

## ATTACHMENT 2

### RESPONSE TO COMMENTS

#### PROPOSED ORDER R3-2024-0036 GENERAL WASTE DISCHARGE REQUIREMENTS FOR CLOSED LANDFILL FACILITIES IN THE CENTRAL COAST REGION

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) provided opportunity for the public to review and submit written comments on the draft General Waste Discharge Requirements Order R3-2024-0036 for Closed Landfill Facilities in the Central Coast Region (referred to as draft General Order). This document contains Central Coast Water Board staff's responses to the written comments received on the draft General Order during the public comment period. Staff considered all comments received during the public input process to prepare the proposed General Order.

#### **Response to Written Comments**

Written comments were received during this period from the following three entities.

1. Salinas Valley Solid Waste Authority
2. County of Santa Cruz, Department of Community Development and Infrastructure
3. Recology Pacheco Pass

Central Coast Water Board staff considered the comments received to develop the proposed General Order. The responses to the written comments received are provided below. Staff included the comment as written by the commenter without modifications. However, the numbering of comments in this response to comments document are sequential and do not follow the numbering in individual comment letters (i.e., comment number 1 in letter 2 starts at comment 24 in this response to comments document).

Copies of each individual comment letter are available to download at:  
<https://ftp.waterboards.ca.gov/?u=rb3-ldu-draft-items-comment-letters-ftp&p=acGyZ7RnBcN9kxx6Q2Y7Df2c>

**Comment Letter 1 dated June 24, 2024 – R. Partick Mathews, General Manager/CAO for Salinas Valley Solid Waste Authority (SVSWA) and John M. Hower, Principal Geologist for Geo-Logic Associates**

**Comment 1:** Findings Part 1.d. – SVSWA finds it unexpected that landfills enrolled in General Waste Discharge Requirements Order R3-2004-0006 are exempt from Draft Order R3-2024-0036. Many of these sites have well characterized groundwater contamination issues far more serious than our closed sites. We are not in favor of the arrangement that landfills enrolled in Order R3-2004-0006 are exempt from this order

unilaterally. Given the fact that our Lewis Road and Jolon Road landfills have a similar size and less serious water quality impacts as some of the landfills on Order R3-2004-0006 perhaps these two sites can be enrolled in Order R3-2004-0006 rather than Draft Order R3-2024-0036.

**Central Coast Water Board Response** – General Waste Discharge Requirements Order R3-2004-0006 for Post-Closure Maintenance of Closed, Abandoned or Inactive Nonhazardous Waste Landfills Within the Central Coast Region (CAI General Order) regulate landfills that were closed, abandoned, or inactive on November 27, 1984 (legacy landfills) and are not specifically required to be closed in accordance with the standards prescribed in California Code of Regulations (CCR), title 27, or have all the same post-closure maintenance requirements as landfills closed after November 27, 1984 (modern landfills). For example, the legacy landfills covered by the CAI General Order are not required to maintain financial assurance for post-closure maintenance or corrective action because the federal and state regulations requiring these actions were not in place prior to closure. Modern landfills are required to obtain and maintain financial assurance. Provision E.10 of the proposed General Order requires the enrollee to maintain financial assurance and the reporting requirement F.14 requires the enrollee to submit an updated report demonstrating financial responsibility at least once every five years. Put differently, if the landfill was closed or abandoned or became inactive prior to 1984, the Central Coast Water Board has the discretion to apply title 27 requirements where necessary to protect water quality, human health and the environment. (See, 27 Cal. Code Regs., §§ 20080 subd. (d) and 20090 subd. (d).) However, if the landfill accepted waste after 1984, the Central Coast Water Board must apply the title 27 requirements. (27 Cal. Code Regs., § 20080 subd. (d).) The two General Orders, R3-2004-0006 and this new Order, R3-2024-0036, reflect these differences, and it is differences like these that necessitate the exclusion of legacy landfills from this proposed General Order and highlight why it would be inappropriate to enroll the Lewis Road and Jolon Road landfills in the CAI General Order.

The Central Coast Water Board recognizes that some legacy landfills enrolled in the CAI General order pose a significant threat to water quality. Additionally, as the CAI General Order was adopted more than 20 years ago, Central Coast Water Board staff plan to conduct a review of the CAI General Order during the next 2-3 years and prepare a revised CAI General Order that will be more consistent with this draft General Order and General Waste Discharge Requirements Order R3-2020-0001 for Active Class III Landfills in the Central Coast Region (Active General Order).

**Comment 2:** Attachment A Part 1.E.2.b.iv – SVSWA finds that adding the monitoring constituents on Table A-4 will be a considerable financial burden considering that this is adding this costly testing to 91 sample locations for all three sites twice a year. SVSWA encourages the Water Board to consider inviting dischargers to investigate the presence of Table A-4 constituents in a fashion similar to the work plans required of active landfills under Order 2019-0006-DWQ issued in 2019 which was a more methodical and less costly approach.

**Central Coast Water Board Response** – Central Coast Water Board staff recognizes that the inclusion of Per- and polyfluoroalkyl substances (PFAS) monitoring will significantly increase laboratory costs for a minimum of two years. Additional Finding F.3 evaluates the costs of compliance with the proposed Monitoring and Reporting Program (MRP) and estimated costs may range from \$14,600 to \$58,900 annually for the first two years per closed landfill facility. Within these estimates, the cost of the PFAS monitoring component is estimated to range from approximately \$3,000 to \$31,600 annually depending on the number of monitoring locations. These cost estimates for PFAS monitoring in Additional Finding F.3 are similar to the estimates prepared by Geo-Logic Associates (Geo-Logic) for the three closed SVSWA landfills as presented in Comment 17 below.

