

DIRECTOR REQUEST FOR APPROVAL

To: Mark De Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division

From: 

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Reviewed By: Steve Levine, Legal Office

Prepared On: May 8, 2012

Subject: APPROVAL OF THE RELIEF HILL DISPOSAL SITE, FACILITY
NO. 29-CR-0028, NEVADA COUNTY, SOLID WASTE DISPOSAL
AND CODISPOSAL SITE CLEANUP PROGRAM (SOLID WASTE
DISPOSAL TRUST FUND, FY 2011/12)

REQUESTED ACTION:

Department of Resources Recycling and Recovery (Department) staff have completed an evaluation and recommend approval of the Department-managed cleanup of the Relief Hill Ranch Disposal Site pursuant to the Solid Waste Disposal and Codisposal Site Cleanup Program (Program).

Time Factor: Decision required no later than May 10, 2012.

Options: The Deputy Director may decide to:

1. Approve the proposed project;
2. Disapprove the project; or
3. Direct staff to provide additional information and bring the project back for future consideration.

Recommendation: Staff recommend Option 1.

PROJECT SCOPE:

Site Location/Description: The Relief Hill disposal site is an old dump site formerly operated by Nevada County on United States Forest Service (USFS) land under a special use permit issued in 1955, which expired in 1979, at which time or prior thereto landfill operations ceased. The site is approximately 0.8 acres in size and is located approximately 1.5 miles northwest of the town of Washington. It lies on a steep slope below Relief Hill Road/Forest Route 36, and adjacent to Poorman Creek, a tributary of the South Yuba River. The main site appears to have been a dump and cover operation of residential garbage from the town of Washington. There is a considerable amount of illegal dumping at the toe of the site and on a nearby slope below Relief Hill Road, which is the subject of this project.

Enforcement Actions: The Nevada County Department of Environmental Health is the Local Enforcement Agency (LEA) for the site. The LEA has been inspecting the site since June 2003. The latest inspection on June 17, 2011, noted areas of concern for site maintenance, litter control (exposed refuse), and site security due to the illegal dumping, as well as a violation for drainage/erosion control issues attendant thereto.

Proposed Remediation Project: The Program's contractor will remove the illegally dumped solid waste and any hazardous waste to appropriate facilities. Metal debris, appliances, and tires will be separated and hauled to appropriate recycling facilities. To deter future dumping, access to the dumping areas will be restricted by a combination of berming and fencing with signage.

FISCAL IMPACTS:

Cost Estimate: The Department-managed project will be performed on a time-and-materials basis under the Program's Northern California remediation contract number DRR10008. The Program's contractor has conducted a site visit with Program staff and developed a work plan with a preliminary cost estimate of \$250,000, which includes a 20 percent contingency. These costs would be shared per an agreement with the USFS, with USFS reimbursing the Department up to half of the initial cost estimate, to a maximum of 125,000, and the Department incurring all remaining costs, initially estimated at \$125,000. Actual costs may vary depending on a variety of factors including, but not limited to the quantities and/or types of materials encountered, market forces, the required timeframes for cleanup, and competitive bids from subcontractors.

Funding: Funding for the project will be derived from previously encumbered funds from the Solid Waste Disposal Trust Fund in the Program's Northern California remediation contract

number DRR10008. The contract currently has \$280,000 in available funds from the Solid Waste Disposal Trust Fund and is adequately funded to complete this project.

Cost Recovery: Public Resources Code Section 48023 directs the Department to seek reimbursement for monies expended under the Program to the extent possible. To address cost recovery for Department-managed projects on USFS lands, the USFS and the Department have adopted a Master Participating Agreement that defines agency roles and responsibilities and agrees to a cost sharing arrangement. The Department provides project management and remediation contractor services and the Forest Service provides project environmental permitting and reimburses the Solid Waste Disposal Trust Fund for their share of the remediation costs.

BACKGROUND:

Program Eligibility: The Program addresses cleanup of solid waste disposal and codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for a timely remediation and where cleanup is needed to protect public health and safety or the environment. Cleanup projects are implemented through Department-managed contracts, grants, and loans. Staff uses adopted regulations and policies in determining site eligibility. Unless otherwise noted, actions proposed for this project are specifically eligible pursuant to the regulations.

Site Prioritization: The site is rated as an environment priority of A2. Priority A2 is a suspected condition of pollution or nuisance from solid waste based on comparison with state minimum standards with significant residential, industrial, park, recreation, or environmentally sensitive areas within one mile of the site. The site is immediately adjacent to Poorman Creek, which is a tributary of the South Yuba River. The South Yuba River is within 500' of the project site. In addition, other factors used in making the site a priority for the Program include the ability of the Department to remediate the site with available funds, and the amount of in-kind services and funds from the Forest Service.

California Environmental Quality Act (CEQA): Program staff has reviewed the proposed project and determined that it is categorically exempt per the Class 8 exemption (14 CCR §15308: Actions by Regulatory Agencies for Protection of the Environment). Compliance with CEQA requirements will be made with a Notice of Exemption filed by the Program staff.

Support: Cleanup assistance was requested from the USFS, who is working cooperatively with the LEA.

Opposition: Staff has not received any written opposition at the time this document was submitted for approval.

FINDINGS:

On the basis of the information and analysis in this Request for Action, the Department hereby approves this project under the Solid Waste Disposal and Codisposal Site Cleanup Program.

In addition, the Department directs staff to prepare and file a Notice of Exemption for the project with the State Clearinghouse.



Mark De Bie
Deputy Director
Waste Permitting, Compliance, and Mitigation Division

May 9, 2012
Date