

**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: Anthony VanderSchaaf, Solid Waste Enforcement Section
Jon Whitehill, Solid Waste Enforcement Section, Supervisor

Request Date: June 28, 2016

Action By: August 18, 2016

Decision Subject: Consideration of a Third Extension to the Final Compliance Schedule Due Date for a Facility included on the Inventory of Facilities that Violate State Minimum Standards (Inventory), South Coast Solid Waste Disposal Site, SWIS No. 23-AA-0018, Mendocino County.

SUMMARY

The South Coast Solid Waste Site is owned and operated by the County of Mendocino, Public Works Department. The facility is located at 40855 Fish Rock Road in Gualala in Mendocino County. This site ceased accepting waste for disposal in 2001. To date, the landfill does not yet have an approved Final Closure Plan closed in accordance to Title 27, California Code of Regulations (CCR).

On May 24, 2012, the South Coast Solid Waste Disposal Site was placed on the Inventory for ongoing violations of Title 27 CCR, Section 21110 – Time Frames for Closure.

On March 10, 2014, CalRecycle amended the May 24, 2012 Inventory listing to include the ongoing following violations of Title 27, CCR, Section 20921 – Gas Monitoring and Control, and Title 27, CCR, Section 20937 – Reporting and Control of Excessive Gas Concentrations.

The Mendocino County LEA issued a Compliance Schedule (CS) to the operator on June 25, 2012, directing the operator to commence closure construction by July 15, 2013 and to complete closure construction by May 24, 2014. The LEA subsequently granted a one year extension, with CalRecycle's approval, until May 24, 2015.

On August 14, 2015, CalRecycle approved a Second One-Year Extension of Compliance Schedule for the South Coast SWDS, to May 24, 2016, as per the LEA's request for extension to CalRecycle dated June 6, 2015. The operator stated in their May 19, 2015 extension request to the LEA, that they will be unable to meet the final compliance date specified in the extended Compliance Schedule due to delays in receiving

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comments and approvals from various oversight agencies on the Final Closure and Post Closure Maintenance Plans (CPCMP).

In May 2016, the operator submitted a third extension request to the LEA to extend the compliance schedule to accommodate commencement of closure construction to March 13, 2017. On May 23, 2016, The LEA submitted to CalRecycle a request for a third extension to the compliance schedule to May 15, 2017.

OPTIONS

1. Approve the one year extension for the final compliance until May 24, 2017.
2. Conditionally approve the extension for a period less than one year, with the option to extend the compliance due date, if the owner and operator are adequately meeting a schedule as outlined in a CS.
3. Deny the extension to the final compliance due date. Direct the LEA to take specific further enforcement action.

BACKGROUND

Summary of key milestones, submittals, enforcement orders, and other actions listed below:

- In 2001, the South Coast Solid Waste Site stopped disposal activities (ceased accepting waste for disposal). Since the landfill did not have an approved closure plan, the operator did not implement closure within thirty (30) days of the final shipment of waste.
- On February 9, 2001, the LEA issued a Stipulated Notice and Order (N&O) (completed) for 27 CCR 21780- Closure Plan. The LEA later cleared the violation and the N&O when the operator submitted the first draft of the final closure plan in 2003.
- (2003-2008) CalRecycle (formerly the CIWMB) staff reviewed proposed Final CPCMP, dated September 2003, and provided comments to the operator on March 10, 2004. The North Coast Regional Water Quality Control Board (NCRWQCB) also provided comments on the plan. At this time the facility was thought to be closing and CalRecycle's 18-month inspections were suspended. However, in 2008, it became apparent the site had not obtained an approval of its Final CPCMP as required. As a result, the Solid Waste Enforcement Section resumed its 18-month inspections and began citing closure standards on its inspection reports and encouraged the LEA to compel the operator to obtain approval of a Final CPCMP and close the site.
- Beginning in November 2011, the LEA began consistently citing violations for both 27 CCR 21110 – Time Frames for Closure and 27 CCR 21780 – Submittal of Closure Plans. *Note: From August 2009 to April 2010 the LEA only cited 27CCR 21780 – Submittal of Closure Plans, which is not a "State Minimum Standard" for purposes of including a facility on the Inventory.*
- On August 12, 2011, LEA issued a Compliance Schedule (CS) (since superseded) for both 27 CCR 21780 - Submittal of Closure Plans *and* 27 CCR 20921 - Gas Monitoring and Control. The CS required submittal of final plans by November 16, 2012 and installation of new perimeter gas monitoring wells by June 15, 2012.
- **On May 24, 2012, the facility was listed on the Inventory (active) for 27 CCR 21110 - Timeframe for Closure.**
- On June 11, 2012, the operator installed three new perimeter landfill gas monitoring probes in order to come into compliance with the 1000 foot spacing requirement of Title 27, 20921. However, the first quarterly monitoring of the new wells detected greater than 5% methane in probe P2.

