

**Regional Water Quality Control Board
Central Valley Region
Board Meeting - 4 August 2011**

**Response to Comments in Opposition to the Chemical Waste Management, Inc.,
Tentative Special Order Modifying Waste Discharge Requirements Order No.
R5-2006-0122**

Staff of the Central Valley Regional Water Quality Control Board (“Central Valley Water Board” or “Board”) received comments from El Pueblo Para El Aire y Agua Limpio/People for Clean Air and Water (“El Pueblo”) and Greenaction for Health and Environmental Justice (“Greenaction”) regarding a tentative Special Order (the “Tentative Order”) which will modify Waste Discharge Requirements (“WDRs”) Order R5-2006-0122. The comments from Greenaction and El Pueblo were received on 22 June 2011 and 27 June 2011. Supplemental information entitled “Evidence Part 2” was received via email from Greenaction on 30 June 2011. Comments in the 22 June letter are repeated in the 27 June document; therefore, Board staff will focus the responses on the later submittal. A response was not prepared for the supplemental information. No additional written, oral, or electronic comments were received from any other parties by the 27 June 2011 response due date.

In 2004, the US EPA added regulations regarding municipal solid waste, for the purpose of developing and demonstrating advanced landfill operations methods, such as bioreactors. Regulation allows approved states to issue Research Development & Demonstration (RD&D) permits in three-year increments, allowing the addition of supplemental liquids into municipal solid waste landfills that meet certain conditions, for a total of 12 years. State Water Resources Control Board Resolution 93-62, *Policy for Regulation of Discharges of Municipal Solid Waste*, was modified in 2005 to allow the State to permit appropriately constructed bioreactor landfills through the issuance of WDRs. In 2007, the US EPA issued a final determination authorizing California to issue time-limited permits for bioreactor landfill projects with the introduction of non-hazardous liquids.

WDRs Order R5-2006-0122 was adopted to regulate the discharge of Class II/III non-hazardous wastes to Waste Management Unit (“WMU”) Landfill B-17 and WMU Landfill B-19 Bioreactor and Control Unit at the Chemical Waste Management Inc., (“CWMI”) Kettleman Hills Facility (“KHF”). Hazardous waste, previously discharged into B-19, is isolated from the bioreactor and control unit project by a separation liner closure system, approved by the Department of Toxic Substances Control and the Central Valley Water Board.

The B-19 RD&D project at the KHF is operated as an anaerobic bioreactor, with the controlled addition of non-hazardous liquids into the landfill that contains municipal solid waste. Non-hazardous liquids, added through infiltration galleries and vertical injection wells, are necessary for the biological processes to occur and are designed to bring the waste to near the moisture-holding capacity. Liquids accelerate the process of waste decomposition and biostabilization, maximizing the generation of gas for capture which is then extracted and flared. Leachate generated is re-circulated back into the waste. The bioreactor process results in improved opportunity for beneficial use of non-hazardous liquid waste, enhanced waste settlement, which increases the disposal capacity of the landfill, ultimately resulting in reduced post-closure activities and the need for fewer landfills. Environmental risks and potential impacts

are reduced at closure, since the waste mass which has been operated as a bioreactor has stabilized and gas emissions are greatly reduced.

The Tentative Order proposes to modify only Prohibition A.6 of WDRs Order R5-2006-0122, which would allow CWMI to continue adding liquids to the Landfill B-19 Bioreactor Project for an additional three-year period consistent with State and federal regulations. Non-hazardous liquids were first added to the bioreactor on 15 September 2008. The first three-year period ends on 15 September 2011, after which liquids can no longer be added in accordance with Prohibition A.6 in the WDRs. To continue with the RD&D project, CWMI requested that WDRs Order R5-2006-0122 be modified to allow the continued addition of supplemental liquids to the bioreactor for an additional three-year period.

Staff responses to issues raised by Greenaction and El Pueblo are presented in sections that correspond with the section of the 27 June 2011 comment letter.

I. Introduction

The Introduction contains several comments which are repeated by Greenaction and El Pueblo later in the comment letter. Comments addressed here under "Introduction" are for comments that were not repeated later in the comment letter.

Regarding comments pertaining to the "incomplete" administrative record - the complete administrative file record for any facility regulated by the Central Valley Water Board is available to the public upon request and a formal request pursuant to the California Public Records Act is not required. The complete administrative file is available during regular business hours, although a telephone or e-mail request allows Board staff to have the requested information ready for review and/or copying at a pre-arranged time.

