

**WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF  
ACTION REQUEST**

**To:** Georgianne Turner, Branch Chief  
Waste Evaluation and Enforcement Branch



**From:** Paulina Lawrence, Section Manager  
Solid Waste Enforcement Section

**Prepared By:** Michael Payan, Solid Waste Enforcement Section  
Tadese Gebrehawariat, Supervisor, Solid Waste Enforcement Section

**Request Date:** January 27, 2016

**Action By:** February 22, 2016

**Decision Subject:** Consideration of a Third Extension (beyond two years) to the Compliance Schedule for a Facility included on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards (Inventory), Loyalton Landfill, Sierra County (46-AA-0001)

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**SUMMARY**

The Loyalton Landfill (46-AA-0001) is owned and operated by Sierra County Department of Public Works. The facility is located in Sierra County, one mile east-southeast of the town of Loyalton. The landfill is surrounded by undeveloped land, currently used as open range land. The property to the north and east are owned by the City of Santa Clara. The property to the south is Tahoe National Forest land. The nearest structures, beyond the landfill property, are located more than 2,000 feet west and northwest of the landfill. The landfill is the only disposal facility within Sierra County and serves as the County's primary disposal facility.

In November 2010 CalRecycle staff detected methane levels above the regulatory limit of 5% by volume in air at the subject facility's northern boundary during a routine periodic CalRecycle inspection. In addition, per Title 27, California Code of Regulations (27 CCR), Section 20921, the facility was required to implement an approved Perimeter Gas Monitoring and Control Plan by September 21, 2010. At the time of the CalRecycle/Sierra County LEA 18-month joint inspection, the facility did not have an approved Gas Monitoring and Control Plan. Perimeter gas monitoring was conducted on three existing Air-SWAT probes, which were installed as part of a 1991 Air Resources Board study.

The LEA began citing a violation for 27 CCR 20921 – Gas Monitoring and Control, beginning in March 2011, continuing until present. On January 3, 2012, the facility was placed on the Inventory for ongoing violation of 27 CCR 20921 – Gas Monitoring and Control. In response, on March 8, 2012, the Sierra County LEA issued a Notice and Order (N&O) to the operator, with compliance date of January 1, 2013. The LEA extended the N&O two times; first on August 28, 2012 to August 31, 2013, and then on February 15, 2013 with *the final*

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**compliance date of April 1, 2014.** These delays were due to the operator's ultimate proposed solution to expand the facility's northern and eastern boundary beyond the area affected by landfill gas migration. However, the property was owned by the City of Santa Clara and additional time was needed to negotiate the purchase of the property which had to be approved by both governing bodies of the City of Santa Clara (City) and Sierra County (County). These circumstances required the N&O to be extended beyond two years on two occasions and required CalRecycle's approval. CalRecycle approved to extend the final compliance date in the N&O twice; once for six months and again for another ten months with **final compliance dates of October 1, 2014 and July 31, 2015, respectively.**

The acquisition of the City of Santa Clara property was finalized on June 1, 2015 with a Recorded Deed for the property acquisition. This milestone in the N&O was expected to be accomplished on September 30, 2013. The delay in finalizing property acquisition postponed the operator's ability to install and implement an approved Perimeter Gas Monitoring and Control Plan, and to submit an application for permit revision to the LEA on October 1, 2013 as originally expected. The operator has made good faith effort in resolving the most challenging issue necessary to achieve compliance, which was the process to purchase the City of Santa Clara property for expansion of the site boundary and now, must obtain the required permits to expand the property. Additionally, after acquiring and incorporating the expansion property, the operator must install a Landfill Gas (LFG) monitoring and control system to achieve full compliance with the N&O. The operator experienced difficulty finding contractors, within the short timeframe and regional favorable weather conditions, to bid for the installation of the LFG compliance monitoring wells.

Due to these extenuating circumstances, the operator's request in the *Second Extension of the compliance due date of July 31, 2015* was not met. Therefore, the LEA is now requesting *a Third Extension to the compliance due date to October 31, 2016; some two years and seven months beyond the two year period.* The LEA has determined that the operator continues to make a good faith effort, due in part, to their successful efforts of acquisition of the property necessary to increase the landfill boundary, to achieve LFG compliance.