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- June 25, 2012, the LEA issued a revised CS to the County of Mendocino requiring complete closure by May 24, 2014. *Note: The June 25, 2012 Compliance Schedule supersedes the Compliance Schedule issued August 12, 2011.*
- CalRecycle received the updated Final CPCMP on February 22, 2013, and provided additional comments on July 7, 2014. The LEA provided comments on August 6, 2014. The Regional Water Quality Control Board has not yet provided comments on the updated Final CPCMP.
- On March 23, 2013, the operator requested a one year extension to the construction start date until May 15, 2015. The LEA sent a letter to CalRecycle on August 2, 2013 stating the good “good faith efforts” of the operator and the extension.
- **On March 10, 2014, the site Inventory listing was amended to additionally include ongoing violations for both 27 CCR 20921 - Gas Monitoring and Control and 27 CCR 20937 - Reporting of Excessive Gas Concentrations.**
- On February 25 and April 8, 2014, the operator and LEA submitted requests to CalRecycle for a one year extension to extend the final compliance date to May 15, 2015 for commencement of closure construction, which will include installation of a gas collection and control system to remediate ongoing violations of landfill gas migration. CalRecycle approved the request on October 12, 2014. *Note: The extension request was approved with a compliance date of May 24, 2015 to more closely align with the date of May 24, 2012 when the site was originally placed onto the Inventory List.*
- On July 7, 2014, CalRecycle’s ESB provided two comments on the draft final closure plan: 1) The passive LFG venting system should be designed to be easily converted to an active system, and
2) Cover soil sources need to be identified to more accurately predict the cost of the project. The plan has not yet been deemed “technically adequate” by ESB.
- On May 19, 2015, the operator requested an additional one year extension to May 29, 2016 to provide additional time for the RWQCB to review and comment on the final closure plans. The request explains that the on-going landfill gas violation will be remediated by implementation of the final CPCMP.
- On May 28, 2015, the operator’s consultant SWT Engineering sent an email to the RWQCB inquiring about the status of the review of the final CPCMP and preparation of new Waste Discharge Requirements (WDR) for the closure. The email referenced numerous attempts to gain comment on the documents. To date, CalRecycle has not received information that the RWQCB has provided the necessary comments to either the operator or the consultant.

ACTIONS THAT HAVE/HAVE NOT OCCURRED SINCE THE SECOND COMPLIANCE EXTENSION APPROVAL:

- On June 6, 2015, the non-water corrective action plan was received by the CalRecycle.
- On June 18, 2015, CalRecycle conducted an 18-month inspection and verified that the operator continues to maintain the site, including monitoring of perimeter landfill gas monitoring probes.
- The most recent monitoring report received by CalRecycle dated March 22, 2016 documents that Probe 1 was monitored at 28.0% methane, Probe 2 was monitored at 11.0% methane, and Probe 3 continues to be monitored at 0.0% methane. The operator’s remediation plan is incorporated into the final closure plan and the proposed gas collection and control system is planned to be installed at the time of final closure implementation.
- The operator has not yet responded to CalRecycle’s July 7, 2014 comments on the final closure plan, as they are awaiting the RWQCB comments so they can address the issues of both agencies at the same time.
- In July 2015, the operator and their consulting firm SWT proposed changes to the existing cap design with Closure Turf citing lack of a cost effective soil borrow source, removal of the need

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for the reinforced earth soil, and lesser erosion control measures as the main reasons for the change.

