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From: Andee Leisy <ALEisy@rmmenvirolaw.com>
Sent: Tuesday, November 12, 2013 9:42 AM
To: Hubbard, Dean@Waterboards
Cc: 'Bob Henry'; 'Paul Turek'; Matthew Tabarangao
Subject: Re: CWMI Comment Letter on Revised Draft WDRs
Attachments: CWMI Letter re. WDRs (00232418xB0A85).pdf

Mr. Hubbard,

Please find attached a comment letter on behalf of our client Chemical Waste Management, Inc. on the Tentative Revised Draft WDRs. Please email me back to confirm your timely receipt of this letter.

Thank you for your consideration and please let me know if you have any immediate questions.

Andrea K. Leisy
Attorney

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November 12, 2013

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VIA ELECTRONIC & REGULAR MAIL
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NOV 14 2013

Dean Hubbard
Central Valley Regional Water Quality Control Board
1685 E Street
Fresno, CA 93706

RWQCB-CVR
FRESNO, CALIF.

Re: Tentative Order Revising Waste Discharge Requirements Order No. 98-058 (Order R5-2013-XXXX) for the Chemical Waste Management, Inc., Kettleman Hills Facility

Dear Mr. Hubbard:

On behalf of our client Chemical Waste Management, Inc. ("CWMI"), we submit the following comments on the above-referenced Tentative Order Revising Waste Discharge Requirements ("Tentative WDRs Order"), associated Attachments, and the Tentative Monitoring and Reporting Program ("Tentative MRP") for the Kettleman Hills Facility ("KHF").

For ease of review, our comments are presented in numerical order noting the page number and section of the Tentative WDRs Order, the Tentative MRP, or the related Attachments; the language in question; and the suggested revisions. Language proposed to be added is shown in underline, and language suggested for deletion is shown in ~~strikeout~~ format. Our comments are as follows:

TENTATIVE WDRs ORDER

Pages 1-2:

Finding 7 should be revised as follows:

- 7. In January 2010, Governor Arnold Schwarzenegger directed the California Environmental Protection Agency (CalEPA) and the California Department of Public Health (CDPH) 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. Kettleman City community members had raised concerns about birth defects and questioned whether there was a potential link to the Kettleman Hills hazardous waste disposal facility or other environmental exposures. A report, *Investigation of Birth Defects and*

Community Exposures in Kettleman City, CA, dated December 2010 found that the levels of pollutants in the air, water, and soil of Kettleman City were comparable to those found in other San Joaquin Valley communities. CalEPA and CDPH found no link between health risks, including birth defects, to Kettleman City residents and the Kettleman Hills Facility. CalEPA and CDPH also did not find a specific cause or environmental exposure that would explain the increase in the number of children born with birth defects. CDPH nevertheless committed to continued monitoring of birth defects in Kettleman City and investigation of water treatment options to ensure a sustainable solution to bring drinking water into compliance with all drinking water standards, including arsenic, among other commitments.

Comment:

The above revisions clarify the question asked by some Kettleman City residents; namely, whether there was a potential "link" between ongoing activities at KHF and the birth defects in Kettleman City. The additional language also reflects the results of the investigations by the CDPH and CalEPA which did not find a specific common cause of the birth defects in Kettleman City, but concluded KHF did not contribute to environmental contamination in the town. Specifically, the agencies concluded:

Air tests found no link between the Kettleman Hills Hazardous Waste Facility and environmental contamination in the town. The ground beneath the facility diverts water away from the town, so wastewater from the facility cannot affect the wells that supply the town's drinking water.

(See CDPH "Fact Sheet About the Kettleman City Investigation," Nov. 2010, <http://www.cdph.ca.gov/Documents/KettlemanCityReportFactsheetEnglish.pdf>; see also *Investigation of Birth Defects and Community Exposures in Kettleman City, CA* (December 2010), pp. 4, 6-7.)