Although the costs are significant, the costs are reasonable because the data collected under the proposed MRP are required pursuant CCR, title 27, §20385 and are needed to evaluate compliance with the discharger requirements of this proposed General Order, ensure the protection of human health, water quality, and confirm that beneficial uses are protected. Additionally, the cost of implementing this proposed MRP may be reduced after two years, if monitoring data demonstrates that PFAS has not been discharged as a result from a release at the closed landfill facility.

On April 10, 2024, the United States Environmental Protection Agency (USEPA) finalized a National Primary Drinking Water Regulation that established the maximum contaminate level (MCL) for six PFAS in drinking water. This MCL was not established when Order 2019-0006-DWQ was issued in 2019. In the absence of an established MCL, the Central Coast Water Board had greater flexibility to collect PFAS data in a phased approach. For example, 2019-0006-DWQ only required active landfills to assess PFAS impacts even though it was known that closed landfill facilities had discharged wastes containing PFAS. Now that an MCL has been established, the approach in the proposed General Order is to determine the presence, or absence, of PFAS through two years of semi-annual monitoring. PFAS detections that are a result of a release from the closed landfill facility will be addressed through site-specific corrective action programs. This approach is consistent with how other constituents of concern (COC) have historically been assessed at closed landfill facilities in accordance with CCR, title 27.

**Comment 3:** Attachment A Part 1.E.2.b.vi – Table A-53 calls for landfill gas to be samples [sic] for and reported in parts per million. Current Waste Discharge Requirements and most field equipment record methane, carbon dioxide and oxygen in percentages. SVSWA proposed that this section be changed to reflect the capabilities of common monitoring equipment and current reporting requirements.

**Central Coast Water Board Response** – Central Coast Water Board staff agree with the comment and have revised the proposed MRP to allow for methane, carbon dioxide and oxygen to be reported in “ppm or percent by volume in air.”

**Comment 4:** Attachment A Part 1.E.2.b.vii – How does this requirement co-exist with the requirements of the Industrial General Permit Order 2014-0057-DWQ (IGP). Some

of the Parameters of Table A-2 in Draft Order R3-2024-0036 can be found in various SIC codes on Table 1 of the IGP. What would transpire if there was an exceedance of a sample parameter found on Table 2 of the IGP and the stormwater basin being sample was discharging at the time of sampling and the industrial activity of the site was an SIC code that didn't require the sampling of the constituent that had the Table 2 exceedance? Also, section Part 1.E.1.b calls for all new monitoring points to be monitored quarterly. How would this work in a seasonal stormwater pond that would be considered a new monitoring point as it is not part of the current MRP?

**Central Coast Water Board Response** – When applicable, data collected to satisfy the monitoring requirements of the IGP may also be used to satisfy the monitoring requirements of the proposed General Order. Enrollment in the proposed General Order does not affect the discharge limitations or prohibitions of the IGP. The proposed General Order does not require the submittal of data collected under the proposed MRP to be reported as part of an IGP submittal. Post Closure Maintenance Requirement C.12 of the proposed General Order requires the Discharger to implement best management practices to reduce or prevent pollutants in stormwater from discharging into receiving waters to the best available technology standard. This requirement is consistent with the goal and objectives of the IGP.

For clarification purposes, it appears to Central Coast Water Board staff that you intended to reference Part 1.E.2.b.i of the proposed MRP. The primary objective of Part 1.E.2.b of the MRP was to require quarterly monitoring of all newly installed groundwater monitoring points. Central Coast Water Board staff agrees that quarterly monitoring of new stormwater monitoring points presents difficulties and has revised Part 1.E.2.b of the proposed MRP to exclude stormwater monitoring points from this requirement.

**Comment 5:** Attachment A Part 1.E.5.a.i – Is this provision a sample location by sample location requirements, or does the sample frequency reduction only take effect if ALL the sample locations show no PFAS constituents? Additionally, are trace and unknown results considered detection?

**Central Coast Water Board Response** – A detection of PFAS at some monitoring locations does not automatically require the Discharger to monitor all monitoring locations for PFAS on a semiannual basis. As described above in the Central Coast Water Board's response to comment 2, PFAS detections that are a result of a release from the closed landfill facility will be addressed through site-specific corrective action programs. Central Coast Water Board staff anticipates, and would be supportive of, corrective action programs that delineate PFAS impacts and propose corrective action monitoring based on the site-specific release.

Part II.A of the proposed MRP addresses trace/unknown results by requiring that the methods for analysis and the detection limits used be appropriate for the expected concentrations and requires the reporting of these results. As with other COCs, trace detections of PFAS would not automatically constitute a release from the closed landfill facility but may provide supporting data if a release is confirmed. Given the prevalence

of PFAS in industrial and consumer products, including in some products historically used to construct wells, Central Coast Water Board staff will not rely solely on trace detections or unknown results to confirm that a release from the closed landfill facility has occurred.

**Comment 6:** Attachment A Part 2.D.2.a – At what juncture is a new release identified as it pertains to the 24-hour notification requirement? It is when the laboratory detects a compound, or after the lab reports to the client? The Order indicates that the reporting requirement is when “the initial statistical or non-statistical comparison” indicates a release, which would appear to indicate that a release is not proven until the statistical analysis is done typically by a consultant. The notification provision needs clarity particularly considering threatened enforcement actions if this provision is not adhered to.

**Central Coast Water Board Response** – For clarification purposes, the requirements for notification discussed in the comment above are found in Attachment A Part IV.D.2.a.