### OPTIONS

1. Approve the second extension for the proposed compliance due date to October 31, 2016.
2. Conditionally approve the extension request.
3. Deny the extension to the compliance due date, and direct the LEA to take specific further enforcement action.

### HISTORICAL BACKGROUND

The facility boundary encompasses 27.58 acre, with an unlined 21-acre permitted disposal area. Waste has only been placed in the northern 10.9 acres of the permitted disposal area. The initial gas monitoring probes were installed at the landfill in 1991 as part of a California Air Resources Board study and are referred to as Air-SWAT probes. Three probes, GP-1, GP-2, and GP-3 were placed around the perimeter of the landfill. Each had an approximate depth of 14 feet. A fourth probe, GP-5 was placed within the waste and is not used for detecting landfill gas migration.

In June of 2011, CalRecycle staff installed additional three shallow push probes around the perimeter of the existing landfill footprint to a depth of approximately 10 feet. CalRecycle staff took samples from the Air-SWAT probes and the CalRecycle installed push probes and sent the samples to a laboratory for analysis. The

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laboratory results confirmed the presence of landfill gas at some of the perimeter gas monitoring probes, especially along the landfill's northern boundary.

In November 2011, the landfill operator installed 19 shallow probes (P-1 through P-19) outside the permitted boundary of the landfill, with a depth of approximately 9 feet. The majority of these probes are to the north of the landfill's existing boundary on property owned by the City of Santa Clara, one probe, P-9 is to the east of the existing footprint and two probes, P-11 and P-12 are to the south. The operator was required to submit a Perimeter Gas Monitoring and Control Plan by September 21, 2009, and fully implemented the approved plan by September 21, 2010.

Beginning in March 2011, the LEA began citing violations for 27 CCR 20921 – Gas Monitoring and Control, because the facility had not submitted or implemented a Gas Monitoring and Control Plan and because one of the perimeter gas monitoring wells along the northern boundary of the landfill, GP-2 had methane levels consistently higher than 5% by volume in air. Other perimeter gas monitoring probes, installed in June 2011 and November 2011 confirmed that landfill gas was migrating beyond the facility's northern permitted boundary.

**The facility was placed on the Inventory of Facilities that Violate State Minimum Standards (Inventory) on January 3, 2012.** The LEA issued a Notice & Order to the operator on March 8, 2012 with final compliance date of April 1, 2014, requiring the operator submit a Remediation Plan and an interim Perimeter Gas Monitoring and Control Plan and implement the Remediation Plan to bring the facility into compliance. During this time the following efforts were made to bring the facility into compliance.

- The operator submitted a Gas Remediation Plan and an Interim Perimeter Gas Monitoring and Control Plan on March 15, 2012. CalRecycle staff reviewed the operator's Remediation Plan and Interim Gas Monitoring and Control Plan and determined that they were not adequate. On June 27, 2012, CalRecycle staff met with the operator to assist in preparing acceptable plans.
- On August 28, 2012, the LEA issued the facility operator an amended N&O, *extending the final compliance due date to August 31, 2013*. On September 1, 2012, the operator submitted a revised Remediation Plan and Perimeter Gas Monitoring and Control Plan. The LEA approved the revised plans and CalRecycle staff concurred.
- On February 15, 2013, The LEA amended the N&O a second time, *extending the final compliance due date to April 1, 2014*.

### ANALYSIS

The LEA proposes to grant the operator an extension of the compliance deadline of **October 31, 2016**, in accordance with the request from the operator. The LEA is requesting CalRecycle approve the additional extension. Upon approval by CalRecycle, the LEA will work to amend the Notice and Order, to specify the revised time schedules, milestones, and tasks that need to be completed.

The LEA may grant a one-year extension beyond two years upon approval by CalRecycle's Executive Director or his/her delegate. CalRecycle approval is based upon a finding that the LEA is taking "appropriate enforcement action" using the criteria of Title 14 Section 18084(d) which takes into account timely progress by the operator in addition to demonstrations of "good faith effort" and documentation of "extenuating

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circumstances". The following findings support staff recommendation to extend the compliance date to October 31, 2016:

Since *the second extension request* was approved, the following accomplishments were made in three important areas: property acquisition, revised SWFP, and LFG plans:

- The acquisition of the City of Santa Clara property was finalized on June 1, 2015 with a Recorded Deed for the property acquisition.
- The operator submitted a draft permit application to CalRecycle Permitting and Assistance Branch (PAB) and the LEA. On January 22, 2016, PAB provided comments on the draft application package to the LEA. The LEA is to coordinate with the operator to ensure that an updated RDSI is submitted by the February 29, 2016.
- On December 7, 2015, the operator received from Central Valley Regional Water Quality Control Board (RWQCB) a letter that outlined specific requirements that must be met in order to install a passive LFG vent system.
- On January 25, 2016, ESB staff reviewed the proposed Passive Landfill Gas Well Pilot Study Proposal (Plan), which outlines Sierra County's plan to install and monitor passive landfill gas control system in the summer of 2016, and concluded that the Plan is technically adequate in meeting the requirements of Title 27, California Code of Regulations (27CCR 20925).
- On December 18, 2015, the LEA submitted to CalRecycle a request for deadline extension for the compliance. In the meantime, CalRecycle and the LEA have worked with the operator and agreed on the following milestones and dates, which the LEA intends to incorporate in the 2016 amendment of the Notice and Order:
  - Revised Permit Application: The Operator shall submit a Final Application to revise the Solid Waste Facility Permit in accordance with 27CCR21570 by **February 29, 2016**.
  - Landfill Gas Monitoring Plan: The Operator shall submit a Final Landfill Gas Monitoring Plan incorporating the newly acquired City of Santa Clara property by **February 29, 2016**.
  - Revised Permit: The Operator shall take all necessary and appropriate actions such that the Loyalton Landfill obtains a revised SWFP, which incorporates the proposed expanded facility boundary, reduced permitted disposal area, design capacity, final elevation and closure date, no later than **August 31, 2016**. This date reflects the provisions of the regulatory timelines for LEA and CalRecycle actions and processes on the application for permit revision and issuance of the revised SWFP. However, it is the desire of both the LEA and CalRecycle to expedite the processes and issue the revised permit prior to this date, to allow sufficient time for the operator to contract with a well driller, for the installation of the LFG monitoring and control system to be completed no later than **October 31, 2016**.

This extension will also enable the County to proceed with completing their revised Solid Waste Facility Permit (SWFP), which will include updates to the JTD, LFG plan, Final Closure Plan, and CEQA requirements if applicable. Since implementation of the landfill gas monitoring plan will require the installation of the perimeter monitoring wells, this task will need to wait until **Summer/Fall 2016**, when weather and ground conditions will enable a well driller to gain access to these locations. Upon approval by

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CalRecycle, the LEA will work to amend the Notice and Order, to specify the revised time schedules, milestones, and tasks that need to be completed.

**FINDINGS:**

The operator has demonstrated progress toward compliance and has been consistently making good faith effort to comply with the Notice and Order No 2013-02. Due to extenuating events and circumstances beyond the control of the operator regarding the acquisition of the City of Santa Clara property, the operator's ability to fully comply with all deadlines has been delayed. Furthermore, the operator experienced difficulty in finding a contractor to bid on the installation of the LFG monitoring wells prior to the July 31, 2015 compliance due date. This was due to the high volume of ground water well drilling taking place because of the drought conditions in the region. The LEA continues to work with the operator to correct the violation, and proposes to amend Notice and Order No 2013-02 incorporating the proposed milestones and task dates listed under recent actions.

**RECOMMENDATION:**

Staff recommends that the operator be granted an extension for full compliance until **October 31, 2016**. The operator will continue to submit monthly progress reports. These monthly progress reports shall address the following: Revision of SWFP and implementation of LFG Monitoring and Control Plan, complete with implementation schedule and final installation and certification.

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**BRANCH CHIEF ACTION:**

On the basis of the information in this Action Request, I hereby issue, pursuant to 14 CCR 18365(b), approval of the Third Extension Request to the owner and operator of the Loyalton Landfill Site (46-AA-0001) to October 31, 2016.