Page 3:

Finding 17 should be revised as follows:

17. The San Joaquin Formation on the northeast side of the North Dome dips 25 to 30 degrees to the northeast, plunging beneath the San Joaquin Valley. Erosion of the central portion of the North Dome has removed the San Joaquin Formation between the KHF and the San Joaquin Valley, including the Kettleman City area. The erosion has formed a gap that separates the beds in the San Joaquin Formation on the west side of the anticline (near KHF) from those on the east side of the anticline (toward Kettleman City). This gap prevents eastward hydraulic communication through the beds of the San Joaquin Formation.

Comment:

The above revision emphasizes the importance of the unique geologic formation below KHF and, specifically, the gap which isolates groundwater in the San Joaquin Formation below KHF from other water supply aquifers in the San Joaquin Valley. This added text is similar to that previously included in paragraph 27 of WDRs No. 98-058. Such additional language also maintains consistency with Finding 26 on page 4, which refers back to the "isolation" described, but otherwise missing, in Finding 17 as drafted.

Page 4:

Finding 24 should be revised as follows:

24. Approximately two miles west of the KHF, wells in the Kettleman Plain are used for stock watering, irrigation, and domestic water supply. These wells produce groundwater (TDS ranging from 1,090 to 2,480 mg/L) from the alluvium from depths of 200 to 1,000 feet bgs. The San Joaquin Formation dips 25 to 35 degrees to the southwest of the KHF, plunging several thousand feet below the Kettleman Plain. Several hundred feet of claystone and siltstone interbeds isolate the deeper groundwater contained in the San Joaquin Formation from the groundwater contained in the alluvium.

Comment:

The revision above explains the origin of the hydraulic isolation. Similar language was previously included in paragraph 26 of WDRs No. 98-058. Such additional language is important to emphasize the groundwater isolation. Its inclusion would also maintain consistency with Finding 26 which refers to the "isolation" described in Finding 17 which is otherwise lacking as noted above.

Page 4:

Finding 27 should be deleted:

- ~~27. The TDS concentrations in two drinking water wells serving Kettleman City range from 573 to 907 mg/L. Benzene concentrations in groundwater samples range from non-detect to 61 micrograms per liter (µg/L), and arsenic concentrations range from 2 to 20 µg/L. Treatment removes elevated concentrations of benzene in the wells before the chemical reaches homes. A third well serves the Kettleman City elementary school and, based on well construction and screen interval, produces water from a different groundwater zone, and requires only chlorination treatment. Regulatory agencies will continue efforts to reduce arsenic levels in the drinking water, either through an alternative water source or through improved treatment. The local water~~

~~district is analyzing options to bring drinking water into compliance with drinking water standards.~~

Comment:

CWMI requests deletion of Finding 27 because it is irrelevant to the KHF. As explained in Findings 17 and 24, the groundwater below KHF is isolated from any other potable or non-potable groundwater source, including groundwater used by residents of Kettleman City. It is therefore unnecessary to include Finding 27 and, to do so, implies a hydrologic connectivity that does not exist.

Alternatively, if the CVRWQCB decides not to delete this finding as irrelevant to the KHF, CWMI requests that the following additional language be provided to the finding as noted below:

27. The TDS concentrations in two drinking water wells serving Kettleman City range from 573 to 907 mg/L. Benzene concentrations in groundwater samples range from non-detect to 61 micrograms per liter ($\mu\text{g/L}$), and arsenic concentrations range from 2 to 20 $\mu\text{g/L}$. Treatment removes elevated concentrations of benzene in the wells before the chemical reaches homes. A third well serves the Kettleman City elementary school and, based on well construction and screen interval, produces water from a different groundwater zone, and requires only chlorination treatment. Regulatory agencies will continue efforts to reduce arsenic levels in the drinking water, either through an alternative water source or through improved treatment. The local water district is analyzing options to bring drinking water into compliance with drinking water standards. As presented in Finding 17, groundwater in the San Joaquin Formation below the KHF is isolated from the water supply aquifers in the San Joaquin Valley.

