
Central Valley Regional Water Quality Control Board

2 May 2013

Michael P. Lien
L and D Landfill Limited Partnership
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Sacramento, California 95865-5009

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

Central Valley Water Board permitting staff reviewed your 19 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, as summarized below:

Comments 1 and 2

A ten year timeline for closure is grossly inconsistent with the regulations, which require that closure activities begin after twelve months of inactivity. . . The timeline for implementation of landfill gas controls stretches out for many years and is too long. Immediate interim controls should be required for the entire landfill to address a known problem that has not been addressed in a timely fashion. As written, corrective action measures are not required to be completed until after 2020.

Response – Title 27 prescriptive requirements do not generally apply to an unclassified waste management unit. The WDRs 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 required as the primary corrective action measures. Monitoring data for the site indicates that the groundwater impacts are relatively low and no volatile organic compounds (VOCs) have been detected down gradient of the Eastern Fill Area. One VOC, Freon 11, has been detected down gradient of the Northern Fill Area, but at relatively low concentrations (e.g. <5 µg/L) compared to drinking water standards (e.g., 150 µg/L California MCL). Somewhat higher VOC concentrations, limited to Freon 11, have been detected down gradient of the Southern Fill Area, but still relatively low compared to 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 landfill gas has been detected in the perimeter probes for only the Southern Fill Area. Because the Southern Fill Area has higher gas and groundwater impacts than the other two units, the WDRs require that interim controls and closure be implemented at it first. In summary, staff believes that the due dates in the WDRs for implementation of closure and corrective action at all three of the landfill units are reasonable based on the relatively low threat to water quality and mild groundwater impacts compared to a release from a Class III landfill.

Comment 3

The discharger intends to divert inert materials, received by the current operator of the site, for use as cover material. This should be considered landfill operations and regulated as such. Additionally allowing the closure schedule to be guided by market conditions as to the accumulation of cover material is inconsistent with the regulatory timeline . . .

Response -- The relatively low threat nature of the site, as described above, allows for a more extended timeline for implementation of non-prescriptive closure and corrective action measures compared to a classified landfill. Also, as noted in Findings 4 and 10 of the WDRs, the landfill has not been actively operated since 2005 and Zanker Road Resources Management, Inc. (which has the lease for the property and operates the onsite transfer station/materials recovery facility) informed the property owner that it did not plan to operate the landfill.

Comment 4

The discharger is not being required to provide financial assurances for closure, postclosure maintenance, and corrective action, despite the fact that there is a known release from the landfill and that it is being closed as a corrective action.

Response -- Title 27 financial assurance requirements do not apply to an unclassified landfill.

Comment 5

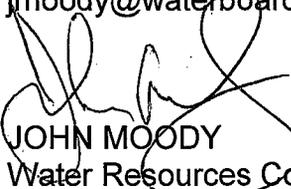
Noncompliance is being rewarded with leniency in the application of the regulations . . . The facility is being given special treatment . . . The facility should be held to a standard that is consistent with the regulations.

Response -- As noted in WDR Finding 9 and summarized in the Information Sheet of the WDRs, the facility has been the subject of various enforcement orders by the Regional Board and Local Enforcement Agency. Board permitting staff prepared the tentative WDRS for the landfill in response to a referral from the Board's Compliance and Enforcement Unit.

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

Enclosure

Moody

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April 19, 2013
Hand Delivered

Mr. John Moody
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, California 95670-6114

Re: Tentative Revised Waste Discharge Requirements
Florin Perkins Landfill
Sacramento, California

Dear John,

This letter will serve to provide our comments on the noticed matter of Tentative Revised Waste Discharge Requirements (WDRs) for the Florin Perkins Landfill. As an operator of a Solid Waste Facility, and a Central Valley Regional Water Quality Control Board regulated discharger, our interests are in the fair and consistent application of regulations across the regulated community; conceptually what is often referred to as a "level playing field". With this notion in mind, our comments are as follows:

- A ten year timeline for closure is grossly inconsistent with the regulations, which require closure activities begin after twelve months of inactivity. In your letter to Nancy Cleavinger, the landowner, dated August 15, 2012, you speak to the proposed project schedule of 10 years as being far too long. We concur.
- The timeline for installation of landfill gas controls could potentially stretch out for many years. As corrective action is being required for a known problem, which has not been addressed in a timely fashion, it would seem logical to require immediate interim controls over the entire landfill. As written, interim control in some areas is not required until 2016, with subsequent permanent corrective action later than 2020.
- The discharger intends to divert inert materials, received by the current operator of the site, for use as cover material. This should be considered landfill operations and be regulated as such. Additionally, allowing the

Mr. John Moody
April 17, 2013
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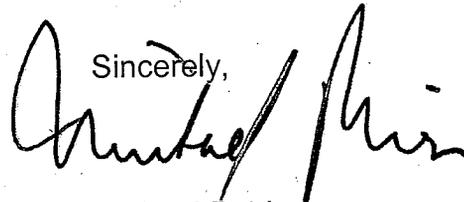
closure schedule to be guided by market conditions, as to the accumulation of cover material, is inconsistent with the regulatory timeline, as referenced in the first point above regarding the closure timeline.

- The discharger is not being required to provide financial assurances for existing or foreseeable releases, in spite of the fact that there is a known release and that the facility will be operating under a corrective action plan. Further, no financial assurances are being required for closure or post closure maintenance of the facility, even though the closure is required as part of corrective action.

While we are encouraged to see progress being made in bringing the site into compliance through the adoption of updated WDRs, it is equally discouraging for other members of the regulated community to see non-compliance rewarded with leniency in the application of the regulations. The facility is being allowed to compete in the marketplace while being given special treatment for their prior indiscretions. We would encourage you to hold this facility to a standard which is consistent with the regulations, including corrective action and closure in a much more timely fashion and financial assurances to insure that these activities are executed.

Please feel free to call me if you have any questions.

Sincerely,



Michael P. Lien
L and D Landfill
Limited Partnership

MPL/asj

cc: John Lewis
Tim Lien
Jeff Mills
Debbie Boersma