Part IV.D.2.a. requires notification after the comparison of new analytical data suggests that a new release has been tentatively identified. Part III of the proposed MRP requires this comparison to be performed by the Discharger (or a duly authorized representative per section F.1 of the proposed General Order). Therefore, the juncture at which the 24-hour notification requirements in Part IV.D.2.a. would apply is when the Discharger makes that comparison and the results of that comparison suggest a new release is tentatively identified.

**Comment 7:** Attachment A Part 2.D.5 – This section sets forth the notification requirements for a release beyond the facility boundary. If a release has already been identified and the property owner previously notified, is it the intent of this Order for the discharger to provide additional notification if there is an indication of a continued release from sampling the new constituent from Table A-2, A-3, and A-4?

**Central Coast Water Board Response** – For clarification purposes, the requirements for notification discussed in the comment above are found in Attachment A Part IV.D.5.

It is the intent of this proposed General Order to require the Discharger to notify affected persons of any newly determined releases and/or newly identified COC's within a previously noticed release. This may require subsequent updates to the affected persons upon conclusion of any material change in the nature or extent of the release (Attachment A Part IV.D.5.c).

**Comment 8:** Attachment C Part B.4 – SVSWA finds the cost estimate provided in this section for compliance with the new MRP requirements to be unrealistically low. On top of the extra analytical and reporting costs, there will potentially be significant costs associated with providing water treatment or replacement systems if corrective action is required.

**Central Coast Water Board Response** – For clarification purposes, the findings describing the cost estimates for compliance with the proposed MRP of this proposed General Order discussed in the comment above are found in Attachment C Part F.3.

Central Coast Water Board staff do not agree that the cost estimates provided in Attachment C Part F.3. are unrealistically low. Comment 17 below, prepared by SVSWA's consultant Geo-Logic, estimates compliance costs for PFAS monitoring at the 3 closed SVSWA landfills to be greater than \$130,000.000. As discussed in Central Coast Water Board's response to comment 2 above, cost estimates in Attachment C Part F.3. for PFAS monitoring are consistent with the estimate provided by Geo-Logic.

Attachment C Part F.3. evaluated the potential costs for the implementation of the MRP but did not evaluate the cost of a hypothetical corrective action program. Central Coast Water Board's response to comment 9 below further addresses the potential costs of future corrective actions.

According to the US EPA<sup>1</sup>, exposure to PFAS can cause serious health problems including:

- Reproductive effects such as increased high blood pressure in pregnant people
- Developmental effects or delays in children, including low birth weight, bone variations, or behavioral changes
- Increased risk of some cancers, including kidney and testicular cancers
- Reduced ability of the body's immune system to fight infections, including reduced vaccine effectiveness
- Interference with the body's natural hormones, including thyroid hormones
- Increased cholesterol levels
- Liver damage

Central Coast Water Board staff recognize the potential costs of implementing corrective actions programs triggered by the release of PFAS from closed landfill facilities, such as providing water treatment or replacement systems. However, the costs are reasonable to ensure the protection of human health, water quality, and the protection of beneficial uses.

**Comment 9:** General Comments – Considering that this order has identified only 10 closed landfills for compliance out of dozens or hundreds in the Central Coast region, and 3 of those 10 (30%) are Salinas Valley Solid Waste Authority landfills, you have placed a very costly and unreasonable financial burden on our agency. We hope there

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<sup>1</sup> <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>

will be assistance administratively, technically, and financially offered our agency to help us address this extreme burden we are now facing with this order.

Was this financial impact considered as this specific list of landfills was compiled and the order prepared? As our industry faces other significant legislative and regulatory burdens from the State (SB 1383, SB 54, AB 939 among a few) this next new unfunded mandate risks upending our community's ability to meet all these regulatory requirements effectively without major rate impacts to our low-income community. The implications of this order today and long into the future could be catastrophic to our finances. We hope the Board will look closely at what this actually means for our and other communities facing the burdens of this order before adopting it. We also hope the Board is proactively doing something to address the origins of this problem with the industries that created these chemicals and assist in securing offsetting revenues to address the challenges for end-of-life entities (Landfills and WWTPs) that are now being required to bare the entire burden through your order. Our agency stands ready to work with the Board to assure this order is fairly and equitably adopted, and implemented in a way that does not damage our community resources and finances.

**Central Coast Water Board Response** – As described in Central Coast Water Board staff's response to comment 1, the proposed General Order is intended to regulate post-closure maintenance and monitoring at modern closed landfill facilities. Additionally, the proposed General Order will be used in the future to regulate currently active landfills following their closure. Only the 10 closed landfill facilities listed in Attachment B of the proposed General Order currently meet the criteria for coverage under the proposed General Order.

Attachment C Part F.3. evaluated the potential costs for the implementation of the proposed MRP but did not evaluate the cost of a hypothetical corrective action program. The cost to implement a corrective action program will be highly variable based on the nature and extent of a release, the complexity of the hydrogeologic conditions, the proximity to potential receptors, the selection of corrective action remedy, etc. The Central Coast Water Board acknowledges the concerns of SVSWA regarding the potential costs of future corrective actions and the difficulty of addressing emerging contaminants at legacy facilities and end-of life entities. If corrective action programs are required to address a release of PFAS at a closed landfill facility, Central Coast Water Board staff will work cooperatively with Dischargers to develop a program that is both protective of water quality and not unreasonably burdensome on the Discharger.

**Comment 10:** Provision D.5, Pages 5 and 7. – Discharge of waste must not cause concentrations of organic chemicals, synthetic organic chemicals, inorganic constituents, and/or radionuclides in groundwater to exceed the Federal Maximum Contaminant Levels (MCLs) or the State Water Resources Control Board Division of Drinking Water's latest recommended Drinking Water Action Levels or MCLs of CCR, title 22, §64431 and §64444, or exceed median groundwater objectives set forth in Basin Plan Table 3-6.