On 22 June 2011, Mr. Alex Martinez of Greenaction requested to review all information contained in the Board's files regarding the Tentative Order from September 2008 to present. The file review was conducted on 11 July 2011 in the Fresno office of the Central Valley Water Board.

Greenaction and El Pueblo asked Board staff to extend the comment deadline to allow them to submit additional comments after they reviewed the file. While Board staff will consider all comments received after the close of the comment period, it is up to the Board chair to determine whether late comments will be admitted into the administrative record. Pursuant to California Code of Regulations, title 23, section 648.4, the Board Chair shall not accept late comments or exhibits if doing so would prejudice any party or the Board, absent a showing that compliance with the prescribed deadline would create a "severe hardship."

Greenaction and El Pueblo describe concerns regarding impacts that the KHF may have on the residents of Kettleman City and Avenal. The Board takes impacts to nearby residents very seriously, but the comments do not explain how allowing the continued addition of non-hazardous liquids to the project for another three years would cause any environmental impacts on nearby residents. Since the bioreactor began operating in 2008, no violations of the WDRs have been observed and no impacts to water quality have been identified.

II. Invalid and Improper Permitting Process

A. Defective, Inadequate and Improper Notice

Greenaction and El Pueblo commented that the information links on the meeting and hearing procedures were defective.

Central Valley Water Board staff was not made aware of the issue indicating that the links were not functioning properly until Board staff received the comment letter. The hyperlinks are provided as a courtesy; hyperlinks are not required elements of a public notice. The public notice included contact names and telephone numbers for both Spanish and English speaking staff; however, Central Valley Water Board staff was not contacted by any interested party indicating the link was not functioning.

The final meeting date for consideration of the Tentative Order is scheduled for Thursday, 4 August at 1:00 PM, and this date will be published in the Board's August Agenda at least ten days prior to the public hearing. Both El Pueblo and Greenaction, environmental groups that represent the interests of Kettleman City and Avenal residents, were sent copies of the notice sent to Mr. Robert G. Henry of CWMI. The letter indicated that the Tentative Order could be reviewed at three repositories: the Kettleman City Library, the Avenal Library, and the Hanford Branch Library. It was also available by contacting the staff person (either Spanish or English speaking) designated on the Notice.

B. Failure to Provide Spanish Translation of the Tentative Special Order

Greenaction and El Pueblo expressed concerns that the Tentative Order is inadequate because it was provided in English only, and was not translated into Spanish.

Although there are no existing regulatory requirements that compel the Board to translate the Tentative Order into additional languages, the Board is committed to explaining its actions to all affected parties. A simultaneous English/Spanish translation will be available at the Board hearing.

C. Date, Time and Location of the Public Hearing

Greenaction and El Pueblo state that the date, time and location of the public hearing will effectively preclude participation by the residents of Kettleman City and Avenal. As previously mentioned, the public hearing for the Tentative Order will occur on one day. Board hearings are conducted at regularly-scheduled public meetings held at the Board's Rancho Cordova office. Although this may result in travel for some Kettleman City or Avenal residents, the Board considers regulatory actions affecting other areas throughout a geographically expansive region that extends all the way to the Oregon border. The Rancho Cordova office is centrally located in the Central Valley Region, and meetings are held at this location to facilitate participation by interested parties who come from locations throughout the region. However, the Board, at its discretion, may choose to hold a hearing in another location after first hearing the matter in Rancho Cordova.

To allow participation by all interested members of the public, the Central Valley Water Board notifies interested parties several weeks before the Board meeting date, gives interested parties adequate time to view files, responds to comments, holds the Board meetings at a central location within the Region, and gives interested persons a chance to express their views at the public meeting. Written comments can also facilitate participation by people who do not live in proximity to the Board meeting, as the Board frequently modifies draft Orders in response to written submittals, even when the author of the comments cannot attend the meeting.

D. Designated Parties

The requests by Greenaction and El Pueblo for designated party status at the 4 August Board hearing are approved. Both Greenaction and El Pueblo will be considered designated parties to the proceeding.

III. Invalid Land Use Permit

Greenaction and El Pueblo expressed concerns that Kings County issued the Conditional Use Permit (CUP) for the bioreactor project without considering impacts due to racial discrimination and failure to translate documents into Spanish.

