CalRecycle

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027
P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

May 20, 2016

Dave Jensen, Director Public Health Department
jensend@mendocino.ca.us
Mendocino County Environmental Health
Division of Environmental Health
860 North Bush Street
Ukiah, CA 95482

Subject: Approval for Second Extension of Notice and Order (Compliance Schedule) for the Ukiah Solid Waste Disposal Site (SWIS No. 23-AA-0019), Mendocino County

Dear Mr. Jensen:

I have received and considered your agency's November 20, 2015 second request to extend the compliance schedule due date for the Ukiah Solid Waste Disposal Site (SWIS No. 23-AA-0019). At the time I originally received your request, I was unable to make a finding of "good faith effort" pursuant to Title 14, California Code of Regulations (CCR), Sections 18084(d) and 18365.

The operator has since submitted the following documents:

1. City of Ukiah's Schedule for Closure (Workplan) which included milestones and letter of commitment submitted originally March 11, 2016 and revised on May 18, 2016.
2. Demonstration of operating liability coverage on February 18, 2016.
3. CEQA documentation submitted to State Clearing House (SCH) on February 19, 2016.
4. Updated financial assurance demonstration for closure and postclosure maintenance costs partially submitted on February 26, 2016, and final submittal on May 11, 2016.
5. Demonstration of financial assurance mechanism for corrective action plan partially submitted on February 29, 2016. (Outstanding items include audited financial statements and associated Local Government Financial Test documentation.)
6. Final Closure and Postclosure Maintenance Plan submitted as one complete document on March 8, 2016 (CalRecycle has since commented on April 20, 2016; the LEA commented on April 21, 2016, the Mendocino County Air Quality District commented on April 29, 2016; and the RWQCB submitted comments on May 3, 2016).
7. 401 and 404 permit applications submitted on March 30, 2016.

Due to these recently submitted documents and receipt of the mutually acceptable City of Ukiah Workplan, I can now make a finding of "good faith effort" and conditionally approve your request to extend the milestones and final deadline of the LEA's amended Notice and Order (N&O) issued on October 9, 2013.

I hereby, approve your request to extend the N&O compliance date(s) with the final compliance of **October 31, 2017** under the following conditions:

1) The LEA formally amend the N&O and include the milestones agreed upon through our joint meetings (see the attached Workplan) and penalty language for failure to meet major milestones within the control of the operator.

2) The amended N&O shall clearly state that the LEA may seek penalties for the City's failure to meet the final compliance deadline of October 31, 2017 or being 30 days late on any other milestones under their control; specifically milestones (Action Items) 12, 15, 20, 21, unless the City can demonstrate to the satisfaction of the LEA and CalRecycle that there were extenuating circumstance outside the operator's control.

3) Lastly, if the LEA fails to enforce the Action Item 12, 15, 20, 21 (final compliance date of October 31, 2017), *except in cases where the City has demonstrate to the satisfaction of the LEA and CalRecycle that there were extenuating circumstance outside the operator's control*, CalRecycle will implement 14 CCR 18350 to take enforcement on the matter itself. Extenuating circumstance include acts of God such as inclement weather, earthquakes, and delays in obtaining discretionary permits or other government agency approvals where the operator's actions or failure to act was not the cause of the delay.

CalRecycle staff are very encouraged by the City's recent efforts to attain final closure of the Ukiah Landfill. Staff also commends the LEA for its continued diligence in pursuing that the violation is corrected and that full compliance with the applicable state minimum standard is achieved. Within 30-days of receipt of this letter, please issue the amended N&O meeting the conditions above.

Thank you for your commitment to partnership with CalRecycle. If you have further questions regarding this letter, please contact Mr. Jon Whitehill, Supervisor, Inspections and Enforcement Agency Compliance Unit, at (916) 341-6403 or at Jon.Whitehill@CalRecycle.ca.gov

Sincerely,

Georgianne Turner, Branch Chief
Waste Evaluation and Enforcement Branch
Department of Resources Recycling and Recovery

Attachment: City of Ukiah Workplan, March 11, 2016 revised May 18, 2016

Cc:
Mr. Philip Chou, Mendocino County LEA
Choup@co.mendocino.ca.us

Mr. Tim Eriksen, Director of Public Works, City of Ukiah
teriksen@cityofukiah.com

Mr. Sage Sangiacomo, City Manager
ssangiacomo@cityofukiah.com

Senator Mike McGuire, District 2
senator.mcguire@senate.ca.gov

Ms. Terri Cia, RWQCB, North Coast Region
Terri.Cia@waterboards.ca.gov

Mr. Charles Reed, RWQCB, North Coast Region
Charles.Reed@waterboards.ca.gov

Ms. Paulina Lawrence, SWES Manager, CalRecycle
Paulina.Lawrence@CalRecycle.ca.gov

Mr. Jon Whitehill, SWES Supervisor, CalRecycle
Jon.Whitehill@CalRecycle.ca.gov

Mr. Anthony VanderSchaaf, SWES, CalRecycle
Anthony.VandererSchaaf@CalRecycle.ca.gov

Mr. Wes Mindermann, Branch Chief, ESB CalRecycle
Wes.Mindermann@CalRecycle.ca.gov

Mr. William Heung, Engineer, CalRecycle
William.Heung@CalRecycle.ca.gov

Mr. Garth Adams, Supervisor, CalRecycle
Garth.Adams@CalRecycle.ca.gov

Mr. Hank Brady, Supervisor, CalRecycle
Hank.Brady@CalRecycle.ca.gov

City of Ukiah

March 11, 2016

Ms. Georgianne Turner, Branch Chief
CalRecycle
Waste Evaluation & Enforcement Branch
Waste Permitting, Compliance, and Mitigation Division
PO BOX 4025
SACRAMENTO, CA 95812-4025

Mr. Trey Strickland
Mendocino County Environmental Health
860 North Bush Street
Ukiah, CA 95482

RE: EXTENSION REQUEST FOR CLOSURE OF CITY OF UKIAH LANDFILL MENDOCINO COUNTY, CALIFORNIA

Dear Ms. Turner and Mr. Strickland:

Thank you for your patience, understanding, and assistance with the City in preparing the attached schedule for closure of the landfill. The City believes through joint development of this schedule, all parties will be in a position to meet their respective deadlines.