Concern: I don't believe that we have ever been held to maintaining the Basin Plan median groundwater quality objectives. The median objectives are typically more stringent than State of California Drinking Water Standards. The basin objectives include limits for boron and total Nitrogen, which are parameters that are not included in the current monitoring and reporting programs. Will we need to add those parameters to the monitoring programs? Will RWQCB mandate corrective actions to meet the Median Basin Objectives, and how will compliance with median Basin Plan objective be determined? Will it be on a per-well basis or will it be determined on a site-wide basis?

**Central Coast Water Board Response** – The reference to Table 3.6 of the Basin Plan has been removed from Provision D.5 of the proposed General Order. Since CCR, title 27 does not permit any water quality degradation, Central Coast Water Board staff agree that the reference to Median Basin Objectives is unnecessary since CCR, title 27 prohibits any degradation of water quality from closed landfill facilities.

**Comment 11:** Provision E.5, Page 8 - By October 1 of each year, the Discharger must complete all necessary runoff diversion and erosion prevention measures (except for planting vegetation in accordance with Provision E.6) including, but not limited to, construction, maintenance, or repairs of precipitation and drainage control facilities to prevent erosion or WMU flooding to prevent surface drainage from contacting or percolating through waste. The Discharger must repair erosion rills greater than six-inches deep, damage to covers or drainages that threatens waste containment or creates ponding, and damage to drainage control facilities that reduces capacity below 100-year, 24-hour storm design, as soon as practicable after storm events that caused the erosion or damage, if it is safe to do so.

Concern: I believe this provision may contain new compliance terms. SVSWA should verify that it is currently complying with this or modify its wet-weather preparedness report accordingly.

**Central Coast Water Board Response** – Comment noted.

**Comment 12:** Provision E.6, Page 8 - Throughout the rainy season of each year, the Discharger must seed and maintain vegetation over all WMU slopes to prevent erosion. The Discharger must select vegetation that requires minimum irrigation and maintenance and a rooting depth not to exceed the cover soil thickness. After receiving approval from the Executive Officer, the Discharger may utilize non-hazardous biosolids, compost, or other organic materials as a soil amendment to promote vegetation. Soil amendments and fertilizers (including wastewater biosolids, compost, or other organic materials) used to establish vegetation must not exceed the vegetation's agronomic rates (i.e., annual nutrient needs).

Concern: RWQCB should revise this provision to specify that this applies to sites with prescriptive or evapotranspirative final cover systems, only. This provision does not apply to the Crazy Horse Sanitary Landfill.

**Central Coast Water Board Response** – The Central Coast Water Board agrees and has added a footnote to Provision E.6 specifying that the provision does not apply to closed landfill facilities that do not have a vegetative layer component as part of the final cover system.

**Comment 13:** Provision F.11.a, Pages 11 and 12 - The Discharger must notify the Executive Officer, within 24 hours by telephone and email and submit a report of noncompliance within 14 days, of:

- a. Any noncompliance that potentially or actually endangers human health and/or the environment.

Concern: This provision is very broad, and could be applied to routine groundwater monitoring results. If so applied, it would require additional reporting within 14 days after receipt of laboratory data associated with every monitoring event even when a condition of non-compliance is historically known and documented. Recommend the following change in language for Provision F.11.a:

- a. ~~Any noncompliance~~ A new or previously unknown condition of noncompliance that potentially or actually endangers human health and/or the environment.

**Central Coast Water Board Response** – The Central Coast Water Board agrees and has updated Provision F.11.a.

**Comment 14:** Provision G.1, Page 13 - The requirement that the Discharger submit an ROWD is made pursuant to Water Code, §13260. Violation of a request made pursuant to this section may subject the Discharger to administrative civil liability of up to \$1,000 per day under Water Code, §13261(b).

Concern: It is unclear whether this provision is requesting submittal of an updated ROWD upon adoption of this order, or that this provision is a general statement about the legal requirement to submit an ROWD when needed. Submittal of a new ROWD is not presented on Table 2 (Pages 14 and 15). SVSWA should decide whether or not it deems this provision to be vague.

**Central Coast Water Board Response** – The Central Coast Water Board added a reference to Attachment B in section G.1 that specifies the ROWD submittal dates for each closed landfill facility.

**Comment 15:** Comments on Table A-2 Monitoring Parameters, Pages A-7 and A-8

- Sulfide should be removed. It is a Constituent of Concern (Table A-3). It is rarely detected. Historical data suggest it would be of little benefit in evaluating routine monitoring results.
- Total Organic Carbon. Remove this analyte. It has little value in routine monitoring. It can also be influenced by organic matter not related to landfill processes.

- Total Petroleum Hydrocarbons. Remove this analyte. It has no MCL/DWS, and specific components of petroleum hydrocarbons are detected by 8260 and/or 8270. Usually, this is a screening-level analyte to minimize more costly analyses. Historical data have not been useful in characterizing releases or determining if a release has occurred.
- Boron has been added, presumably for evaluate of Basin Objective compliance; however, it is not typically a component of landfill releases.

**Central Coast Water Board Response** – The Central Coast Water Board agrees to the removal of sulfide and boron from Table A-2 and has revised the proposed General Order to only require these COCs be monitored every 5 years as part of Table A-3. The Central Coast Water Board does not agree that total organic carbon (TOC) and total petroleum hydrocarbons (TPH) should be removed. TOC has historically been used as a potential indicator of a leachate release and TPH detections have been observed in groundwater monitoring wells at both closed and active landfill facilities within the Central Coast region. Additionally, the absence of an MCL/DWS does not warrant the removal of TPH Table A-2 since CCR, title 27 does not permit any water quality degradation.

