



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Arnold Schwarzenegger
Governor

March 5, 2007

To: All Interested Parties:

The Department of Toxic Substances Control (DTSC) will conduct a public workshop to discuss and solicit input on the following regulatory concept:

Revision of Water Quality Monitoring Requirements For Hazardous Waste Land Disposal Units

This workshop will be held at the following time and place:

DATE: March 30, 2007

TIME: 9:00 AM - 12:00 PM

LOCATION: Cal/EPA Headquarters Building
Byron Sher Auditorium
1001 I Street, 2nd Floor
Sacramento, California 95812

Webcast: www.calepa.ca.gov/broadcast

Note: Visitors must check in with security upon entering the Cal/EPA building.

A Videoconference connection will be established at the following site:

**REMOTE
VIDEOCONFERENCE
LOCATION:** DTSC Cypress Office
5796 Corporate Avenue
Cypress, CA 90630
(714) 484-5300

DTSC representatives will discuss the proposed regulatory concept and solicit input from attendees. The comments will be used to develop draft regulations that will be presented during a formal rulemaking adoption process. DTSC will not, therefore, prepare formal written responses to comments submitted during or in response to this workshop.

Draft regulatory text and additional workshop materials may be found on the DTSC website. To locate, you may go to: <http://www.dtsc.ca.gov/LawsRegsPolicies/index.cfm> Scroll down to “Regulation Concepts” and click on “Water Quality Monitoring Requirements Revision.”

Summary of Proposed Regulatory Action

DTSC is seeking input on the draft regulatory concept to revise water quality monitoring requirements found in California Code of Regulations, title 22, division 4.5, chapters 14 and 15, article 6. These regulations apply to owners and operators of permitted or interim status hazardous waste land disposal facilities (e.g., landfills, surface impoundments, waste piles and land treatment units), referred to below, and in California Code of Regulations, title 22, chapters 14 and 15, article 6, as “regulated units.”

The proposed rulemaking would make the following changes:

- Streamline water quality monitoring requirements for surface water, groundwater, and soil pore liquid at regulated units; and
- Provide regulatory flexibility for assessing and cleaning up groundwater contamination when a release from a regulated unit has combined (commingled) with a release from another solid waste management unit (SWMU). A SWMU is any unit at a hazardous waste facility from which hazardous constituents might migrate. Flexibility would be provided by allowing the use of alternative requirements, including Resource Conservation and Recovery Act (RCRA) corrective action requirements or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site cleanup requirements identified in California Health and Safety Code Chapters 6.5 or 6.8, respectively.

The proposed draft rulemaking adopts select text based on two federal rulemakings: the Post-Closure Rule of 1998 and the RCRA Burden Reduction Initiative of 2006.

Background

California’s existing water quality monitoring requirements for land disposal facilities are more rigorous than current federal regulation. The federal RCRA Burden Reduction Initiative of 2006 streamlined various federal requirements for hazardous waste facilities that were considered overly burdensome, including groundwater monitoring requirements for RCRA hazardous waste land disposal facilities.

The federal Post-Closure Rule of 1998 also provided flexibility for groundwater monitoring requirements at RCRA hazardous waste land disposal facilities.

In California, evaluation and remediation of groundwater contamination by DTSC may be subject to different frameworks of regulatory authority, depending whether the oversight is for a regulated unit or for a SWMU under California's RCRA or CERCLA program. Any release from a regulated unit is subject to California Code of Regulations, title 22, article 6. Cleanup of releases from other sources of contamination, including SWMUs, may be subject to more flexible corrective action or CERCLA site cleanup requirements described in Health and Safety Code Chapters 6.5 and 6.8, respectively.

DTSC has drafted the proposed rulemaking to streamline water quality monitoring requirements at permitted and interim status land disposal facilities under two distinct scenarios: 1) when a release from a regulated unit has combined (commingled) with a release from another SWMU; and 2) any regulated unit without a commingled plume. For regulated units without commingled plumes, the proposed rulemaking would streamline several water quality monitoring requirements for regulated units, such as monitoring frequency, unsaturated zone monitoring, and surface water monitoring. For regulated units with commingled plumes, the proposed rulemaking would provide significant flexibility in water quality monitoring requirements by allowing the use of alternative requirements, such as RCRA corrective action requirements in California Health and Safety Code Chapter 6.5 or CERCLA site cleanup requirements identified in California Health and Safety Code Chapter 6.8.

Additional Workshop Information

This workshop may be viewed through an audio webcast. The broadcast link will be available on the Cal/EPA website at <http://www.calepa.ca.gov/broadcast>. Questions and comments may be submitted in real time by sending an e-mail to ssolarz@dtsc.ca.gov during the workshop. DTSC staff will monitor e-mails and, as time allows, read and respond to them aloud. All questions and comments submitted via e-mail will be considered in the development of the proposed regulations. You are encouraged to print out materials for this workshop presentation, available at <http://www.dtsc.ca.gov/LawsRegsPolicies/index.cfm>, prior to the webcast.

If you would like to receive electronic mail updates regarding this regulation proposal, or any other regulatory action, you may subscribe to an email list (listserv) in order to receive notices and information by email. Subscription may be made at <http://www.calepa.ca.gov/Listservs/dtsc/ListSubscribe.asp?LID=63>.

All Interested Parties
March 5, 2007
Page 4

Travel information is available at <http://www.calepa.ca.gov/EPABldg/location.htm>. To request special accommodations for persons with disabilities, please contact Margaret Butler at (916) 324-2423 or by e-mail at mbutler@dtsc.ca.gov, or Susan Solarz at (916) 324-1799 or by e-mail at ssolarz@dtsc.ca.gov.

Comments Submittal and Contact Information

Written comments may be sent to:

Department of Toxic Substances Control
Attn: Susan Solarz
P.O. Box 806
Sacramento, CA 95812-0806

or by e-mail to ssolarz@dtsc.ca.gov. Comments are encouraged by **April 30, 2007**.

For additional information about the workshop or the proposed action, please contact Susan Solarz at (916) 324-1799 or by e-mail at ssolarz@dtsc.ca.gov.

Notice to Hearing Impaired: Please contact the California State Relay Service at 1-888-877-5378 (TDD) and request them to contact Susan Solarz at (916) 324-1799.