Issues with the Kings County CUP process need to be addressed to Kings County. The Central Valley Water Board has no jurisdiction over the land use permitting process and Board staff is unaware of any legal action which has invalidated the County's CUP.

IV. Water Board Should Consider Cumulative Impacts of the Bioreactor Along With the Many Other Pollution Sources in and near Kettleman City, and Should Consider the Birth Defects and Infant Deaths that Plague Kettleman City

Greenaction and El Pueblo stated that "The Water Board's permit decision and environmental review process must consider the cumulative impacts of the Bioreactor...and should consider the birth defects and infant deaths..."

Cumulative impacts were considered in the Draft Subsequent Environmental Impact Report (Draft SEIR) for the Landfill B-19 Bioreactor project dated November 2004. The Draft SEIR evaluated cumulative impacts including the KHF Landfill Disposal Continuation Project (within the KHF property) and projects outside the KHF property, including the Avenal Landfill Expansion and the Westlake Farms Co-Composting Facility.

The potential for cumulative impacts was evaluated for the environmental resource areas addressed in the Draft SEIR, including Geology and Soils, Water Quality and Hydrology, Land Use and Planning, Noise, Transportation and Traffic, Air Quality, and Hazards and Hazardous Materials. It was determined that project-specific and cumulative air quality impacts related to regional conditions (off-site) would be significant and unavoidable. Due to these air quality impacts, a Statement of Overriding Considerations was required with the project that was approved with the Notice of Determination (NOD) on 7 June 2005. A Final SEIR containing comments, corrections, clarifications, and responses to the Draft SEIR, was issued 20 May 2005.

WDRs Order R5-2006-0122, which was adopted in 2006 in accordance with California Environmental Quality Act guidelines, stated that Kings County adopted a Subsequent EIR for the proposed construction and operation of a Class II/III landfill within Landfill B-19 and filed a Notice of Determination on 16 December 1997. Kings County adopted an SEIR on 6 June 2005 for operation of the Landfill B-19 Bioreactor and filed a NOD on 7 June 2005.

The Kings County Planning Agency's NOD found that the impacts were acceptable because mitigation measures were required to reduce the impacts to the extent feasible. In balancing the benefits to be realized by the approval of the Project against the remaining environmental risks, the Planning Commission concluded that various economic, social, and other considerations would outweigh the impacts. Considerations included how the Project would provide local and regional environmental benefits by effectively conserving landfill space and reducing long-term air emissions on a local and regional basis. Methane gas collection would decrease long-term greenhouse emissions over the life of the landfill.

The project is intended to demonstrate the effectiveness of bioreactor technology, which has the potential to conserve landfill space, thus reducing the demand for new landfills. It would also provide an environmentally sound alternative to land application of liquid wastes since it would be used as a treatment center for these wastes. For these reasons the County approved the project despite significant adverse impacts on air quality.

Regarding water quality, the WDRs require full containment of the waste within the bioreactor and prohibit degradation of water quality. Therefore, there is no cumulative impact to water quality.

Regarding the issue of the birth defects - Kettleman City community members raised concerns about birth defects and questioned whether there was a link to the Kettleman Hills hazardous waste disposal facility or other environmental exposures. In January 2010, Governor Arnold Schwarzenegger directed the California Environmental Protection Agency and the California Department of Public Health to investigate possible environmental contaminants in the air, water and soil that could cause an apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. As a result, a report entitled, *Investigation of Birth Defects and Community Exposures in Kettleman City CA*, dated December 2010, described levels of pollutants in the air, water and soil of Kettleman City, comparable to those found in other San Joaquin Valley communities; however the investigation did not find a specific cause or environmental exposure that would explain the increase in the number of children born with birth defects. As reported, no link has been established between the facility and the health issues in Kettleman City.

V. History of Violations at Chemical Waste Management's Kettleman Hills Facility

None of the violations contained in the comments relate to operation of the Bioreactor project in Landfill B-19 and are not directly related to the Board's consideration of the Tentative Order. It lies within the Board's discretion to allow the project to go forward for another three years despite the existence of violations that are unrelated to the item being considered.

