Public Notice

DEQ Requests Comments on Proposed Recology Valley View Inc. Water Quality Permit Renewal

State of Oregon
Department of Environmental Quality

Water Quality
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www.oregon.gov/DEQ

DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.

The Oregon Department of Environmental Quality invites the public to provide oral and written comment on the conditions of the Recology Valley View Inc. proposed water quality permit, known officially as a National Pollutant Discharge Elimination System permit.

Summary

Subject to public review and comment, DEQ intends to renew the Recology Valley View permit, which allows discharge of landfill leachate to Jeffery Creek. Part of the review process is an opportunity for public comment, based on the application and other DEQ information.

Where can I get more information?

The proposed permit and fact sheet are attached to this notice. To review other documents, such as permit application and discharge monitoring reports, contact Jennifer Maglinte-Timbrook at DEQ.

Phone: 503-378-5055 or 800-349-7677
Fax: 503-373-7944
Email: Maglinte-Timbrook.Jennifer@deq.state.or.us

How do I participate?

You may submit your comments by mail, fax or email to:

Jennifer Maglinte-Timbrook
DEQ Water Quality Permit Coordinator
4026 Fairview Industrial Drive SE, Salem, OR 97302

Fax: 503-373-7944
Email: Maglinte-Timbrook.Jennifer@deq.state.or.us

All comments are due by 5 p.m., Friday, October 30, 2020. All comments will become part of the public record.

About the facility and the receiving water

Recology Valley View Inc. has applied for a water quality permit renewal for the closed landfill located at 3000 North Valley View Rd. DEQ last issued this permit on Nov. 23, 2014.

The facility discharges landfill leachate to Jeffery Creek. Jeffery Creek is located west of the landfill. The Creek is not listed as water quality limited.
Landfill leachate is stored in four 2,500 gallon closed plastic tanks. When the tanks are full the leachate is irrigated on an irrigation field north of the closed landfill. Most of the time all leachate is irrigated. During wet winters the leachate may flow overland and accumulate in the sedimentation pond. When the sedimentation pond is full water enters a riser pipe and flows to Jeffery Creek.

Jeffery Creek flows into Bear Creek, which is listed as water quality limited for the following parameters:

Temperature
Aquatic weeds
Arsenic
Dissolved Oxygen
E. coli
pH
Phosphorus

The temperature impairment is in the summer and the facility discharges Dec. 1 to Apr. 30. Therefore, the 2007 TMDL considered Valley View an insignificant source of heat into the Bear Creek watershed and a waste load allocation was not assigned.

A 1992 TMDL assigned Valley View a phosphorus limit of 0.08 mg/L to address the aquatic weeds and phosphorus impairment. This TMDL also addresses pH and dissolved oxygen. The Rogue basin pH criteria of 6.5 to 8.5 are set as limits in the proposed permit. This TMDL indicates that a wasteload allocation is not needed for dissolved oxygen. Additional arsenic data from 2011 to 2016 was reviewed in 2018. All sample results are below the aquatic life criteria and DEQ has proposed delisting arsenic for this section of Bear Creek. For *E. coli,* a 2007 TMDL assigned Valley View a wasteload allocation. The permit limits of a monthly geometric mean of 126 *E. coli* organisms per 100 mL and a daily maximum of 406 *E. coli* organisms per 100 mL were derived from this allocation.

The facility is in the process of obtaining a DEQ 1200-Z industrial stormwater general permit for the transfer station that is at the site. The current individual permit is combined with the 1200-Z. The facility also holds solid waste permit 35 from DEQ for the closed landfill.