**Comment 16:** Comments on Table A-3 Constituents of Concern, Page A-10

- PCBs have rarely (if ever) been detected in groundwater or leachate samples collected at SVSWA sites. Considering the low incidence of detection, and that these requirements are for closed landfills, it is unlikely that PCBs have been or will be released from these landfills. Recommend removing this analytical requirement.
- Although not specifically called out in Table A-3, is it the RWQCB's intention to require analysis for organochlorine and organophosphorus pesticides?
- Table A-3 calls out "Nonhalogenated Volatiles in method 8015D". Does that mean that the RWQCB does not require reporting of the nonhalogenated semivolatile organic compounds and gasoline-range and diesel-range organics that are also detected by this method?

**Central Coast Water Board Response** – The Central Coast Water Board does not agree with the removal of PCBs from Table A-3. It is the intent of the 5-year COC monitoring to include a broad suite of chemicals that may be present in the closed landfill facility, including PCBs. The absence of historical detections is not a justification for the removal of a 5-year COC from Table A-3.

It is the intent of the proposed General Order to require the analysis for organochlorine and organophosphorus pesticides. To avoid confusion related to duplicative analytes in multiple COC groupings, the Central Coast Water Board staff tried to remove suites of COC that were already grouped within CFR, title 40, part 258, Appendix II or other listed USEPA methods in Part I.E.4.

It is the intent of the proposed General Order to require the analysis for analytes detectable using USEPA Method 8270C. Part I.E.4.b.v. has been revised to clarify this requirement.

**Comment 17:** Comment on Provision E.5 – Per- and polyfluoroalkyl substances (PFAS) Monitoring Analytes, Pages A-11 through A-15 including Table A-4.

- The costs to implement the monitoring program for PFAS at the inactive sites will be more than \$130,000. We recommend collecting samples from leachate and condensate (where available), and groundwater samples from select upgradient and downgradient wells instead of each monitoring well.

**Central Coast Water Board Response** – See the Central Coast Water Board’s response to comment 2 above.

**Comment 18:** Comment on Provision E.6 – Stormwater Monitoring, Page A-16.

- Is a special sampling event required to collect the stormwater sample if water is not present during the routine monitoring event? Is a sample required to be collected if stormwater does not discharge from the retention/sedimentation basin?

**Central Coast Water Board Response** – For clarification purposes, the proposed MRP section discussed in the comment above is found in Attachment A Part I.E.6.

It is the intent of this proposed General Order to require annual sampling of stormwater collected in the sediment retention basin, irrespective of off-site discharges since storage of potentially impacted stormwater in unlined basins poses a threat to groundwater quality. Central Coast Water Board staff recommend when possible that the Discharger coordinate with their consultants, samplers, and contracted laboratories to collect samples at a time when routine groundwater samples and stormwater samples may be collected simultaneously. When that is not possible, a separate sample collection event may be required to satisfy the stormwater monitoring requirements of the proposed General Order.

**Comment 19:** Comment on Provision Part IV.B – Monitoring Report, Page A-23.

- RWQCB requires submittal of all monitoring reports on January 31 and July 31 of each year. GLA has no issue with that schedule.

**Central Coast Water Board Response** – Comment noted.

**Comment 20:** Comment on Provision Part IV.B.6 – Laboratory Result, Page A-24.

- This provision requires that the Chemical Abstract Service (CAS) Number be included in the tabulated data. SVSWA’s contract laboratory will need to modify its laboratory reports to include this information.

**Central Coast Water Board Response** – Comment noted.

**Comment 21:** Comment on Provision Part IV.B.7 – Sampling Summary, Page A-24

- This provision requires inclusion of well recovery time following purging. Many wells in SVSWAs monitoring network are purged using low-flow methods that do not induce drawdown (or very little drawdown), and wells do not require recovery prior to sampling. This provision should be modified to require recovery data for wells that are sampled using standard purge methods, only.
- This provision requires the field sampling information to include the “qualification of the person actually taking the samples”. The RWQCB needs to explain what information is needed here.

**Central Coast Water Board Response** – Central Coast Water Board staff do not agree that modifications to the proposed MRP are needed to address these comments. Attachment A Part IV.B.7 requires the monitoring report to “*report, describe and summarize... 2) the method of purging and purge rate and well recovery time.*” The scenario described in comment 21 regarding low-flow methods can simply be described in the monitoring report or field sampling notes which would satisfy these requirements.

It is the responsibility of the licensed professional in responsible charge of the work to make sure the data submitted in the report was collected in accordance with proper sample collection methods and handling procedures for each COC. Central Coast Water Board staff do not recommend prescribing a minimum set of qualifications for samplers. The intent of this requirement is to identify who collected the sample and what their qualifications are (i.e., environmental consultant, laboratory field staff, other field staff trained on the sample collection and handling procedures, etc.).

**Comment 22:** Comment on Provision Part IV.C – Annual Summary Report, Page A-25

- The tentative MRP requires the annual summary report to be submitted by January 31 of each year. GLA has no issue with that schedule.

**Central Coast Water Board Response** – Comment noted.

**Comment 23:** Comment on Provision Part IV.C.4 – Final Cover, Page A-26

- This provision requires the annual report to include the most recent final cover survey and a summary of the final cover repairs as well as records of waste settlement. This is a new reporting requirement for the annual report.

