
Central Valley Regional Water Quality Control Board

2 May 2013

Ms. Becky Wood
Environmental Health & Safety Manager
Teichert Materials
3500 American River Drive
Sacramento, California 95864-5802

RESPONSE TO COMMENTS, TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR FLORIN PERKINS LANDFILL, SACRAMENTO COUNTY

Central Valley Water Board permitting staff reviewed your 22 April 2013 comments (copy of letter enclosed) regarding the above-referenced tentative waste discharge requirements (WDRs) for the Florin Perkins Landfill. The subject tentative WDRs are scheduled for consideration at the Water Board's 30 and 31 May 2013 meeting. This letter provides Water Board staff's response to your comments. Each of your comments is summarized below followed by staff's response to the comments

Comment 1

Teichert's Aspen I monitoring wells (i.e., MWs-1, 2 and 3) east and southeast of the site should not be considered part of the compliance monitoring well network for the landfill. Although Teichert has been voluntarily monitoring these wells for the past 10 years and sharing the data with the Discharger and Central Valley Water Board, Teichert plans to decommission the wells in the near future. The wells will therefore not be available for monitoring. The Discharger's corrective action and closure measures should be monitored within its own property boundaries.

Response – Provision I.7.iii of the WDRs requires that the Discharger submit a contingency plan to address the contingency described in your comment. Assuming that there are feasible onsite alternatives to the Teichert wells and that staff approves of the contingency plan, the monitoring program could be updated to reflect such change such as the installation of a replacement well. In the event there are no feasible onsite alternatives to one or more of the Teichert wells, the Board would encourage the Discharger and offsite property owner to come to an agreement regarding offsite access. A sample letter issued to an offsite owner on another project is enclosed as an example for your reference.

Comment 2

The time schedule in the tentative WDRs for implementation of closure and corrective action is stretched out too long. The Southern and Eastern Fill Areas will not be closed until 2016 and 2022, respectively. . . . Teichert requests prompt implementation of closure and corrective action controls to mitigate against the landfill impacting the beneficial uses of the adjacent property.

Teichert also requests that postclosure maintenance activities at each of the fill areas be started no later than completion of closure activities at each of the fill areas.

Response – Title 27 prescriptive requirements do not generally apply to an unclassified waste management unit. The WDRs selectively implement Title 27 based on the need for corrective action as indicated by existing impacts and threat to water quality. Landfill closure and gas controls are therefore required as corrective action measures, not prescriptive requirements under Title 27. The monitoring data indicates that the groundwater impacts at the site are relatively low compared to a classified landfill. For example, no VOCs have been detected down gradient of the Eastern Fill Area. One pollutant, Freon 11, has been detected down gradient of the Northern Fill area, but at low concentrations (i.e., <5 µg/L) compared to drinking water standards (i.e., 150 µg/L California MCL). Slightly higher VOC concentrations have been detected down gradient of the Southern Fill Area, but still well below drinking water standards. Landfill gas concentrations detected in the vapor probes at the landfill units are also generally low compared to a Class III landfill and no landfill gas has been detected in the Northern and Eastern Fill area perimeter probes. The due dates in the WDRs for implementation of closure and corrective action are therefore reasonable based on the threat to water quality and groundwater impacts indicated by current monitoring data.

The WDRs require that the Discharger submit an updated Final Closure and Postclosure Maintenance Plan, which, if not already in the plan, will be required to include initiation of postclosure maintenance at each unit immediately after each unit is closed.

Comment 3

Teichert requests early installation of passive landfill gas vents in the Eastern Fill Area . . . to inhibit lateral migration of landfill gas onto the adjacent property.

Response -- Same as response to Comment 2. Also, Corrective Action Specification C.1 of the WDRs requires that landfill gas be adequately controlled to prevent the danger of adverse health effects, nuisance conditions, or the impairment of the beneficial uses of surface water or groundwater due to migration through the unsaturated zone. The WDRs also incorporate the Discharger's Landfill Gas Monitoring and Control Plan (LGMCP) and require that the LGMCP be updated to reflect the requirements in the WDRs. The updated LGMCP will therefore need to address Corrective Action Specification C.1.

Comment 4

Teichert requests that language in Finding 17 referring to the capacity of adjacent quarry pit areas to buffer 100-year flood flows be clarified so as not to include quarry pits on Teichert's property.

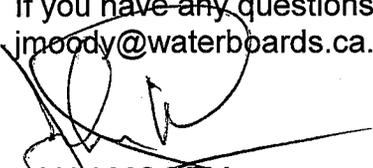
Response -- The word "adjacent" has been removed and replaced with "onsite" to make this point clear.

