

August 18, 2014

Mr. Daniel L. Carlson, Senior Engineering Geologist
California Regional Water Quality Control Board
Central Valley Region (RWQCB)
1685 "E" Street
Fresno, CA 93706

SUBJECT: COMMENTS TO TENTATIVE WDRS
HIGHWAY 59 LANDFILL, MERCED COUNTY

Dear Mr. Carlson:

Listed below are comments/recommendations concerning the tentative WDRs and Monitoring and Reporting Program No. R5-2014-XXXX for the Highway 59 Landfill. Comments/recommendations are listed by WDR paragraph number and highlighted in red.

2. The Facility is on a 609-acre property at 7040 N. State Highway 59, Merced. The Facility contains four closed unlined Class III waste management units (Phases 1 to 4) covering a total of approximately 89 acres, one single-composite lined Class III unit (Phase 5) covering 25 acres, one single-composite lined Class III unit (Phase 6) covering 140 acres, two Class II surface impoundments, and three storm water retention basins. The existing and future permitted landfill area is shown in Attachment B, which is incorporated herein and made part of this Order by reference. The Facility is comprised of Assessor's Parcel Numbers (APN) 052-150-004, 052-070-006, and 052-150-006.

Add parcel numbers 052-160-033 and 052-160-35 to item #2. They are the two most southern parcels that make up the 609 acre property. A parcel map is available upon request.

17. The Facility has two Class II surface impoundments for the management and collection of leachate. The first Class II surface impoundment (SI-1) is located at the southwest-southeast corner of the Phase 5 landfill area, and stores leachate from that unit.
18. A pan lysimeter is installed beneath the centerline of surface impoundment SI-1. In addition, two suction lysimeters are installed beneath two opposing slopes of the surface impoundment. These devices served as the vadose zone monitoring system for the Class II surface impoundment. The two suction lysimeters are no longer functional and cannot be sampled. The pan lysimeter (PL-1) sampling point lies 12 to 15 feet deep in a vault. The atmosphere within this vault is methane and CO₂ which -requires a three member level A hazmat team in order to sample. MW-20A was constructed as the detection monitoring well for SI-1. The Authority requests that the monitoring requirement for PL-1, and SL-1 and SL2

be discontinued. If the Central Valley Regional Water Quality Control Board wishes to continue requiring the monitoring of PL-1, the Authority requests monitoring be waived for 18 months. During that time the Authority will submit redesign proposal to the CVRWQCB and upon approval complete the modifications.

67. The original landfill, including Phases 1 to ~~45~~, was opened and operating in 1973 and is categorized as an “existing facility.” The action of prescribing WDRs for an existing facility is exempt from the provisions of the California Environmental Quality Act (“CEQA”)(Pub.Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title14, section 15301, which exempts the “operation, repair, maintenance, [and] permitting ...of existing public or private structures, facilities, mechanical equipment, or topographical features” from environmental review. To fulfill CEQA requirements for the expansion of Phase 6, the Facility, including Phases 5 and 6, Merced County prepared an Environmental Impact Report (EIR) that contained a thorough analysis of the potential for the planned expansion to result in significant environmental effects. The Board, acting as a responsible agency, was consulted during the development of the EIR. On 13 August 1996, the Merced County Board of Supervisors certified the final EIR for the expansion.

F. FINANCIAL ASSURANCE SPECIFICATIONS

1. The Discharger shall obtain and maintain assurances of financial responsibility with CalRecycle for closure and post-closure maintenance for the landfill in at least the amounts described in Findings 63 and 64, adjusted for inflation annually. A report regarding financial assurances for closure and post-closure maintenance shall be submitted to the Central Valley Water Board by ~~1 June~~ **September of each year**. This may be the same report that is submitted to CalRecycle for this purpose. If CalRecycle determines that either the amount of coverage or the mechanism is inadequate, then within 90 days of notification, the Discharger shall submit an acceptable mechanism to CalRecycle and the Central Valley Water Board for at least the amount of the approved cost estimate.

The Authority requests that the due date be changed to 1 September of each year. Financial assurance documentation is based on the amount of permitted air space consumed each year. This value is determined by surveying the active cell and calculating the airspace consumed during the previous 12 months. These surveys are costly and time consuming. Surveys have significant value to the Authority if conducted on a fiscal year basis. That requires the surveys be conducted on 30 June of each year. The survey must be converted to AutoCAD to determine the annual airspace consumed. This process takes approximately 45 days. To require this information to be submitted 1 June of each year would require the surveys to be conducted on 1 April. The Authority believes the due date to be arbitrary and requests the due be changed to 1 September of each year.

3. The Discharger shall obtain and maintain assurances of financial responsibility with CalRecycle for initiating and completing corrective action for all known or reasonably foreseeable releases from the landfill in at least the amount of the annual inflation-adjusted cost estimate described in Finding 65. A report regarding financial assurances for corrective action shall be submitted to the Central Valley Water Board by ~~1 June~~ **September of each year**. This may be the same report that is submitted to CalRecycle for this purpose. If

CalRecycle determines that either the amount of coverage or the mechanism is inadequate, then within 90 days of notification, the Discharger shall submit an acceptable mechanism to CalRecycle and the Central Valley Water Board for at least the amount of the approved cost estimate.

I. PROVISIONS

Financial Assurance Review

- 1. Annual Review of Financial Assurance for _____ **1 June-September** each year closure and post-closure maintenance.
(see Financial Assurance Specification F.1 & F.2)
- 2. Annual Review of Financial Assurance for _____ **1 June-September** each year initiating and completing corrective action.
(see Financial Assurance Specification F.3)

MONITORING AND REPORTING PROGRAM NO. R5-2014-XXXX
FOR
MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY
HIGHWAY 59 SOLID WASTE LANDFILL

2. Unsaturated Zone Monitoring

The current unsaturated zone monitoring network shall consist of:

<u>Mon Pt.</u>	<u>Status</u>	<u>Units Being Monitored</u>
PL-1	Detection	Surface Impoundment #1
PL-4 <u>5</u>	Detection	Phase 5
PL-6	Detection	Phase 6A

For PL-1 see comments in #18 above. The Authority requests that PL-4 be renumbered to PL-5 to reflect that it is the unsaturated monitoring system for Phase 5.

B. REPORTING

The Discharger shall submit the following reports in accordance with the required schedule:

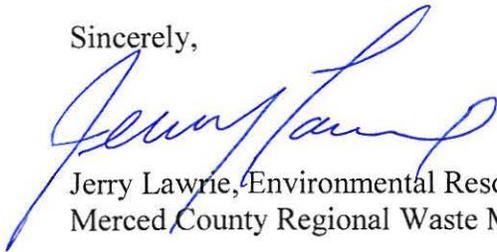
B.7	Financial Assurances Report	31-December <u>30 June</u>	1 June-September
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Required Reports

7. **Financial Assurances Report:** By 1 ~~June~~ September of each year, the Discharger shall submit a copy of the annual financial assurances report due to CalRecycle that updates the financial assurances for closure, post-closure maintenance, and corrective action. Refer to Financial Assurances Specifications F.1 through F.4 of the WDRs.

The Authority appreciates consideration of the comments/recommendations contained in this correspondence. Please contact Jerry Lawrie at (209) 723-4481 ext. #20 or by email at jlawrie@mcrwma.org.

Sincerely,



Jerry Lawrie, Environmental Resource Manager
Merced County Regional Waste Management Authority