**Central Coast Water Board Response** – Comment noted.

**Comment Letter 2 dated June 21, 2024 – Matt Machado, Deputy CAO / Director of Community Development and Infrastructure for the County of Santa Cruz (Santa Cruz County) and Fabrizio Settepani, Principal Engineer for Geosyntec Consultants**

**Comment 24:** We appreciate the Central Coast Regional Board's interest in expanding monitoring requirements to include per- and polyfluoroalkyl substances (PFAS), but we have serious concerns regarding the effectiveness of these requirements and urge the Regional Board to delay implementation and focus on creation of a broader approach to PFAS management before issuing regulatory requirements. In the absence of a statewide approach to PFAS monitoring and other pollutants for closed landfills, mandating compliance in the Central Coast Region only creates a disparity among other regions that have not implemented similar mandates and can lead to confusion among stakeholders. In addition, given the pervasive nature of PFAS throughout the environment and its continued use in manufacturing of household and industrial products, it is unclear how the detection of PFAS in monitoring wells would be a clear indication of the closed landfill being the source of this pollution. Without irrefutable evidence that the closed landfill is the source of PFAS, and in the absence of actionable steps to address the levels, the monitoring requirements as set forth in the draft General Order constitute an unfunded mandate without a clear path to compliance.

**Central Coast Water Board Response –** Central Coast Water Board staff recognize the concerns put forth by Santa Cruz County but do not agree that these concerns warrant a change to the proposed PFAS monitoring approach. As discussed in comment 2 of this document, the approach of this proposed General Order is to determine the presence, or absence, of PFAS impacts as a result of a release from the closed landfill facility. Central Coast Water Board staff understand the complexities related to the potential for background contamination and will work with Dischargers to implement corrective action programs only when it's clear that the impacts observed are a result of a release from the closed landfill facility. Central Coast Water Board staff do not agree that postponing data collection until other regions require PFAS monitoring at closed landfills is appropriate. To ensure the protection of human health, water quality, and beneficial uses, Central Coast Water Board staff recommend moving forward with the PFAS monitoring as required in the proposed General Order. Central Coast Water Board staff will continue to monitor the evolving changes to the scientific understanding of PFAS and will adjust the regulatory approach as necessary.

**Comment 25:** Santa Cruz County further requests that the Central Coast Water Board allow our closed Ben Lomond Class III Landfill to delay submittal of a new Monitoring and Reporting Program (MRP) beyond November 1, 2024, in order to submit a technical report as scheduled in 2025 to show that, after 30 years of post-closure monitoring, the landfill no longer presents a threat to water quality. Should this report be accepted by the Water Board, the effort put into developing a new MRP would not be a judicious use of resources by the County and the Water Board staff.

**Central Coast Water Board Response –** Central Coast Water Board staff do not agree that the development of a new MRP for Ben Lomond Class III Landfill, or the enrollment

of the facility under the proposed General Order, will be a non-judicious use of resources. Any technical report to demonstrate that the landfill no longer presents a threat to water quality will need to include PFAS sampling consistent with the draft General Order MRP at minimum. This is especially true at facilities with a history of corrective action programs resulting from groundwater degradation or when there are nearby potential receptors. Since the application for enrollment under the proposed General Order consists of only a form 200 and a copy of the Post-Closure Maintenance Plan, Santa Cruz County will exert little resources to attain coverage.

**Comment 26:** In Attachment B of the General Order, Santa Cruz County (County) requests that for the Ben Lomond Class III Landfill the submittal date of November 1, 2024 be replaced with To Be Determined (TBD\*) and the following asterisk:

*\*The Ben Lomond Class III Landfill was certified closed in 1995 and will reach 30 years of post closure monitoring in 2025. A new ROWD and MRP will only be developed if it is determined that after the completion of 30 years of post closure monitoring, the landfill still presents a threat to water quality.*

If in 2025, the County were to submit a technical report that, after 30 years of post closure monitoring, the Ben Lomond Landfill no longer presents a threat to water quality, and the technical report were accepted by the Water Board, then little to no groundwater monitoring would be conducted under the new MRP. Therefore, developing a new MRP for Ben Lomond Landfill in late 2024 would not be a judicious use of resources by the County and the Water Board if based on the Water Board's review of the technical report, the Water Board determines the Ben Lomond Landfill does not pose a threat to water quality.

**Central Coast Water Board Response** – See the Central Coast Water Board's response to comment 25 above. Enrollment in the proposed General Order does not affect Santa Cruz County's ability to submit a technical report demonstrating that Ben Lomond Landfill no longer presents a threat to water quality.

**Comment 27:** Attachment A, Page A-11 through Page A-15, Number 5: Per-and polyfluoroalkyl substances (PFAS monitoring) and Attachment C, page C-4, Number 3, end of second paragraph on PFAS lists a requirement for sampling 71 PFAS and using any detection of those 71 PFAS as a trigger to require continued semiannual sampling.

This requirement should be removed from the General Order because:

- The Federal government has only established drinking water standards for 6 PFAS, not the 71 PFAS listed in the draft general order.

The 6 PFAS with Federal drinking water maximum contaminant level drinking water standards (MCLs) are: perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorohexanesulfonic acid (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA) and perfluorobutanesulfonic acid (PFBS).

The Federal government has only identified PFOA and PFOS as hazardous substances

If PFAS sampling were included in the General Order then the list of PFAS in the General Order should be revised to only include the 6 PFAS for which the Federal government has established MCLs.

- The State of California has not yet established state MCLs for PFAS.

Because the State is currently developing state regulations for PFAS, the requirements in the General Order may be inconsistent with the state regulations.

Therefore, if the General Order were adopted at this time, PFAS should either be removed from the General Order, or the adoption of the General Order should be withheld until after the adoption of PFAS MCL regulations by the State.

- The existing Central Coast Water Board General Order for Active Landfills (R3-2020-0001) does not include PFAS sampling requirements.