Staff hopes that the above responses adequately address your concerns regarding the tentative WDRs for the Florin Perkins Landfill. Please note that the agenda package for the May Board meeting, including your comments and staff's responses to those

comments, will also be posted on the Water Board's website at the following link:

http://www.waterboards.ca.gov/centralvalley/board_info/meetings/#2013

If you have any questions, please feel free to contact me at (916) 464-4641 or by email at jmoody@waterboards.ca.gov.



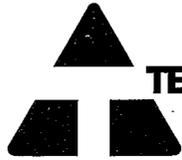
JOHN MOODY

Water Resources Control Engineer
Title 27 Permitting and Mines

Enclosures

1. Copy of 22 April 2013 Teichert letter
2. Copy of letter re-offsite access

cc: John Boss, Consultant, Fair Oaks



TEICHERT MATERIALS

RECEIVED
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CVRWQCB

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April 22, 2013

Mr. John Moody
Water Resources Control Engineer
Title 27 Permitting Unit
California Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

Re: Tentative Revised Waste Discharge Requirements (Tentative WDRs) for Florin Perkins Landfill, issued March 20, 2013

Dear Mr. Moody:

Teichert Land Co (TLC) is the property owner immediately east of the closed Florin Perkins Landfill (FPL). Based upon a Final Closure Plan, Evaluation Monitoring Program and other evaluations submitted by the owners of FPL to the RWQCB, Tentative Revised Waste Discharge Requirements (Tentative WDRs) have been issued by the RWQCB (March 20, 2013) for public comment. The owners of FPL are named as the Discharger under the Tentative WDRs. TLC has reviewed the Tentative WDRs and relevant documents issued in association with the WDRs and has the following comments:

1. Since 2002 TLC has been periodically monitoring three groundwater monitoring wells located just east of FPL, results of which have been shared with the RWQCB and FPL, as referred to in the Monitoring and Reporting Program for the Tentative WDRs as Aspen I MW-1, Aspen I MW-2 and Aspen I MW-3. (See MRP § A.1., pp. 2-3, and related references in Order Provision I.7, p. 29.) Although TLC installed these monitoring wells on its own property, has been monitoring these over a period of about 10 years, and has been voluntarily sharing monitoring results with the RWQCB and the owners of FPL, it is TLC's intent to cease monitoring of these three wells and perform appropriate decommissioning of these wells in the near future. These wells should not be considered part of FPL's compliance well network. FPL has proposed a Corrective Action Program (CAP) and Final Closure Plan (FCP) to be implemented as part of the Tentative WDRs issued March 20, 2013. TLC is of the opinion that monitoring to determine success of the proposed CAP and FCP should be performed by FPL within its own property boundaries. Therefore, these three monitoring wells will not be available for inclusion in the FPL Monitoring Network.
2. TLC has development plans for the Aspen I property located immediately east of FPL which have been submitted to the appropriate land use approval agencies, and are significantly advanced in receipt of development entitlements. TLC is concerned about the significantly extended time frame included within the Tentative WDRs for implementation of corrective action and closure activities for the Southern and Eastern Fill Areas. Final cover is not scheduled for completion until 10/15/16 for the Southern Fill Area and 10/15/20 for the Eastern Fill Area. Long-term Landfill Gas Controls and Side-slope re-grading for the Eastern Fill area are not scheduled for completion until 10/15/22. TLC is of the opinion that the schedule for Corrective Action and Final Closure should not be stretched out to this extent, given the fact that the landfill has not been active since 2005. We note that the RWQCB originally recommended a closure

schedule of three years in its August 15, 2012 comment letter. A more appropriate schedule should be based on the need to minimize and control health, safety, and nuisance issues as soon as possible as they may impact neighboring properties. To that end, TLC requests prompt implementation of closure and corrective action controls to mitigate against the FPL impacting the beneficial use of adjacent property. TLC requests that post-closure maintenance activities for each of the fill areas be started no later than the completion of final cover construction, side-slope re-grading, installation of drainage controls, and placement of erosion and dust control vegetation for each of the three fill areas.