Page 6:

Finding 33 should be revised as follows:

33. The Phase III Expansion is a vertical expansion of the side slope, with the liner detail as shown on Attachment D. The liner system will consist of (from bottom to top):
- a 3-foot thick clay liner compacted to achieve a hydraulic conductivity of 1×10^{-7} cm/sec or less
 - a 60-mil HDPE geomembrane (textured on both sides)
 - a double-sided geocomposite drainage layer
 - a 60-mil HDPE geomembrane (textured on both sides)
 - a double-sided geocomposite drainage layer

- a 40-mil smooth HDPE protective geomembrane, that is removed and replaced with the operations layer as the waste elevation increases
- a two-foot thick soil operations layer.

Comment:

In order to be consistent with the engineering and design report for the site, the above revision is intended to clarify that a 40-mil HDPE geomembrane will also be used until it is replaced with the operations layer.

Pages 7-8:

Finding 44 should be revised as follows:

44. Groundwater impacts from the previous operation of permitted unlined surface impoundments P-9, P-12/12A, and P-18 remain several thousand feet within the KHF property boundary. Surface Impoundment P-9 has been retrofitted with a double liner system that exceeds Chapter 15 requirements. Former Surface Impoundments P-12/12A and P-18 were closed in June 1997 and June 1989, respectively. The areal extent of the impacts is about three acres and has not increased in size during the past 25 years. Water-bearing sandstone zone(s) containing the impacts dip ~~to the southwest of~~ below the KHF away from the Kettleman City Area. ~~, opposite of, and d~~Due to erosion, water bearing sandstone zone(s) below the KHF are geologically and hydrologically isolated from the groundwater aquifers in the area of Kettleman City ~~to the east,~~ as described in Findings 17 and 18.

Comment:

The above revisions are provided to clarify what CWMI believes is the intent of Finding 44.

Page 8:

Finding 47 should be revised as follows:

47. The cover system described in Finding No. 46 is similar to the approved closure systems that were constructed over the Combined Closure Area, Landfill B-13, Landfill B-16, and the closed Class I portion of Landfill B-19 ~~beyond the Class II/III waste disposal limits~~ (see Attachment B). Other Class I WMUs were closed in accordance with approved closure plans.

Comment:

The revisions above are provided to clarify that the entire Class I portion of Landfill B-19 has been closed, not just a portion beyond the Class II/III waste disposal limits. Closure activities were completed in phases, including partial closure activities completed in February 1999. Final closure and stability berm completion was on December 22, 2006. The "Construction Quality Assurance Report Landfill B-19 Class I Final Closure, Stability Berm and Drainage, 2006 Construction" was finalized on May 17, 2010, with CVRWQCB concurrence issued July 15, 2010.

Page 8:

Finding 50 should be revised as follows:

50. To fulfill requirements imposed by the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), the Kings County Community Development Agency Planning Department approved-prepared and certified an Environmental Impact Report (EIR) in October 1985 for the construction and operation of three Class I WMUs at the KHF in January 1986. Because the previously permitted hazardous disposal operations at the KHF B-18 Landfill were evaluated in the 1985 EIR, Kings County determined that preparation of a Subsequent EIR (SEIR) was required for its consideration of the B-18/B-20 Hazardous Waste Disposal Project. In conjunction with its approval of Conditional Use Permit (CUP) No. 05-10 for the B-18/B-20 Hazardous Waste Disposal Project, Kings County adopted-certified a Final Subsequent Environmental Impact Report (Final SEIR) on 22 December 2009 and filed a Notice of Determination for the B-18/B-20 Hazardous Waste Disposal Project on 2224 December 2009. The Final SEIR consists of the Draft SEIR, the Revised Project Description and Analysis (May 2008), and the Recirculated Portions of the Draft SEIR (May 2009); copies of the comments received on all three documents; a list of the persons, organizations and public agencies who commented; responses of the Kings County Community Development Agency, as the Lead Agency, to the significant environmental points raised in the review and consultation process; and other information added by the Kings County Community Development Agency, as the Lead Agency. The Central Valley Water Board, acting as a responsible agency, was consulted during the development of these documents, and provided comments on them Final SEIR dated on 17 June 2008 and 18 June 2009.