If PFAS were included in the General Order for closed landfills, the General Order for closed landfills will be inconsistent with the general order for active landfills.

- PFAS have been shown to have widespread detections in the environment (for example, PFAS have been detected in water samples collected in undeveloped locations such as Antarctica).

With the known widespread distribution of PFAS in the environment it would be expected that a water sample collected anywhere in the Central Coast Region would have a detection of one or more of the 71 PFAS currently listed in the Order.

A PFAS detection alone does not indicate that the landfill is the source of the PFAS. A detection of any of 71 PFAS should not trigger continued semiannual sampling because that would be expected to result in all closed landfills being required to have continued semiannual sampling for PFAS.

If PFAS are included in the General Order, then the General Order should be modified so that only an exceedance of an MCL, which indicates a potential threat to water quality, would be a trigger for continued semiannual sampling.

**Central Coast Water Board Response** – Central Coast Water Board staff do not agree that PFAS monitoring in the proposed General Order should be limited to the 6 PFAS with a federal MCL. CCR, title 27 prohibits any degradation of water quality from closed landfill facilities, including degradation caused by COC's that have not been issued federal or state MCLs.

While active landfills are not required to monitor for PFAS as part of Order R3-2020-0001, State Water Resources Control Board Order 2019-0006-DWQ did require active landfill operators to sample for PFAS and subsequent 13267 Orders issued by the Central Coast Water Board's Executive Officer required active landfill to continue monitoring for PFAS. Central Coast Water Board staff intend to revise R3-2020-0001 and/or reissue site-specific MRPs to be consistent with the proposed General Order in the 2026 calendar year.

See the Central Coast Water Board's response to comment 5 above regarding the topic of a PFAS detection alone being treated an indication of a release.

**Comment Letter 3 dated June 24, 2024 – Christopher J. Gibson, Regional Environmental Manager for Recology Pacheco Pass (Recology)**

**Comment 28:** The Draft Order was distributed on May 24, 2024, with comments expected by June 24, 2024. Given the relatively short written comment period and the full two months between the deadline and the hearing, Recology requests that the public comment period be extended. In the absence of an extension, Recology submits the following brief comments, while reserving the right to raise additional comments at the public hearing in August.

**Central Coast Water Board Response** – On June 25, 2024, Central Coast Water Board staff responded via email stating “While the deadline for comments has passed, please submit any additional comments on the draft as soon as practicable. While staff has already started the process of reviewing and addressing comments, staff will consider late comments as time permits.” To date, no additional comments have been submitted by Recology.

**Comment 29:** Page 10 – Section F: Reporting

This section of the draft order requires that monitoring reports be signed by an “officer,” “vice president,” or an “authorized representative.” Recology requests that the Agency clarify whether an officer or vice president may authorize a senior manager or third party to sign on the company's behalf. If so, must Recology provide the authorization in writing?

**Central Coast Water Board Response** – Yes, a duly authorized representative may include a senior manager, environmental compliance manager, technical staff in responsible charge of the work, environmental consultants, etc. There are no requirements in the proposed General Order to submit written authorization to grant this authorization to an individual; however, the individual who's granted authority must be able to sign the technical report with the certification statement included in reporting requirement F.2 of the proposed General Order.

**Comment 30:** Pages A-2&3 – Monitoring Requirements

A. SITE INSPECTIONS

*The Discharger must inspect the Closed Landfill, in accordance with the following schedule, and record (including photographs, when appropriate), at a minimum, the observations listed below.*

*1. Inspection Schedule a. During the wet season (October 1 through April 30), at least monthly and during or following each storm event that produces stormwater runoff and/or a storm event*

Recology has extensive experience managing stormwater at its facilities. The language in this provision is unclear and, as written, could be read to impose impracticable and unnecessary requirements for routine weather events, where runoff is channeled appropriately and captured in engineered ponds or other retention facilities.

- Recology proposes that the requirement for “landfill stormwater runoff” that needs to be observed during or within 24 hours is limited to runoff that is likely to escape its containment, leave the site, or otherwise poses a significant risk of damaging the facility’s capacity to capture or retain it.[sic]
- In a similar vein, Recology requests that the definition for ‘significant storm’ be used for observations within 7 days of a storm event.

In addition, footnote 2 of the Proposed Order attempts to limit the requirement to “surface water . . . which potentially or actually receives surface or groundwater containing landfill facility wastes, including stormwater runoff and leachate.”

As written, this language could be read to trigger additional observational requirements for stormwater or leachate that is routinely and appropriately channeled to retention ponds, sediment basins, or other similar containment. As stated above, this issue could be resolved if the requirements of this provision are limited to storm events that pose a threat of damage to the facility’s ability to retain pollutants and prevent them from leaving the site or being discharged to surface waters.

**Central Coast Water Board Response** – Central Coast Water Board staff do not agree with the proposed language changes to Part I.A.1.a of the proposed MRP. While Central Coast Water Board recognizes Recology’s expertise in managing stormwater at their facilities, this is a general permit that is meant to regulate all modern closed landfill facilities within the Central Coast Region. However, a site specific MRP will be issued to Recology under the proposed General Order and Central Coast Water Board staff will consider increasing the minimum storm event that would trigger site inspections at Recology’s facilities in the individual MRP if data is presented to support this proposal.

It is the intent of this proposed General Order to prevent waste constituents from entering stormwater retention ponds or sediment basins and Central Coast Water Board staff do not support the removal of these facilities from the definition of a receiving water.