Dated: Feb, 22, 2016



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Georgianne Turner  
Branch Chief  
Waste Evaluation and Enforcement Branch

**Attachments:**

LEA Extension Request Letter  
Sierra County Department of Public Works, Extension Request Letter



12/18/15

**Sierra County Human Services**

**Environmental Health**  
P.O. Box 7  
Loyalton, CA 96118  
Phone: (530) 993-6716  
Fax: (530) 993-6790  
[Envhealth@sierracounty.ca.gov](mailto:Envhealth@sierracounty.ca.gov)



**Sierra County**

Darden Bynum, LCSW, Director  
Sierra County Human Services

Celia Sutton-Pado, MD  
Health Officer

December 18, 2015

Georgianne Turner, Waste Evaluation and Enforcement Branch Chief [Georgianne.Turner@calrecycle.ca.gov](mailto:Georgianne.Turner@calrecycle.ca.gov)  
California Department of Resources Recycling and Recovery  
Waste Evaluation & Enforcement Branch Development |  
1001 I Street 10A-17 , Sacramento, CA 95812

**SUBJECT:** Request for Deadline Extension for Compliance with the Sierra County Solid Waste  
LEA Notice and Order No. 2013-02 – Loyalton Landfill (Facility # 46-AA-0001)

Dear Ms. Turner:

Pursuant to California Code of Regulations, Title 14, Section 18365, the County of Sierra Local Enforcement Agency is requesting approval from CalRecycle to extend the compliance date(s) of Notice and Order 2013-02.

**Background**

On March 8, 2012, the Sierra County Local Enforcement Agency issued a Notice and Order No 2012-01 and then on August 28, 2012 issued an Amended Notice and Order No. 2012-02. Since the Operator was not able to meet the deadlines identified in Amended Notice and Order No 2012-02, another Amended Notice and Order No. 2013-01 was issued by the Sierra County Local Enforcement agency on February 15, 2013. The Operator was not able to meet the deadlines in the Notice and Order No. 2013-01 and requested an extension in October 2013. Sierra County LEA sent a request for approval of the Extension of the Compliance Schedule to CalRecycle in October 2013 and this was approved by CalRecycle on November 1, 2013. An Amended Notice and Order No. 2013-02 was issued by Sierra County LEA on November 27, 2013 providing an extension of the compliance schedule until October 1, 2014. The Operator was not able to meet the meet the deadlines in the Notice and Order No. 2013-02 and requested an extension of the Compliance Schedule until July 31, 2015. On January 13, 2015, CalRecycle approved the 2<sup>nd</sup> Extension of the Compliance Schedule beyond two (2) years for the Loyalton Landfill. The Operator was unable to meet the compliance deadlines of the 2<sup>nd</sup> extension and has requested an additional extension to the terms and conditions of the Notice and Order 2013-02.

In accordance with California Code of Regulations, Title 14, Section 18365 since this request for an extension of time to comply exceeds the two-year period since the initial Notice and Order LEA # 2012-01( March 8, 2012); the extension must be approved by the executive director.

### **Findings**

The LEA has determined that the Landfill Operator has taken significant steps toward compliance and has been consistently making good faith efforts to comply with deadlines. Unfortunately, due to extenuating events and circumstances beyond the control of the Operator regarding the acquisition of the City of Santa Clara property, the Operator has not been able to comply with the deadlines identified in the Notice and Order No 2013-02.

The Acquisition of the City of Santa Clara Property was finally completed with a June 1, 2015 date of the Recorded Deed for the Property Acquisition. The Acquisition of the City of Santa Clara property that will allow the Operator to apply for a Permit Revision to extend the boundary of the Loyalton Landfill to the North and East by 500 feet (50 acres) to mitigate the Landfill Gas violation. Because the July 31, 2015 Compliance date was not going to be able to be met, the Operator, CalRecycle staff and LEA met via Conference Call on July 31, 2015 to discuss next steps. Furthermore, since the installation of the landfill gas (LFG) monitoring well network cannot be completed until after the Operator obtains the Revised Permit extending the facility permit boundary, the LEA will need Concurrence for the Permit Revision in accordance with the requirements of Title 27, Section 21685(d) while the Landfill remains in Violation of Section 20921(Gas Monitoring and Control) and Section 20937 (Reporting and Control of Excessive Gas Concentrations).

The Operator subsequently completed a Draft Permit Revision Application including the Draft RDSI, Draft LFG Monitoring and Control Plan and supporting Documents (Draft Documents Dated 8-14-2015) to both the LEA and CalRecycle on August 17, 2015. Sierra County LEA also submitted a request for concurrent review with CalRecycle on November 6, 2015 and anticipates that comments on the Draft Documents to be completed by CalRecycle and the LEA during December 2015. The Operator also submitted a request for amendments to the terms and conditions of the Notice and Order to the LEA, received September 2, 2015.