3. TLC requests early installation of passive gas vents in the Eastern Fill Area to allow timely determination by the RWQCB and the Sacramento County Environmental Management Department (EMD) that the location, spacing and number of vents is sufficient to provide source removal of landfill gas from that fill area to inhibit lateral migration of landfill gas onto the adjacent property. This work should be expedited to ensure that the EMD will view landfill gas as not presenting a health risk to beneficial uses of adjacent property. The WDR schedule should require work to promptly remove any burdens posed on adjacent property by any existing data, or uncertainties or questions as to the potential for migration.
4. Finding 17 refers to the southern buffer area and the south and east margins of the landfill outside of a levee-protected area, and provides, "The Discharger is not proposing any additional flood control measures for those areas given that the surface elevation of the landfill will be raised up to three feet by closure construction and the likelihood that adjacent quarry pit areas would provide sufficient water storage capacity to buffer 100-year flood flows in the area not protected by levee." TLC requests assurances that the "adjacent quarry pit areas" do not include areas on the TLC property located to the east.

TLC would sincerely appreciate your acting upon our comments and revising relevant portions of the Tentative Revised Waste Discharge Requirements to reflect our comments.

As an adjacent property owner affected by FPL and its closure process, TLC requires copies of all pertinent reports, correspondence and permit documents generated by either the RWQCB or FPL.

Correspondence and notices should be directed to me at:

Becky Wood
Environmental, Health & Safety Manager
Teichert All
3500 American River Drive, Sacramento, CA 95864

We thank you in advance for your incorporation of the revisions to the Tentative WDRs requested above. Please contact me at BWood@teichert.com if you have any questions or desire further clarification.

Sincerely,



Becky Wood, Environmental, Health & Safety Manager
Teichert Materials

CC: Ms. Nancy Cleavinger, Florin Perkins Landfill
Mr. John Lewis, Sacramento County Environmental Health Department



California Regional Water Quality Control Board

Central Valley Region

Robert Schneider, Chair



Gray Davis
Governor

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Secretary for
Environmental
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FILE

File
Lincoln Landfill
Case No 170
Placer Co

13 April 2001

Mr. Richard Ryan
Roseville Legal Center
108 Main Street
Roseville, CA 95678

Approval	
Author	RDB
Senior	JW

PROPERTY ACCESS, LINCOLN LANDFILL, PLACER COUNTY

In response to requests from Board staff, the City of Lincoln (city) and its consultants are investigating groundwater contamination beneath and adjacent to the closed Lincoln Landfill. Currently their consultant is preparing an Engineering Feasibility Study (EFS) for corrective action. To complete the EFS and to conduct quarterly groundwater monitoring as required by Waste Discharge Requirements Order No. 91-059, groundwater samples need to be obtained from Monitoring Well MW-7 which is located immediately south of the landfill on your property. The information from this well is necessary to determine the groundwater gradient and the extent of potential groundwater contamination before the city can fully assess potential remedial measures.

Under the California Water Code Sections 13267 and 13304, all persons owning property underlain by contaminated groundwater may be held responsible for investigation and remediation of the contamination. Generally, the Board has exercised its discretion to hold responsible only persons who own the land that was the source of pollution, and not landowners whose land sits over the plume. Nonetheless, it is common that those persons remediating sites require access to adjacent land to complete their investigation and remediation.

Where access to adjacent land is required, the Board encourages the responsible party and the adjacent landowners to come to agreement regarding access. This agreement may include indemnity clauses and payments. In my recent conversation with Mr. James McLeod of the City of Lincoln, you have revoked access onto your property. It is my understanding that an access agreement has not been made. The offsite investigation of the city's groundwater contamination is being delayed and required quarterly groundwater monitoring of Monitoring Well MW-7 is not being conducted due to problems in securing property access agreements.

The investigation of this site must proceed in a timely manner and groundwater samples must be obtained from Monitoring Well MW-7 on a quarterly basis. While we prefer that both parties come to a mutual agreement on access, we will intervene if necessary. We request that you and the city make all attempts to reach a successful conclusion. As described in the attached letters, the access limitations have delayed the progress of the EFS. If there is no agreement and the

California Environmental Protection Agency



investigation is delayed further, we will consider issuing orders for investigations and remediation to you.

Please inform us by **27 April 2001** of your intentions to provide access for this investigation. If you have any questions, I can be reached at (916) 255-3136.

ROBERT D. BUSBY
Associate Engineering Geologist
Waste Discharge to Land Unit

Enclosure

cc: Ms. Frances McChesney, Office of Chief Council, SWRCB, Sacramento
Mr. Jacque Graber, California Integrated Waste Management Board, Sacramento
Mr. David Altman, Placer County Department of Environmental Health, Auburn
Mr. James McLeod, City of Lincoln, Lincoln
Mr. Richard Walls, Anderson Consulting Group, Roseville