- On May 2, 2016, the Mendocino County Board of Supervisors approved the operator's request for a contract agreement with SWT for provision of a final cover design using Closure Turf for the South Coast Landfill.
- To date – August 10, 2016, the RWQCB has not yet reviewed or approved the latest version of the final closure plan.

ANALYSIS

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 circumstances". The following findings support the staff recommendation for a conditional third extension request:

- As stated in the previous extension requests, the operator submitted a revised Final CPCMP in 2013, including updated cost estimates, financial assurance information, and amendments that address the final cover design and landfill gas monitoring and control concerns. CalRecycle and the LEA have commented on the revised Plans in July/August 2014. However, the operator never received written comments from the RWQCB.
- The operator plans to change its final closure design, and is scheduled to submit the revised CPCMP to agencies in October 2016. The operator cannot commence final closure until the Final CPCMP are reviewed.
- On May 24, 2016, the operator requested a third extension for the following reason: the Final CPCMP and Report of Waste Discharge are under concurrent multi-agency review and have not been approved by all agencies. The operator cannot commence final closure until the Final CPCMP's have been approved.
- The operator continues to maintain the site while continuing to urge the RWQCB to provide timely review and comments.
- The operator has proposed to mitigate LFG violations at the time of closure. The installation of a LFG collection system has been incorporated into the closure plan for efficiency and financial reasons. CalRecycle commented on the proposed closure/remediation plan on July 7, 2014 and stated, in regards to the LFG collection system, that the passive LFG venting system should be designed to be easily converted to an active system.

FINDINGS

The owner and operator has submitted revised final closure and post-closure maintenance plans and the non-water corrective action plan as required by the CS. Much of the delay has been due to conditions outside of the operator's control including not receiving approval or comments from the RWQCB. Implementation of closure cannot commence until all agencies have approved the plan. The next critical compliance dates are contingent upon other agencies and are temporarily outside the operator's control.

In the letter dated May 23, 2016, the LEA has determined that the operator has continued to act in their good faith effort to comply with the CS and that there is no immediate public health and safety threat. In addition, the operator has provided adequate supervision and maintenance during the period of inactivity while awaiting closure. Due to the landfill's remote location, the LEA has made a determination that the current landfill gas migration does not pose an imminent threat to public health and safety and the environment. The facility is located in a remote location and is not currently accepting waste. The

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transfer station on-site is a 3-sided building and consequently appears to have adequate ventilation. Additionally, the volume of material, and human foot traffic through the transfer station is very low further lowering risk of exposure to LFG. CalRecycle and the LEA agree that the nearest permanent structure to the site is located beyond, at least, one-half mile. The operator has taken an active approach to the landfill gas exceedances by submitting changes to final closure plans, and has chosen to take an active approach to the landfill gas exceedances. Based on the factors set forth in 14 CCR 18084, the efforts the operator has made, and that the LEA is taking action, additional time is needed to bring the facility into full compliance.

RECOMMENDATION

Due to recent actions by the operator described above, including the submittal of the non-water corrective action plan, CalRecycle staff recommends the operator be granted a conditional extension, until May 24, 2017. CalRecycle staff also recommends the following conditions for the LEA for approval extension. The LEA shall submit an updated compliance schedule which includes the following milestones:

1. The operator shall respond to CalRecycle's July 2014 comments on the FCPCMP or submit an updated FCPCMP by a date determined by the LEA prior to October 30, 2016.
2. The operator shall provide an updated financial assurances by a date determined by the LEA thirty days after receiving the approved Final Closure Plan.
3. The operator shall provide an updated landfill gas (LFG) remediation plan and schedule for bringing the site into compliance with landfill gas migration standards by a date determined by the LEA prior to January 1, 2017, and which includes reasons why remediation and compliance, prior to closure of the landfill, is prohibited.
4. The operator shall respond to comments on the Closure Plan with in sixty days.
5. The operator is to establish regular monthly/quarterly meetings with the CalRecycle and the RWQCB to garner feedback on the recent Final Closure Plan submittals.
6. LEA to consider increasing enforcement to a Notice & Order.