Comment:

The revisions above are provided to clarify the CEQA process for the B-18/B-20 Hazardous Waste Disposal Project.

Page 10:

The order proclamation should be revised as follows:

IT IS HEREBY ORDERED that WDRs Order 98-058 is rescinded ~~except for the purposes of enforcement,~~ and that pursuant to Water Code sections 13263 and 13267, Chemical Waste Management, Inc., its agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the Water Code and the regulations adopted thereunder, shall comply with the following:

Comment:

It is unclear how WDRs Order 98-058 could be subject to future enforcement if the proposed Order is adopted and rescinds 98-058. CWMI therefor requests that this language be deleted. Alternatively, it could be clarified as follows to state that the prior order remains effective only with respect to prior violations: "IT IS HEREBY ORDERED that WDRs Order 98-058 is rescinded except for the purposes of enforcement of violations occurring prior to the Effective Date of this Order . . .". We believe that is the intent of the language. If not, please clarify.

Page 11:

Discharge Specification No. 5 should be revised as follows:

5. The Discharger shall ~~immediately~~ notify the Executive Officer (within 24-hours) of any flooding, unpermitted discharge of waste off-site, equipment failure, slope failure, or other change in site conditions that ~~could impair~~ the integrity of waste or leachate containment facilities or precipitation and drainage control structures.

Comment:

CWMI requests inclusion of a 24-hour notice requirement to provide certainty as to how much time is allowed for notification. Similarly, because what "could" impair integrity is subject to interpretation and vague, CWMI requests the above deletion and revision. CWMI also requests guidance from the CVRWQCB, in the form of a response to this comment, in order to better ensure future compliance.

Page 13:

D. Leachate Collection and Removal System Specifications No. 1 should be revised as follows:

1. LCRSs shall be designed, constructed, and maintained to ensure that fluid accumulation does not reach the "compliance level," identified in Title 22 of the

California Code of Regulations as the level at which one foot of leachate has accumulated over the liner system. ~~prevent the buildup of hydraulic head on the liner~~ If a compliance level is exceeded ~~hydraulic head occurs on any portion of the liner~~, the Discharger shall immediately (within 24 hours) notify the Central Valley Water Board staff and provide a written notification within seven days. The written notification shall include a timetable for implementing corrective action measures necessary to lower fluid levels to less than the compliance level ~~eliminate the hydraulic head.~~

Comment:

Due to the nature of waste accepted at Class I/II facilities, which have less liquids than Class III landfills, it is unlikely for leachate depths to reach one foot over the liner. The proposed revisions nevertheless clarify the specification to refer to the requirements of California Code of Regulations, title 22 section 66264.301, subdivision (a)(2) [Design and Operating Requirements]. CWMI understands these sections to contain the adopted regulatory reporting requirements applicable to the Project.

Title 22 section 66264.301, subdivision (a)(2), also requires a leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill with leachate depth over the liner unable to exceed 30 cm (one foot). CWMI therefore requests that this specification be revised as noted.

Page 17:

Provision No. 14 should be revised as follows:

5. The Discharger shall maintain WMUs and their associated LCRS and storm water drainage systems, storm water retention basins, unsaturated zone and groundwater monitoring systems, interim covers, and final covers during the operation, closure, and post-closure maintenance periods as specified in this Order and in the Monitoring and Reporting Program. Central Valley Water Board staff shall be ~~immediately~~ notified (within 24 hours) of any flooding, equipment failure, slope failure, fire, explosion, earthquake damage, accident, leachate seepage, or gas release that ~~could~~ cause the failure of any portion of the WMU and its related facilities, potentially threatening water quality.

