site change and these changes are not addressed in the existing plan; or

(3) if the EA notifies the operator in writing that the current emergency response plan is inadequate under the provisions of this section. The notifying agency shall include within the written notice the items the plan needs to consider for it to comply with this section. The operator shall submit an amended emergency response plan to the EA within thirty (30) days of notification of an inadequacy.

(d) Whenever the operator amends the emergency response plan pursuant to ¶(c)(1 or 2), the operator shall submit a written copy of the amended plan to the EA.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code; and Section 66796.22(d), Government Code. Reference: Sections 43021 and 43103, Public Resources Code; and Sections 66796.22(d) and 66796.22(g), Government Code.

Violation # 10

§ 21170. CIWMB – Recording

(a) The owner or operator, upon completion of closure of the site, shall file a detailed description of the closed site, including a map, with the Recorder of the County in which the site is located, with the EA and with the local agency that has been selected to maintain the county integrated waste management plan. The site description, upon completion of closure of the site, shall include but not be limited to the following:

(1) the date that closure was completed;

(2) the boundaries including height and depths of the filled area. If the site was closed in increments, the boundaries of each waste management unit;

(3) the location where the closure and postclosure plans can be obtained; and
(4) a statement that the future site use is restricted in accordance with the postclosure maintenance plan.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code; and Section 66796.22(d), Government Code. Reference: Sections 43103 and 44100, Public Resources; and Section 66796.22(d), Government Code.

Violation # 11

§ 21865. CalRecycle - Amendment of Closure and Postclosure Maintenance Plans

(a) Closure and postclosure maintenance plans shall be submitted every time a review or revision of the SWFP is conducted. If there have been no changes requiring an amendment under the ¶(c) criteria, a statement certified by a registered civil engineer or certified engineering geologist that there have been no changes may be submitted in lieu of submitting plans.

(1) For disposal sites without a solid waste facilities permit, the operator shall initially submit updated plans in accordance with the following schedule:

(A) If the approval of Certification of Closure pursuant to §21880 occurred on or after January 1, 1988 but prior to January 1, 1997, the operator shall submit updated plans on or before July 1, 2012;

(B) If the approval of Certification of Closure pursuant to §21880 occurred on or after January 1, 1997 but prior to January 1, 2001, the operator shall submit updated plans on or before July 1, 2013;

(C) If the approval of Certification of Closure pursuant to §21880 occurred on or after January 1, 2001 or if the operator has initiated closure activities on or before February 25, 2003, but has not received approval of Certification of Closure pursuant to §21880, the operator shall submit updated plans on or before July 1, 2014.

(2) After complying with ¶(1), the operator shall submit updated plans at least once every five years.

(b) The plans shall be submitted as part of the JTD or a separate document in the form of a distinct component of a JTD. The form of submittal shall be as amendments to the existing plans as necessary. Submittal shall be in accordance with §21780. The evaluation and approval of the plans shall be as specified under §21860.

(c) The plans shall be amended to reflect the following:

(1) Any change in

(A) Operation or solid waste landfill design which would affect the implementation of the closure and/or postclosure maintenance plans;

(B) The anticipated year of closure;

(C) The financial mechanism required pursuant to §22227, “Substitution of Mechanisms” or §22231, “Cancellation or Nonrenewal by a Provider of Financial Assurance”; and
(2) Updates of the cost estimates shall be based on the current costs on a unit basis (unit costs) for closure and postclosure maintenance. Cost estimate adjustments based only on inflation factors are not acceptable.


§ 21860. CalRecycle - Certification of Closure

(a) The operator shall submit to CalRecycle, the EA, and the RWQCB for approval a certification, under penalty of perjury, that the solid waste landfill has been closed in accordance with the approved final closure plan.

(1) The certification submittal shall also include the as-built costs of closure in the same arrangement and sequence as the estimated costs of closure included in the approved final closure plan.

(b) The certification shall be completed by a registered civil engineer or certified engineering geologist and include a report with supporting documentation. The report shall include a Final Construction Quality Assurance (CQA) report pursuant to §20323 and §20324 et seq. and any other documentation as necessary to support the certification. The certification, Final CQA report and any other documentation as necessary to support the certification shall be incorporated into the approved postclosure maintenance plan.

(c) The certification shall be submitted within 180 days of the completion of closure construction activities unless CalRecycle, EA, and RWQCB approve an alternate schedule.

(d) Within 120 days of receipt of the certification, CalRecycle, RWQCB, and EA shall complete a detailed review of the submittal and submit their comments to the operator.

(e) If the certification is not approved by CalRecycle, RWQCB, or EA, the operator shall submit a revised certification within 60 days following such determination unless CalRecycle, RWQCB, and EA approve an alternate schedule.

(f) Once the certification has been approved by CalRecycle, RWQCB, and the EA, CalRecycle shall release the operator from the financial mechanism for closure. CalRecycle shall notify the local planning agency of this determination.

(g) On the day that the certification of closure is approved, the solid waste landfill shall be considered closed and in postclosure maintenance.


§ 21890. CIWMB - Revision of Approved Plans For Closure and Postclosure Maintenance
(a) The operator shall adhere to the final closure and postclosure maintenance plans approved pursuant to s21860. Significant changes to the closure and postclosure maintenance plans, after approval of the final plan, shall upon concurrence with the EA be approved by the CIWMB, and the RWQCB.

(b) Postclosure maintenance plans may be revised during the postclosure maintenance period upon concurrence with the EA and approval by the CIWMB, and the RWQCB.

Note: Authority cited: Section 40502, Public Resources Code; and Section 66796.22(d), Government Code. Reference: Sections 66796.22(b)(2) and 66796.22(h), Government Code; and Section 43103, Public Resources Code.