CalRecycle staff has reviewed the operator's extension request, including documentation of good faith effort and extenuating circumstances, and agree with the LEA's determination that it is reasonable to extend the compliance date by a conditionally twelve months, allowing the operator time to receive comments from the RWQCB, obtain final approval from all agencies, and begin closure construction.

BRANCH CHIEF ACTION:

On the basis of the information in this Request for Action, I hereby issue, pursuant to 14 CCR, Section 18365(b), approval of a conditional twelve month extension to the owner and operator of the South Coast Solid Waste Disposal Site (23-AA-0018) to May 24, 2017.

Dated:

 8/19/2016

Georgianne Turner
Branch Chief
Waste Evaluation and Enforcement Branch

Attachment:

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LEA Extension Request May 23, 2016



Mendocino County Health & Human Services Agency

Healthy People, Healthy Communities

Environmental Health

Dave Jensen, Director

Ukiah Office: 880 N Bush St, Ukiah CA 95482 Phone: 707-234-6625
Fort Bragg Office: 120 W Fir St, Fort Bragg CA 95437 Phone: 707-961-2714



5/23/2016

Jon Whitehill, SIWMS I
CalRecycle
1001 I St. MS 10A-17
Sacramento, CA 95812

To: Mr. Jon Whitehill

Subject: Construction start date extension request

Site: South Coast Solid Waste Disposal Site (23-AA-0018)
40855 Fish Rock Rd. Gualala Ca 95445

Attached is a request from the operator of the South Coast Landfill for the extension of the construction start day from May 16, 2016 to May 15, 2017.

The Mendocino County LEA has determined that the operator of South Coast Landfill continues to make a good faith effort to comply with the requirements set forth by CalRecycle and the LEA.

- The operator submitted the Final Closure and Post Closure Maintenance Plan in February 2013.
- Report of Waste Discharge was submitted in January 2014. (Consulting firm SWT is waiting for ROWD comments.)
- In July/August 2014 both the LEA and CalRecycle commented on the Final Closure Plan.
- On October 12, 2014 CalRecycle approved a one year extension of the Compliance Schedule until May 24, 2015.
- On May 19, 2015 a letter from South Coast SWDS operator stating that they have completed Final Closure Plan, CEQA Reports, and Report of Waste Discharge and are waiting for written comment from required agencies.
- On May 29, 2015 South Coast SWDS operator submitted the draft Non-Water Corrective Action Plan.
- In July 2015, DoT and consulting firm SWT proposed to replace existing cap design with Closure Turf to the Final Closure Plan. There are three main reasons for these changes; lack of a cost effective soil borrow source, remove the need of the reinforced earth soil, and lesser erosion control measures.
- In March, 2016, the LEA met with DOT to discuss the closure project going forward and proposed a submittal of a closure time line.
- On May 2, 2016, the BOS approved DoT's request for a contract agreement with SWT to provide final cover design modification for the South Coast Landfill using Closure Turf.

- In April, 2016, DoT and consultant SWT met with Closure Turf rep to discuss changes to the design.
- In May, 2016 SWT submitted a closure time line delineating the project schedule towards closure.
- In May, 2016 Dot and SWT will schedule a conference call in June to discuss the project going forward.

I have attached 2015-2016 gas monitoring report, consulting from SWT closure time line project schedule, and DOT extension request.

The LEA believes that the delay for the landfill closure is caused by extenuating circumstances. Throughout this time period the operator has been committed to submit required documents in a timely manner and have been responsive in aiding the project towards closure. The site does not appear to pose any significant threat to public health and safety, and we believe the operator has made a good faith effort to close the South Coast SWDS. Pursuant to 14 CCR Section 18365 (b), a one year extension to the compliance schedule beyond 2 years may be granted only by approval of CalRecycle's Executive Director.

The Mendocino County LEA agree with the operator's request is reasonable, and with the executive director's approval, the LEA would like concurrence to grant an extension commencement of closure construction until May 13, 2017.

