

**REQUEST FOR ACTION**

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

**From:** Steve Santa Croce  
Senior Waste Management Engineer  
Engineering Support Branch

**Reviewed By:** Steve Levine, Legal Office

**Request Date:** August 14, 2015

**Decision Subject:** **APPROVAL OF THE OLD RED BLUFF LANDFILL (FACILITY NO. 52-CR-0001) REMEDIATION UNDER THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM (SOLID WASTE DISPOSAL TRUST FUND)**

**Action By:** August 18, 2015

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**Summary of Request:**

The Solid Waste Disposal and Co-disposal Site Cleanup Program (Program) requests approval to implement a CalRecycle-managed remediation project of the Old Red Bluff Landfill pursuant to the Program requirements at an estimated cost of \$1,400,000.

**Recommendation:**

Program staff recommends approval of the remediation of the Old Red Bluff Landfill.

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**Deputy Director Action:**

On the basis of the information and analysis in this Request for Action and the findings set out herein, I hereby approve this project under the Solid Waste Disposal and Co-disposal Site Cleanup Program.

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

Dated: 0/17/15

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## **BACKGROUND**

Program Eligibility: The Program addresses cleanup of solid waste disposal and co-disposal 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 CalRecycle-managed contracts, grants, and loans. Program 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 Location/Description: The City of Red Bluff (City) owns the Old Red Bluff Landfill (site) located approximately 0.9 miles from downtown Red Bluff at Baker and Walbridge Roads in Tehama County, California. The City operated the site as a burn dump from 1954 to approximately 1972. Since 1972, the site has reportedly not been used and has remained inactive and structurally undeveloped. The site currently has approximately 60,000 cubic yards of mixed soil and residual burned solid waste contained within the 29-acre property. Adjacent land uses include rural, low density residential property to the north; open space and medium density residential developments to the east; and mixed commercial and low density residential developments to the south and west.

Enforcement History: The Tehama County Department of Environmental Health as the Local Enforcement Agency (LEA) issued a *Notice and Order Number 01-14* dated January 1, 2014 to the City for maintaining the site in violation of Division 30 of the Public Resources Code (PRC) and California Code of Regulations (CCR) Title 27. The Notice and Order cited violations of 27 CCR 20750 *Site Maintenance*; 27 CCR 21140 *Final Cover*; 27 CCR 21150 *Drainage and Erosion Control*; and 27 CCR 20530 *Site Security*, particularly for exposed waste due to soil erosion and public scavenging, and ordered the City to submit a work plan to bring the site into compliance.

The City's consultant, NCE, prepared a work plan, dated February 26, 2014, and submitted it to the LEA. The work plan stated that the City does not have the available funding or a viable mechanism to provide for the design and remedial actions to bring the site into compliance. As such, the City requested assistance from the Program in a letter dated June 4, 2014 to safely remediate the site for the public's benefit and use. The letter additionally provided information on the City's budget and anticipated project costs demonstrating their economic hardship and inability to remediate in a timely manner. The LEA supports the City's request for assistance.

Site Prioritization: The Old Red Bluff Landfill is rated Priority A2 where a known condition of pollution or nuisance from solid waste exists based on comparison with state minimum standards with significant residential, industrial, park, recreation, or environmentally sensitive areas are within one mile of the site. Residential development is adjacent to the site.

## **PROJECT SCOPE**

Proposed Remediation: The project will consist of excavating an estimated 36,000 cubic yards of waste and reconsolidating it in the northeastern portion of the property within a generally rectangular footprint encompassing approximately five acres. Reconsolidating the waste into this area provides many benefits to the City. Reconsolidation will move the waste further from

the residents; remove wastes within many separate gullies/drainage ways that are prone to erosion from rainfall events; reduce the area requiring cover in order to use soil that currently exists on site thereby eliminating the need to purchase and import clean soil; and greatly minimize the area requiring long-term maintenance. Work will include (1) excavating approximately 36,000 cubic yards of soil and burn material; (2) consolidating and capping the excavated material with at least two feet of on-site cover soil; (3) grading and compacting the cover soil; and (4) installing erosion control measures such as drainage swales, rip-rap, and seeding. Areas from which the wastes and borrow soils were excavated will be graded to reduce slope gradients, promote positive drainage, and reduce erosion potential.