Comment:

Similar to Discharge Specification No. 5, CWMI believes this condition is too vague as worded for CWMI to know how to comply. As currently worded, the condition requires CWMI to immediately notify the Executive Officer of any event that has the possibility of causing ("could cause") a failure that might threaten water quality. CWMI therefore

requests that the proposed revisions be adopted or, at the very least, that the CVRWQCB provide guidance as to who this specification should be interpreted.

CWMI provides the additional following comments on the:

TENTATIVE MONITORING AND REPORTING PROGRAM R5-2013- XXX

Page 1:

Introduction, first paragraph should be revised as follows:

Compliance with this Monitoring and Reporting Program (MRP), with Chapter 15, and with applicable portions of the Standard Provisions and Reporting Requirements dated September 1993 for Class I Waste Management Units (WMUs) is ordered by Waste Discharge Requirements (WDRs) Order No. R5-2013-_____.

Failure to comply with this MRP, or with applicable portions of the Standard Provisions and Reporting Requirements

Comment:

The underlined language was added to make this paragraph consistent with Provision 3 on page 15, Section H of the Tentative WDRs Order which states:

3. The Discharger shall comply with the applicable portions of the September 1993 Standard Provisions and Reporting Requirements (SPRR) for WDRs for discharges regulated by Chapter 15. The SPRR is incorporated into and made part of this Order. (emphasis added.)

Application of the MRP and approved Site-Specific Groundwater Monitoring Plan would supersede the SPRR, and so only portions of the SPRRs would apply.

Page 1:

Section A, Required Reports, Item 5(b) should be revised as follows:

5. Leachate Collection and Removal System Monitoring (Section D.3)
 - a. LCRS Fluid Levels (Section D.3) Monthly
 - b. Constituents of Concern (Section D.3) **Quarterly²/Annually**
 - c. Integrity Testing (Section D.3.a) Annually

² ~~Quarterly the first four quarters after waste placement in the B-18 Phase III Expansion WMU begins.~~

Comment:

CWMI understands this new quarterly reporting requirement is based on a similar requirement contained in DTSC's draft Hazardous Waste Facility Permit (HWFP). In the draft HWFP, "Unit Specific Conditions" No. 8 on page 29 begins "For purposes of waste analysis...". As CWMI has commented to DTSC, "For purposes of waste analysis," and as previously approved by EPA, leachate at KHF is currently analyzed for waste code "F039" constituents as part of the waste analysis plan required by Cal. Code of Regs., title 22, section 66264.13, subdivision (b). The F039 analytical results are reviewed to determine the proper waste treatment, storage and disposal options for F039 leachate.

The WDR/Monitoring and Reporting Program (MRP) "Constituents of Concern" (COC) are therefore a different set of "waste constituents, reaction products and hazardous constituents that are reasonably expected to be in or derived from waste contained in a regulated unit." (See Cal. Code Regs., tit. 22, § 66260.10; see also Titles 23 and 27.) Although COC analytical results are also used in the WDR/MRP leachate and groundwater monitoring programs, that is for a very different purpose (e.g., water quality) rather than for "purposes of waste analysis" and therefore involves very different data sets of analysis. CWMI therefore requested that DTSC delete the inaccurate language. CWMI requested that the condition be revised as follows:

Draft HWFP Page 29:

Part IV, Landfill units B-18 and B-19, Unit Specific Conditions, section 8 should be revised as follows:

For purposes of waste analysis pursuant to Cal. Code of Regs., title 22, section 66264.13, leachate from the Leachate Collection and Removal Systems at the B-18 landfill shall be sampled and analyzed quarterly for a period of one year, ~~for Constituents of Concern as defined in the Monitoring and Reporting Program issued by the Central Valley Regional Water Quality Control Board.~~ Thereafter, leachate sampling and analysis shall be conducted annually. Sampling shall be conducted from the sampling ports at the risers.