Sincerely,



Phil Chou
Mendocino County LEA

Enclosed: Attachment 1 – DoT extension request to the LEA
Attachment 2 - 2015-2016 Gas monitoring reports
Attachment 3 - Compliance schedule time line

Howard. N. Dashiell
DIRECTOR OF TRANSPORTATION

Ex Officio
Road Commissioner
County Engineer



FUNCTIONS

Administration & Business Services
Airports
County Surveyor
Engineering
Land Improvement
Roads and Bridges
Solid Waste

**COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION**

340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
VOICE (707) 463-4363 FAX (707) 463-5474

May 24, 2016

Phillips Chou
Div. of Environmental Health
860 North Bush Street
Ukiah, CA 95482

Subject: Revised Time Extension Request for
Commencement of Closure Construction at
South Coast Landfill

Dear Mr. Chou:

The original Closure Schedule for South Coast Landfill called for commencement of closure construction by July 15, 2013. Construction cannot commence until the Final Closure Report and associated documents have been approved by those agencies currently conducting their reviews. We understand the LEA, the County of Mendocino Department of Environmental Health, may extend this date if there is a delay in the approval process.

This Department (DOT) has requested time extensions for the South Coast Landfill closure project while awaiting written comment from several agencies. Our first request for a time extension was granted with a commencement of closure construction date of May 15, 2014. A second request was granted with a start date of May 15, 2015. Our most recent request for time extension was granted with a start date of May 16, 2016.

DOT has been working with SWT, Inc., (SWT) since December 6, 2011, when the Board of Supervisors (BOS) approved DOT Agreement No. 110087 for Professional Services Agreement with SWT for preparation of construction plans, specifications and estimates for the final closure of South Coast Landfill. Work by SWT on Amendment No. 1 to DOT Agreement No. 110087 for the installation of landfill gas monitoring wells commenced on June 8, 2012. On October 22, 2013, the BOS approved Amendment No. 2 to DOT Agreement No. 110087 with SWT for additional work to update the Report of Waste Discharge as required by the Regional Water Quality Control Board.

On May 2, 2016, the BOS approved DOT's request for Agreement No. 160046 with SWT to provide final cover design modification for the South Coast Landfill using artificial turf as an alternative to the vegetative layer at South Coast Landfill for final cover construction. The final cover design modification will provide potential cost savings and is necessary given the unavailability of a cost effective soil borrow source of the quality and quantity required for the foundation and vegetative layer component of the original final cover design.

Revised Time Extension Request for
Commencement of Closure Construction at
South Coast Landfill
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Based on these demonstrated efforts to comply with those agencies currently conducting their reviews, this Department respectfully requests a time extension for commencement of closure construction to March 13, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Brunet". The signature is written in a cursive style with a large initial "G" and a long, sweeping underline.

Geoff Brunet
Civil Engineer
Department of Transportation

SOUTH COAST LANDFILL
FINAL CLOSURE PROJECT
PROJECT SCHEDULE

| Deadline | Ending Date | 2016 | | | | | | | | | | | | 2017 | | | |
|---|-------------------|------|------|------|--------|-----------|---------|----------|----------|---------|----------|-------|--|------|--|--|--|
| | | May | June | July | August | September | October | November | December | January | February | March | | | | | |
| Task 1: Design Modific. Kick-Off Teleconference (TBD) | Mid-June 2016 | | ◆ | | | | | | | | | | | | | | |
| Task 2: Data Review | July 1, 2016 | | | | | | | | | | | | | | | | |
| Task 3: Update 2012 FCPCMP and 2014 ROWD | October 14, 2016 | | | | | | | | | | | | | | | | |
| Task 4: Respond to Regulatory Agency Comments | December 1, 2016 | | | | | | | | | | | | | | | | |
| Task 5: Regulatory Liaison/Coordination Assistance | December 16, 2016 | | | | | | | | | | | | | | | | |
| Task 6: Prepare Prelim. Design/Construction Level Plans | December 16, 2016 | | | | | | | | | | | | | | | | |
| Task 7: Project Administration/Meetings | December 16, 2016 | | | | | | | | | | | | | | | | |
| Construction Bid Process | March 10, 2017 | | | | | | | | | | | | | | | | |
| Start of Construction | March 13, 2017 | | | | | | | | | | | | | | | | |

- ◆ Kick-Off Teleconference
- SWT Task
- DOT Meetings/Review
- Agency Review
- ◆ Agency Approvals
- ✦ Construction Starts