The City is in the process of obtaining the following permits: Regional Water Quality Control Board (RWQCB) Clean Water Act Section 401 Water Quality Certification; United States Army Corp of Engineers Nationwide Permits #3 for maintenance; California Department of Fish and Wildlife Streambed Alteration Agreement; and CEQA (see below). Program staff will coordinate with the City to obtain the General Permit for Discharges of Storm Water Associated with Construction Activity; Tehama County Air Pollution Control District Fugitive Dust Permit Application; and grading permit.

California Environmental Quality Act (CEQA): The City, acting as the project Lead Agency for the purposes of CEQA, caused to be prepared an Initial Study/Mitigated Negative Declaration (IS/MND). All environmental effects identified and analyzed were deemed “Less than Significant or No Impact” or “Less Than Significant with Mitigation.” “Less Than Significant with Mitigation” applies in specific cases where the incorporation of mitigation measures reduces an effect from a potentially significant impact to a less than significant impact.

The City prepared and submitted the IS/MND with the State Clearinghouse on June 11, 2015, State Clearinghouse No. 2015062027. The IS/MND was circulated for a 30-day comment period. Subsequently, the City Council adopted and certified the Final IS/MND and Mitigation Monitoring Plan and approved the project at their meeting on July 21, 2015.

CalRecycle has considered the environmental effects of the project as identified in the IS/MND, has reviewed and considered the information in the IS/MND and the Mitigation Monitoring Program, and finds that the proposed project is consistent with and supported by the existing CEQA documentation. A Notice of Determination will be filed with the State Clearinghouse Office of Planning and Research upon project approval.

### **FISCAL INFORMATION**

Cost Estimate: The CalRecycle-managed project will be performed on a time-and-materials basis under the Program’s Northern California remediation contract number DRR12034. The Program’s contractor has conducted a site visit with Program, City of Red Bluff, and County of Tehama staff and developed a work plan with a preliminary cost estimate of \$1,400,000, which includes a 40% contingency. Actual costs of the project may vary depending on a variety of factors including, but not limited to the quantities and/or types of materials encountered, market forces, and the required timeframes for cleanup.

Funding: Funds from the Solid Waste Disposal Trust Fund will be used for the project through the Program's existing contracts: DRR12034. DRR12034 currently has approximately \$1,500,000 available, and is adequately funded to complete this project.

Cost Recovery: Public Resources Code Section 48023 directs CalRecycle to seek reimbursement for monies expended under the Program to the extent possible.

With respect to the owner of this site, the City, as described above, is a public agency maintaining this site for public benefit and use, as its land use designation is "public service" and the City is considering transitioning from the current use as primarily open space to developing the site into a future park. Pursuant to 14 CCR 18929(a), in considering the extent of cost recovery CalRecycle may take into consideration factors present here, such as publicly owned sites maintained in public benefit and use.

The City would have been eligible for a legacy disposal site abatement partial grant for this project. CalRecycle may award partial grants to public entities to clean up old and closed publicly operated solid waste disposal and co-disposal sites. However, the City has requested a CalRecycle-managed cleanup in lieu of a grant, on the aforementioned grounds that the public entity does not have sufficient financial and staff resources to implement this project in a timely manner. CalRecycle may grant such a request in accordance with Public Resources Code Section 48021(b)(1), which authorizes CalRecycle to expend funds directly for the cleanup of a publicly owned site based upon a CalRecycle determination that the public entity lacks resources or expertise to timely manage the cleanup itself. [PRC Section 48021(b)(2)].

With respect to the City's contribution to the costs of this remediation, approximately \$100,000 of in-kind services have been or are expected to be incurred by the City in investigating the nature and extent of wastes; conducting environmental assessments; preparing and completing IS/MND; obtaining necessary permits; and providing biological and archaeological support during construction.

The City has been attempting to procure other grant funding through other agencies such as USEPA Brownfield Assessment and Remediation Program, but have been unsuccessful. The City has demonstrated that apart from the aforementioned contribution, they are unable to further fund a timely remediation as required by the LEA.

## **SUPPORT**

Program staff has received a request for assistance as written support from the LEA and the Central Valley RWQCB.

## **OPPOSITION**

Program staff has not received any written opposition at the time this document was submitted for approval. In addition, no public opposition was voiced at the City Council meeting on July 21, 2015.