As such, the quarterly reporting requirement for purposes of waste analysis in the draft HWFP is inappropriately applied to the COC reporting requirement for the WDR/MRP, and CWMI requests the quarterly requirement be deleted from Item 5(b).

///

Page 2:

Section B, Reporting, Monitoring Report Schedule should be revised as follows:

| <u>Sampling Frequency</u> | <u>Reporting Frequency</u> | <u>Reporting Periods End</u> | <u>Report Date Due</u> |
|---------------------------|--|--|--|
| Monthly | Monthly | Last Day of Month | 30 th day of following month |
| Quarterly | Quarterly | Last Day of each Calendar Quarter | 45th day of the next quarter |
| Semi-annual | 1 st Semi-annual 2 nd Semi-annual | 30 June 31 December | 30 September 31 March |

Comment:

As noted above, the quarterly reporting requirement for purposes of waste analysis in the draft HWFP is inappropriately applied to the COC reporting requirement for the WDR/MRP. As the B-18 one year COC sampling appears to be the only quarterly reporting requirement in the Tentative MRP, CWMI requests the quarterly requirement be deleted from the monitoring report schedule.

Page 4:

Concentration Limits, Item 3(b) should be revised as follows:

The concentration limits for the naturally occurring COCs listed in Table 1 were revised in the September 2002 Revised Groundwater Concentration Limits report. The concentration limits shall be updated as specified in the September 2002 Revised Groundwater Concentration Limits report or, as appropriate, following each COC monitoring event in accordance with the statistical procedure described in the most recent approved version of the SSGWMP.

Comment:

The language above was added to clarify that it is the September 2002 Revised Groundwater Concentration Limits report (or most recent version, thereof) that specifies the timeframe for updating concentration limits. That timeframe considers multiple additional background data points which are more useful than a single data point when updating concentration limits for COCs, the latter being the case if concentrations limits for COCs are updated after each monitoring event. The language pertaining to updating

the concentration limits after each COC monitoring event could therefore be misleading and is the basis for the recommendation to delete such language.

Page 4:

Monitoring, Item 1 (Groundwater), first paragraph should be revised as follows:

1. Groundwater

The Discharger shall submit a revised SSGWMP as required by Provision H.13 in the WDRs. The Discharger shall collect, preserve, and transport groundwater samples semi-annually from wells in the approved groundwater monitoring system. Groundwater sampling, analysis, and statistical and non-statistical data evaluations shall be performed in accordance with the procedures described in the revised SSGWMP.

Comment:

CWMI suggests adding the above timeframe to clarify and be consistent with the Tentative MRP and Reporting requirements for sampling. (See e.g., Tentative MRP, page 1, fn. 1.)

Page 5:

Monitoring, Item 3 (Leachate Collection and Removal Systems) should be revised as follows:

3. Leachate Collection and Removal Systems

The leachate collection and removal system (LCRS) fluid levels shall be inspected daily. For primary LCRSs, the volume of liquid removed shall be measured and reported. For the secondary LCRSs, the volume of liquid removed shall be measured, calculated in gallons per acre per day, and reported. The results of LCRS monitoring shall be reported monthly.

Liquids removed from the LCRSs shall be analyzed ~~quarterly for four consecutive calendar quarters commencing in the quarter following initial placement of waste within the B-18 Phase III Expansion WMU and annually thereafter~~ for the COCs listed in Table 1 of this MRP.

The Discharger shall follow the actions specified in LCRS Specification D.1. contained in the WDRs ~~should any hydraulic head occur on any liner.~~

Comment:

As noted above, the quarterly reporting requirement for purposes of waste analysis in the DTSC draft HWFP is inappropriately applied to the COC reporting requirement for the WDR/MRP. CWMI therefore requests that the quarterly requirement be deleted.