The City is committed to the schedule, but like any schedule, it could be impacted by events beyond the City's control, such as delays in fully complying with CEQA as a result of litigation or delays in getting final approval for WDRs, or permits under 401 and 404.

Would you please process an extension request based on the attached schedule? If you should have further questions or need additional information, please do not hesitate to contact me at 707-463-6280.

Sincerely,

Tim Eriksen
Director of Public Works / City Engineer

enc.

300 Seminary Avenue • Ukiah • CA • 95482-5400
Phone: (707)463-6200 · Fax: (707)463-6204 ·www.cityofukiah.com

cc: Ms. Paulina Lawrence, CalRecycle (email)
Mr. Garth Adams, CalRecycle (email)
Mr. Richard Castle, CalRecycle (email)
Mr. Wes Mindermann, CalRecycle (email)
Mr. Will Heung, CalRecycle (email)
Mr. Hank Brady, CalRecycle (email)
Ms. Terri Cia, RWQCB, North Coast Region (email)
Mr. Charles Reed, RWQCB, North Coast Region (email)
Mr. Dave Jensen, Mendocino County Environmental Health (email)
Mr. Phil Chou, Mendocino County Environmental Health (email)
Mr. Robert Scaglione, Mendocino County Air Quality Management District (email)
Mr. Damon Brown, EBA Engineering (email)
Mr. Mike Delmanowski, EBA Engineering (email)
Mr. David Rapport, City Attorney (email)
Mr. Rick Seanor, Deputy Director of Public Works (email)
Mr. Jarod Thiele, Public Works Project Analyst (email)
Ms. Shannon Riley, Senior Management Analyst (email)
Mr. Emmett Jones, City Consultant (email)

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BY:_____

City of Ukiah

Action Item Number	Action	Proposed New Milestones
1	Prepare and Circulate CEQA.	Complete
2	Updated Demonstration of Operating Liability Coverage by providing a Certificate of Self-Insurance and Risk Management: CIWMB Form 109	Complete
3	Funding for Financial Assurance: Corrective Action Plan (CAP) to match greater of water or non-water estimate. Need to obtain an approved Financial Assurance demonstration	Partially Complete: Test Submitted; Supporting Documentation - March 15, 2016
4	Submit Updated Financial Assurance: Closure	March 4, 2016 for Closure Cost; March 15 for Letter of Credit to cover additional 20% contingency
5	Updated Financial Assurance: Post Closure by submitting a Pledge of Revenue: CalRecycle Form 114	Complete
6	Submit and respond to **comments in one complete document** to RWQCB, CalRecycle, & LEA the Final Closure and Post Closure Maintenance Plans (FCPCMPs)	Submitted March 8, 2016 March 11, 2016
7	City to submit 401 and 404 permit applications to Resource Agencies (NCRWQCB, DF&W, COE)	March 11, 2016
8	LEA/CalRecycle/RWQCB Comments or Technical Adequacy notification of FCPCMPs	April 29, 2016
9	City will respond to comments on the Feb 24, 2016 Mitigated Negative Declaration (April 11, 2016 – May 15, 2016).	April 11, 2016 – May 15, 2016
10	City will adopt the Mitigated Negative Declaration.	June 1, 2016
11	**City to submit a revised FCPCMP which address all comments** submitted by LEA/CalRecycle/RWQCB. The response to comments will be incorporated into one complete/ comprehensive FCPCMP document and submitted electronically to all three agencies. Schematics will be provided in hard copy upon request.	June 1, 2016
12	City Submits a complete application for WDRs to NCRWQCB; including JTD, FCPCMP, CEQA, 401 and 404 permit applications	June 8, 2016
13	Agencies' approval of Resource Permits 401 and 404 permit	Sept 1, 2016
14	*Closure Plan Technical Adequacy or statement that there are no other comments from LEA/CalRecycle and RWQCB.*	September 1, 2016
15	City to update Financial Assurances based on Approved FCPCMP	September 7, 2016
16	Ukiah City Council Approval to go out for Bid	September 7, 2016
17	City Completes Contractor Bidding and Bid Award	November 16, 2016
18	*NCRWQCB issues WDRs* *(Done concurrently with approval of FCPMCPs, 401 and 404)*	December 15, 2016*
19	*FCPCMP Final Approval CalRecycle (need RWQCB and LEA approval, CEQA adoption, and updated Financial Assurances)*	January 1, 2017
20	Commencement of Closure Activities	May 15, 2017
21	Closure Completed	October 31, 2017

*Contingent upon all ROWD components being accepted as complete and adequate, including a Certified CEQA document and subject to statutory timeframes and public noticing. If delayed, later Bd. Mtgs. may be necessary (ie Jan or Mar 2017)

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7	City to submit 401 and 404 permit applications to Resource Agencies (NCRWQCB, DF&W, COE)	Submitted 404 permit applications (DFW & COE) week of March 21, 2016; submitted 401 permit application to NCRWQCB March 30, 2016
8	LEA/CalRecycle/RWQCB Comments or Technical Adequacy notification of FCPCMPs	April 29, 2016
9	City will respond to comments on the Feb 24, 2016 Mitigated Negative Declaration.	April 11, 2016 – June 3, 2016
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