The LEA has reviewed the request submitted by the Operator to amend the Notice and Order No 2013-02 and has determined that an extension of time to complete the tasks is reasonable and necessary.

### **Request for Approval for Extension of the Compliance Deadlines**

In light of these findings, the LEA proposes to grant the Loyalton Landfill an extension of the compliance deadlines in accordance with the request from the Operator, with some modifications of the timelines per conversations between the LEA and the Operator. The LEA is requesting approval from CalRecycle of the following Compliance Deadlines:

LEA and CalRecycle Concurrent Review of Draft Documents: CalRecycle to provide comments on draft Joint Technical Document (JTD), closure plan, LFG monitoring plan, and draft application for permit revision (draft documents) to LEA by **December 31, 2015**.

Revised Permit Application: The Operator shall address all deficiencies identified by LEA and CalRecycle reviews, and operator to submit complete and correct Final Application package to revise the Solid Waste Facility Permit in accordance with 27CCR21570 by **February 29, 2016**.

Landfill Gas Monitoring Plan: The Operator shall submit a Final Landfill Gas Monitoring Plan incorporating the newly acquired City of Santa Clara property by **February 29, 2016**.

LEA Review of Permit Application Package: LEA to complete review of application package for acceptance by **March 31, 2016**.

Draft Revised Solid Waste Facility Permit (SWFP): During the months of April, May, June, July and August 2016, LEA to draft and submit a proposed revised Solid Waste Facility Permit (SWFP) to CalRecycle, and CalRecycle to complete concurrence by end of **August 31, 2016**.

Revised Permit: The Operator shall take all necessary and appropriate actions such that the Loyalton Landfill obtains a revised SWFP, which incorporates the proposed expanded facility boundary, reduced permitted disposal area, design capacity, final elevation and closure date, no later than **August 31, 2016**. While this date reflects the regulatory requirement of **180 days** from receipt of the Final Application for Permit Revision from the Operator for the Revised Permit to be issued, it is the desire of both the LEA and CalRecycle to expedite this process and issue the Revised Permit prior to this date to allow sufficient time for the Operator to contract for the Monitoring wells to be completed no later than **October 31, 2016**.

Landfill Gas Monitoring: The Landfill will continue to be in violation of Section 20921(Gas Monitoring and Control) and Section 20937 (Reporting and Control of Excessive Gas Concentrations) until the Permit has been Revised to expand the permitted boundary and the installation of gas monitoring wells at the new permitted boundary completed. In accordance with Title 27, Section 21685 (d), the Operator shall continue to monitor the landfill gas wells and structures on a **monthly** basis until the Operator has complied with all terms of the Notice and Order. The results shall be forwarded to the LEA for review within **15 days** of monitoring.

Installation of Landfill Gas (LFG) Perimeter monitoring well network:

During the time frame that the LEA is drafting the revised proposed SWFP for submittal to CalRecycle for concurrence, the operator shall proceed with working on the bid process and budgeting, etc., in order to line up a drilling contractor and have the contractor in place by **September 1, 2016**.

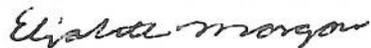
Installation of LFG monitoring wells to be completed by **October 31, 2016**.

## **Conclusion**

Pursuant to California Code of Regulations, Title 14, Section 18365 ("Compliance Schedule"), the LEA requests approval by the Executive Director of CalRecycle to grant this additional extension. Upon approval by CalRecycle, the LEA will prepare an additional Amended Notice & Order No. 2015-01 to reflect the revised time schedule and tasks that need to be completed.

The LEA looks forward to your decision and will provide you additional information as necessary to complete a formal review. If you have any questions, please feel free to contact me directly at (530) 993-6716 or by email at [emorgan@sierracounty.ca.gov](mailto:emorgan@sierracounty.ca.gov)

Sincerely,



Elizabeth Morgan, MPH, REHS  
Sierra County Local Enforcement Agency

cc: Tim Beals, Loyalton Landfill Operator - Sierra County Director of Public Works [tbeals@sierracounty.ca.gov](mailto:tbeals@sierracounty.ca.gov)  
Craig Morgan, PE – Avalex [avalex@avalex.info](mailto:avalex@avalex.info)  
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