CWMI also requests deletion of "should any hydraulic head occur on any liner" because it is vague. Rather, CWMI requests that the CVRWQCB revise the provision as proposed to be consistent with adopted regulations and CWMI's comment on the Tentative WDRs, page 13 at Item D (LCRS). (See Cal. Code Regs, tit. 23 § 2543, subd. (c); see also tit. 22 § 66264.301, subd. (a)(2) [Design and Operating Requirements].)

Page 6:

Monitoring, Item 3(a) should be revised as follows:

a. Facility Inspection

Annually, prior to 30 September, the Discharger shall submit written certification that the drainage control system; slope conditions; groundwater, ~~surface water~~, and unsaturated zone monitoring equipment; fencing; and visible portions of waste management unit liners ~~and covers~~ have been inspected and any necessary repairs have been completed.

Comment:

The above revisions are intended to clarify that KHF has no surface water monitoring equipment to inspect and that only visible portions of liners can be inspected. The reference to inspection of covers should also be deleted because post-closure cover inspections are addressed in Monitoring, Item 3(b) [Post-Closure Inspection].

Page 10:

Table 1, Constituents of Concern, Item 138 Kepone should be deleted and moved to page 12 under "Pesticides."

Comment:

Kepone is tested by Method 8081A, not Method 8270C, and therefore should be listed in Table 1 under "Pesticides."

Page 11:

Table 1, Constituents of Concern, Item 183 0,0-Diethyl 0-2-pyrazinyl phosphorothioate should be deleted and moved to page 13 under "Organophosphorus Compounds."

Comment:

0,0-Diethyl 0-2-pyrazinyl phosphorothioate, also known as Thionaizin, is tested by Method 8141A, not Method 8270C, and therefore should be listed in Table 1 under "Organophosphorus Compounds."

Page 14:

Table 2, Detection Monitoring Parameters – Class I WMUs, Item 8: Chloroform and Item 24: Methylene Chloride should be deleted from the table.

Comment:

CWMI requests that these common lab contaminants be deleted from the Detection Monitoring Parameters list (Table 2). These items would remain on the COC list (Table 1).

ATTACHMENTS TO TENTATIVE WDRs ORDER

Attachment C:

The Legend should be revised as follows:

CROSS-SECTION
(see ATTACHMENT 4D)

Comment:

The Legend refers the reader to the Cross-Section figure found at "Attachment 4". There is, however, no "Attachment 4" to the Tentative WDRs Order. The Legend should reference "Attachment D".

Attachment D:

The "Phase III Expansion Sideslope Liner Detail" list should be revised as follows:

- a 3-foot thick clay liner compacted to achieve a hydraulic conductivity of 1×10^{-7} cm/sec or less
- a 60-mil HDPE geomembrane (textured on both sides)

Mr. Dean Hubbard
November 12, 2013
Page 15 of 15

- a double-sided geocomposite drainage layer
- a 60-mil HDPE geomembrane (textured on both sides)
- a double-sided geocomposite drainage layer
- a 40-mil smooth HDPE protective geomembrane that is removed and replaced with the operations layer as the waste elevation increases
- a two-foot thick soil operations layer.

Comment:

The above revision is intended to clarify that a 40-mil HDPE geomembrane will also be used until it is replaced with the operations layer. Such change conforms to the change requested for Finding 33 in the Tentative WDRs Order, noted above.

Attachment E:

The Monitoring Well Legend should be revised as follows:

- Soil-moisture Monitoring Wells
(Unsaturated Zone)

Comment:

The reference to Soil-moisture Monitoring Wells in the Monitoring Well Legend should specify that such wells are for monitoring in the unsaturated zone.

* * * *

Thank you in advance for your consideration of our client's comments and concerns. We appreciate the opportunity to make suggestions to facilitate the final revised WDR process.

Very truly yours,



Andrea K. Leisy