Greenaction and El Pueblo comments refer to violations issued by State and federal agencies regarding specific operations and findings at the KHF. Most of the violations cited on Page 8 in the comments date from 1984 and 1985 and occurred soon after the Hazardous and Solid Waste Amendments (“HSWA”) were made to the Resource Conservation and Recovery Act (“RCRA”) in 1984. The amendments required hazardous waste facilities to have composite-lined waste management units with leachate collection and removal systems, and groundwater monitoring. Prior to the amendments, the facility was not required to have groundwater monitoring or have engineered liners for waste disposal areas. Soon after the new regulations were in effect and the US EPA issued the violations, CWMI installed a groundwater monitoring system and constructed composite-lined hazardous waste management units that complied with State and federal regulations.

Greenaction and El Pueblo express their concern that past violations may have led to groundwater impacts that may impacted the community. Questions about groundwater and the potential for impacts have been assessed in part, by detailed hydrogeologic investigations of the geologic units that underlie the KHF. Studies have indicated that the groundwater is of poor quality, with total dissolved solids ranging from 1,550 milligrams/liter (mg/L) to more than 20,000 mg/L. The groundwater is also relatively deep, occurring from 300 to 520 feet below the ground surface. On 25 March 1988, the Central Valley Water Board adopted Resolution 88-051, which determined that groundwater contained in the San Joaquin, Etchegoin, and Jacalitos Formations, within ½ mile of KHF’s surface impoundments, is not a potential source of drinking water. On 11 August 1989, the Central Valley Water Board adopted Resolution 89-155, which included Resolution 88-051 and further stated that groundwater in the San Joaquin, Etchegoin, and Jacalitos Formations is not suitable for municipal or domestic supply.

The hydrogeologic system at the KHF consists of connate groundwater occurring in isolated sands within the San Joaquin Formation that dip approximately 30 degrees to the southwest, towards and beneath the Kettleman Plain and away from Kettleman City. The San Joaquin Formation at KHF lies on the southwest limb of the North Kettleman Dome anticline. The San Joaquin Formation also occurs on the northeast limb of the anticline and dips several thousand feet below the San Joaquin Valley. In the core of the anticline between the KHF and Kettleman City, the San Joaquin Formation is absent due to erosion of the sediments, creating a breach in the anticline. The absence of the San Joaquin Formation between the KHF and Kettleman City hydraulically isolates the groundwater at the KHF from Kettleman City, due to the absence of the geologic formations, thus there is no groundwater flow path towards Kettleman City.

Groundwater monitoring data indicate that groundwater flow is slow (less than 10 feet per year) and is predominantly towards the southeast. The December 2010 *Investigation of Birth Defects and Community Exposures in Kettleman City CA* report states that the KHF is on geological formations that result in groundwater flow to the southeast, away from Kettleman City’s drinking water source. The report concludes that any impacts to groundwater from the facility are not a threat to the drinking water aquifer(s) that supply city wells. A 1984 US EPA document of violations which stated that CWMI had allowed leaks from the landfill to “contaminate local water supplies” is erroneous.

The KHF current Class I groundwater monitoring system consists of 48 monitoring wells, including 22 detection monitoring wells, 10 evaluation monitoring wells, seven corrective

action wells, and 9 wells in which groundwater depth measurements are taken. Samples are collected quarterly from 39 of the wells for laboratory analysis by an analytical laboratory, certified by the California Department of Health Services. The most recent data show that only nine of the wells have volatile organic compounds present, mostly in trace to low parts per billion concentrations. The statement on Page 8 that 18 wells contain volatile compounds is misleading. Groundwater impacts remain localized around the affected monitoring wells near the center of the KHF, several thousand feet from the property boundaries. These impacts are legacy impacts from operations prior to the mid-1980's when unlined surface impoundments were replaced with lined impoundments meeting new federal and State standards. The areal extent of the impacts in the corrective action areas is approximately three acres, and has not increased in size during the past 25 years.

Groundwater detection monitoring parameters contained in the Monitoring and Reporting Program include a list of volatile organic compounds, supplemental inorganic and field parameters. Detection monitoring wells K-69 and K-70 that monitor the Landfill B-19 Bioreactor Project have not detected groundwater impacts. The containment system for Landfill B-19 exceeds State and federal regulatory requirements.

The "landslide" referred to on Page 8 involved a slippage along the liner material interface on the waste slope which displaced waste. All waste was completely contained within Landfill B-19. The failure occurred as a result of an improper waste loading procedure on the landfill's northern slope over synthetic liner components containing smooth High Density Polyethylene (HDPE). The waste was loaded too steeply and without buttressing to the south, caused the waste to slide approximately 35 feet. All damaged liner materials were removed and replaced with new and updated material in accordance with state regulations and requirements.