**Comment 31:** Pages A-7&8 – Table A-2 Monitoring Parameters

*a. Table A-2 Provisions*

*i. Monitoring parameters/constituents listed are an example of what may be included in a site-specific monitoring and reporting program and may be expanded to include additional parameters/constituents or reduced as appropriate for site-specific conditions. Monitoring parameters/constituents must also be classified as either indicator or supplemental parameters/constituents. Statistical analysis will only be required for indicator parameters.*

- Recology requests clarification if Water Board will require additional sampling based on the expanded proposed parameter list.

**Central Coast Water Board Response** – Based on comments received, Central Coast Water Board staff have removed boron and sulfide from Table A-2 (see Central Coast Water Board’s response to comment 15 above). At this time, Central Coast Water Board staff do not anticipate adding additional constituents to Table A-2, unless additional constituents have previously been detected at the site. This will be evaluated on a case-by-case basis during development of the site specific MRPs.

**Comment 32:** Page A-11 – The Order adds PFAS to leachate and wells.

*5. Per- and polyfluoroalkyl substances (PFAS) Monitoring Analytes. The Discharger must analyze leachate and all detection monitoring and corrective action groundwater monitoring wells listed in Table A-1 for the PFAS analytes described in Table A-4 below:*

- Recology requests clarification if all monitoring wells need to be tested or focused on corrective action wells identified in the MRP.

**Central Coast Water Board Response** – All groundwater monitoring locations will need to be sampled semiannually for two years. If detections are observed and are determined to be a result of a release at the closed landfill facility, the corrective action program may propose PFAS monitoring for only those wells impacted by the release.

**Comment 33:** Page A-15 PFAS Sampling Frequency

*a. Table A-4 Provisions i. The Discharger shall initially sample semiannually for the first two years. If no PFAS constituents in MRP Table A-4 are detected in groundwater within the initial two year period, the sampling frequency for PFAS monitoring will be amended by issuing a revised individual MRP that modifies the PFAS sampling schedule from semiannual monitoring to a once every 5-year sampling schedule in alignment with the Part I.E.2.b.iii COC sampling schedule. If any PFAS constituents in MRP Table A-4 are detected in groundwater as a result from a release from a WMU, the Discharger must evaluate the results in accordance with Part III.B of this MRP.*

- Recology proposes amending this requirement to clarify that follow-up samples would be required only for those wells where PFAS is detected at levels exceeding the level of detection and reporting.

**Central Coast Water Board Response** – Central Coast Water Board staff do not agree with the proposed language change to Part I.E.5.a.i of the proposed MRP since trace results (i.e., results falling between the method detection limit and the practical quantitation limit) still represent the potential for the presence of PFAS. As described in Central Coast Water Board staff’s response to comment 5 above, given the prevalence of PFAS in industrial and consumer products, including in some products historically used to construct wells, Central Coast Water Board staff will not rely solely on trace detections to confirm that a release from the closed landfill facility has occurred. However, trace detections may provide supporting information and staff will evaluate trace detections on a site-by-site basis.

**Comment 34:** Page A-23 – Changes reporting to semiannual

*B. MONITORING REPORT The Discharger must submit a monitoring report semiannually by January 31 and July 31 of each year<sup>7</sup>. Submit the monitoring reports in an electronic format, with transmittal letter, text, tables, figures, laboratory analytical data, and appendices in a PDF (one PDF for the entire report). The Discharger is required to upload the full monitoring report into GeoTracker along with corresponding laboratory data in EDF, pursuant to CCR, title 23, division 3, chapter 30 and CCR, title 27, division 3. The monitoring report must address all facts of the Landfill’s monitoring program. The monitoring report must include, but should not be limited to the following:*

- Recology requests that semi-annual reporting result in only two reports being submitted. This can be achieved by (i) submitting the annual report as one of the two or (ii) by limiting the reports to two separate reports without the need to produce a third report, labelled “annual.”

**Central Coast Water Board Response** – As written, the proposed General Order only requires two reports to be submitted each year. It is common practice for closed landfill facilities to submit the annual summary report as part of the second semiannual monitoring report due by January 31 of each year. The language in the proposed General Order does not prohibit this activity.

**Comment 35:** Page C-4 – Cost of compliance sampling

5. The Central Coast Water Board has considered the cost and need for monitoring and reporting required pursuant CCR, title 27, §20385 and implemented through this MRP. The costs of complying with this MRP will be dependent on site specific conditions and are estimated to range from approximately \$14,600 to \$58,900 annually. Additionally, in accordance with CCR, title 27, §20420(g), the MRP requires 5-year constituent of concern monitoring which is estimated to add an additional cost of \$6,800 to \$33,800 once every five years. Although the costs are significant, the costs are reasonable because the data collected under the MRP are required pursuant CCR, title 27, §20385

and are needed to evaluate compliance with the discharger requirements of this General Order, ensure the protection of water quality and confirm that beneficial uses are protected. The cost of implementing this MRP may be reduced after two years if monitoring conducted under Part I.E.5 of the MRP documents non-detections for Per- and polyfluoroalkyl substances (PFAS).

- Cost of testing will increase and will add to the expenses associated with managing closed landfills. Before imposing such costs and to assure that these resources are used efficiently, Recology requests that this requirement be delayed until the Agency can provide a list of state-certified laboratories and confirm that the number is adequate to accommodate the volume of facilities covered by the General Order.

**Central Coast Water Board Response** – Please find the link below to the State Water Resources Control Board’s spreadsheet of laboratories accredited for PFAS Analysis. The number of accredited laboratories appears sufficient for the analytical demands of this proposed General Order. If issues do arise in finding a laboratory to conduct the PFAS analysis outside of your control, please document your issues and reach out to Central Coast Water Board staff as soon as possible and we will try to work with you to find a solution.

<https://www.waterboards.ca.gov/pfas/docs/pfas-laboratories.pdf>