Notice issued: 9/17/2020

The facility was last inspected on September 26, 2017. During the inspection the following violations were noted:

- Exceeding the iron and phosphorous limits at Outfall 001
- Failure to monitor *E.coli* bacteria at the permit specified location during the month of January
- Failure to conduct re-sampling and re-analysis after QA/QC failure as required by Schedule B, Condition 1.b of the permit
- Failure to collect a representative stormwater sample

The following recommendations were made:

- Extend the diversion ditch around the sedimentation pond and directly into Jeffery Creek
- Plug the lower slots on the sedimentation pond riser
- Revise the stormwater pollution control plan
- DEQ rejected Recology's request for a stormwater monitoring waiver, because the stormwater monitoring conducted was not representative of the discharge

Enforcement Actions

Date of Enforcement	Type of Enforcement Action	Description
07/01/2016	Warning Letter	Violating Schedule A iron limits
04/19/2017	Pre-Enforcement Notice	Violating Schedule A iron limits
07/14/2017	Notice of Civil Penalty Assessment and Order	Issuance of civil penalty for violating Schedule A iron limits
12/8/2017	Mutual Agreement and Order	Settled 2016 and 2017 iron limit violations
04/28/2020	Pre-Enforcement Notice	Violating Schedule A iron, T-phosphorus and TSS limits

In September 2017, the permittee replaced two 6,000-gallon storage steel tanks with four 2,500 gallon closed plastic tanks. This was completed in response to the iron limit exceedances mentioned above.
In June 2018, the northwest diversion ditch (collecting off site run-on) was diverted to bypass the sedimentation pond and discharge directly into Jeffery Creek. The stand pipe in the sedimentation pond was raised to increase retention time in the sedimentation pond and decrease the frequency of discharges to Jeffery Creek.

The following were completed as required in the MAO:

- A revised stormwater pollution control plan was submitted to DEQ in January 2018. The plan was updated to reflect new sample locations to collect a representative sample prior to Jeffery Creek.
- A plan for facility modifications that would enable the permittee to meet the iron and phosphorus effluent limits at Outfall 001 was submitted to DEQ in January 2018.
- Permittee implemented facility plan modifications in March 2018.

The permittee implemented the following corrective actions in regards to the violations in the April 28, 2020, Pre-Enforcement Notice.

Modifications were made to the diversion ditch, to ensure that all runoff is properly routed to Jeffery Creek.

Replaced the sedimentation standpipe, as a leak at the base caused the April 2019 discharge to Jeffery Creek.

What types of pollutants does the permit regulate?

This permit sets conditions for how the facility deals with the following pollutants: BOD_5, TSS, Total Dissolved Solids, Iron, Zinc, Ammonia, Phosphorous, a-Terpineol, Benzoic acid, p-Cresol, Phenol, pH and *E. coli.*

How would the draft permit change the amount of pollution the facility is allowed to release?

The draft permit does not change the amount of pollution the facility is allowed to discharge.

How did DEQ determine the proposed permit requirements?

DEQ evaluates types and amounts of pollutants and the water quality of the surface water or groundwater where the pollutants are proposed to be discharged, and determines permit requirements to ensure the proposed discharges will meet applicable statutes, rules, regulations and effluent guidelines of Oregon and the EPA.

All evaluations showed that the discharge meets the requirements and exceptions of the applicable regulations except as otherwise noted in the permit and evaluation report. The DEQ conducted a reasonable potential analysis and permit limit calculations using statistical methods. The agency uses best professional judgement in choosing model inputs, critical case scenarios and statistical factors. DEQ also performed an antidegradation review to determine whether the agency could allow a renewed permit for discharge to waters of the state.

How does DEQ monitor compliance with the permit requirements?

This permit will require the facility to monitor pollutants discharged using approved monitoring practices and standards. DEQ reviews the facility's discharge monitoring reports and annual reports to check for compliance with permit limits.

What happens after the public comment period closes?

DEQ will hold a public hearing if DEQ receives written requests for a hearing during the public comment period from at least 10 people or from an organization representing at least 10 people.

DEQ will consider and respond to all comments received and may modify the proposed permit based on comments. DEQ gives equal weight to written and oral comments.

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.