The violations cited in 1989 were mostly administrative, and did not pose a threat to water quality at the KHF.

A vadose zone study performed in 1987 demonstrated that suction lysimeters cannot collect soil moisture due to extremely dry conditions at the KHF facility. As part of the closure of Landfill B-16 in 2004, the lysimeters were decommissioned.

The US EPA and the Department of Toxic Substances Control ("DTSC") are the agencies that have the regulatory authority to implement and enforce federal regulations regarding the Toxic Substances Control Act (TSCA) and permitting issues relating to polychlorinated biphenyls ("PCB") disposal, treatment standards, and laboratory operational standards.

The fine and violations mentioned for November 2010 refer to the PCB Flushing and Storage Unit located adjacent to the Drum Storage Unit at the KHF, and not a landfill. On Page 14 of the document referenced in footnote 20, No. 70 states: "Respondent is conducting characterization and remediation of soil contamination that formed the basis for the alleged violations pursuant to EPA's September 23, 2010 Conditional Approval of the 'PCB Building Self-Implementing Cleanup Plan' and the State of California Department of Toxic Substances Control's Corrective Action Consent Order, Docket No. HWCA P1-10/11-001 (Oct. 14, 2010)."

In a DTSC letter to the KHF dated 21 June 2011, DTSC generally concurs with CWMI's responses regarding the PCB Outside Pad Replacement and PCB Cleanup Completion

Reports. Both reports were submitted to satisfy section 5.5 of the Consent Order dated 14 October 2010. In the DTSC letter, CWMI indicates that the area of soil characterization, at its widest point, extended over 1,000 feet from east to west and 100 feet from north to south surrounding the PCB building. Approximately 950 tons of soil, concrete, and debris were excavated from an area of about 0.25 acres from depths of 1-5 feet that contained concentrations of PCB's greater than 1 part-per-million. The PCB-contaminated materials were disposed of in an approved TSCA landfill at the KHF. The PCB building was remediated in accordance with US EPA directives and a new concrete pad with 18-inch or greater concrete curb walls was constructed to contain any future spills.

Regarding the February 2011 US EPA document referenced in footnote 22, the F039 leachate that was not tested to determine if it met land treatment standards came from the Class I portion of Landfill B-19 below the Separation Liner. Any leachate from the Landfill B-19 Bioreactor Project is re-circulated back into the bioreactor.

Comments regarding CWMI laboratory's analytical equipment and calibration verification were related to the calibration procedure for SW-846 Method 6010B, Inductively Coupled Plasma – Atomic Emission Spectrometry, that requires the laboratory discontinue the sample analysis if the initial calibration verification (ICV) or continuing calibration verification (CCV) cannot be verified as required. CWMI discontinued using its laboratory until the calibration problem was corrected. California's Environmental Laboratory Accreditation Program (ELAP) recertified the laboratory on 10 January 2011.

Comments regarding: 1) open containers and improperly marked containers of hazardous waste and 2), failure to properly maintain and operate the facility relating to certain risks or releases were corrected. In reference to the two items, the report referenced contains photos on Pages 10 and 11 showing conditions before and after the problems were corrected.

Regarding the improper diluting of hazardous waste; US EPA was referring to the possibility of improperly diluting leachate, not hazardous waste, with rainwater. The report stated that: "During the February 2010 inspection, EPA inspectors informed representatives that the accumulation of liquid from various sources in the leachate collection tank suggested improper dilution of leachate."

The DTSC fine of \$46,000 relates to the PCB Flushing and Storage Unit and is an administrative item in the DTSC permit and was resolved.

VI. Incomplete Administrative Record

Greenaction and El Pueblo assert the lack of a "complete administrative record regarding the Bioreactor..." Concerns were also stated regarding the fact that hazardous wastes are contained within landfill B-19. A complete administrative record has always been in the facility files maintained at the Central Valley Water Board Fresno office.

Landfill B-19 was originally constructed and permitted as a Class I hazardous waste landfill. As described previously in V., following the waste slope failure after approximately one year of waste disposal operation, the hazardous wastes were moved to waste cells in the south end of B-19. Additional hazardous waste was discharged until 1992 when disposal into B-19 ceased

and a temporary HDPE synthetic cover was placed over the hazardous waste. In 1998, the Board adopted WDRs No. 98-058, in part describing the reconstruction of landfill B-19 as a Class II/III landfill. A separation liner final closure system was constructed in phases, eventually enclosing the hazardous waste. Following partial reconstruction of the liner system of the northern portion of B-19, non-hazardous municipal solid waste was placed into the unit. The bioreactor project began operation with the addition of non-hazardous liquids into the waste in 2008.

The separation liner closure system precludes leachate from the Class II/III portion of Landfill B-19 from migrating through the hazardous waste portion of the landfill. The separation liner system consists of (from top to bottom): 2 feet of soil operations layer, a geocomposite drainage layer, 60-mil textured HDPE synthetic liner, and 1-foot thick foundation layer, which separates the overlying Class II/III nonhazardous waste (Landfill B-19 Phase IA and Control Unit) from the underlying hazardous waste (Landfill B-19 Phases IB, 2, and 3). The separation liner construction was approved by both the DTSC and the Central Valley Water Board.

Since operation of the Bioreactor Project began with liquid additions on 15 September 2008, most of the approximately 3,000,000 gallons of supplemental nonhazardous liquids added to the bioreactor to increase waste decomposition have been absorbed by the municipal waste, as indicated by the volume of leachate collected. The volume of leachate collected from the bioreactor primary LCRS sump during the three years of bioreactor operation is the same as was collected during the three-year period prior to liquids being added to the bioreactor.

Since no liquid is added to the Control Unit of Landfill B-19, it is unlikely that the liquids observed in the Landfill B-19 IB primary sump below the Separation Liner previously mentioned are from the bioreactor. In addition, there is only a thin wedge of municipal solid waste over the Separation Liner over Phases 2 and 3 of Landfill B-19 where no liquids are added. During the three-year period of bioreactor operation, 7,218 gallons of leachate has been collected from the primary Leachate Collection and Recovery System (LCRS) sumps that lie below the Separation Liner. Leachate collected from the corresponding secondary LCRS sumps (28,142 gallons) is over three times as much as collected from the primary sumps. This leachate appears to be from construction water which continues to be squeezed out of the clay liners from waste loading. Waste loading increases the pore pressure in the clay to the point where the excess construction water used during clay liner construction is expelled to the sumps.

Approximately 626 gallons of liquids have been collected from the four Landfill B-19 vadose zone sumps that are below the landfill's primary and secondary LCRSs. This liquid is also attributable to construction water squeezed out of the clay liners as discussed above.

VII. Violation of Civil Rights of Low-Income, Latino and Spanish-speaking Kettleman City residents

Greenaction and El Pueblo stated that "the Water Board/Cal EPA cannot take actions such as permit decisions that would have a discriminatory and disproportionate impact on protected populations", and to "reject the permit due to the discriminatory and disproportionate impact the Bioreactor's operation would have on the low-income, people of color and Spanish-speaking residents."

The comments do not explain how adoption of the Tentative Order would have a discriminatory and disproportionate impact on the residents of Kettleman City or Avenal. The Tentative Order simply modifies a Prohibition in the current WDRs so that the necessary supplemental non-hazardous liquids can be added to the bioreactor for an additional three-year period. Liquids have been added to the bioreactor for approximately three years with no violations and no adverse impacts.

As noted above, to ensure that interested parties can participate in public meetings, the Central Valley Water Board notifies interested parties several weeks before the Board meeting date, gives interested parties adequate time to view files, respond in writing, holds the Board meetings at a central location within the Region and gives interested persons a chance to express their views at the public meeting.

Summary

The Tentative Order for CMWI's Bioreactor Project at the KHF is intended to modify one Prohibition in WDRs Order No. R5-2006-0122, thus allowing the addition of supplemental non-hazardous liquids to the bioreactor for a second three-year period. Liquids have been added to the bioreactor since September 2008. During this period, there have been no violations of the WDRs and monitoring has not detected any groundwater impacts.

The violations cited in the comments were issued by the US EPA and the DTSC and do not relate to the operation of the Landfill B-19 Bioreactor Project. The Tentative Order relates to the B-19 RD&D project only.

The 27 June 2011 comments received do not justify removal of the Tentative Order from consideration at the Board's August 2011 meeting.