

From: "alan d. wade" <sara5204@pacbell.net>
To: "john moody" <jmoody@waterboards.ca.gov>
Date: 6/18/2008 1:44 PM
Subject: Comments on WDO (tentative), Folsom Landfill Clean Closure
Attachments: Comments on WDO (tentative), Folsom Landfill Clean Closure.doc

Mr. Moody: Attached are SARA's comments regarding the above-captioned tentative action. Please acknowledge receipt, and send assurance that our document will be included in full in the administrative record for the scheduled July 31-August 1 Public Hearing of the Central Valley Regional Water Quality Control Board. As you see, our submission is well before the deadline of June 23.

As in the past, SARA requests recognition as a designated party. We expect to be represented by counsel in this matter. Thank you for your cooperation. A full list of individuals and agencies receiving this statement will be provided when prepared.

Alan D. Wade, Ph.D.
Past President, Save the American River Association
(for the Board of Directors)

PEC



SAVE THE AMERICAN RIVER ASSOCIATION, INC.

P.O. BOX 277638 - SACRAMENTO, CA 95827-7638 - (916) 387-1763

Alan Wade

455-7083

To: Central Valley Regional Water Quality Control Board
 Subject: Opposition to (tentative) Waste Discharge Requirements for Clean Closure of Folsom Corporation Yard Landfill. (Doc. Dated 23 May, 2008)
 From: Alan Wade, Past President, Save the American River Association (SARA), for the Association
 Date: June 18, 2008
 Attn: John Moody

called
 Mr. Wade
 on 6/26
 he returned
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 6/26.
 advised
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The Save the American River Association was founded in 1961 and has continued since that time as the recognized guardian and public spokesman for maintaining the health and quality of the Lower American River and its Parkway, a recreational corridor and wildlife habitat that depends for its vibrant life on the river that flows through it. Having carefully reviewed your tentative WDO, we find the document to be seriously flawed and herein state some of our reasons for opposing its adoption.

This river is far more than merely a "tributary to the Sacramento River" (No. 15, p. 3.) It is a federally designated Wild and Scenic River. That status means that, because of its many *beneficial uses*, it must be held to unusually strict requirements for water quality standards.

A 2003 report prepared by LSA Associates for the Folsom Lake State Recreation Area update process emphasized that "Basin plan standards for fecal coliform bacterial levels and the waters downstream from Folsom Lake are twice as stringent as for most other waters with water contact recreation."

While that report referred primarily to fecal coliform levels, SARA believes that equally stringent standards for other toxic agents should be enforced.

The Clean Closure to which your report refers is sited only a few feet above Lake Natoma. Even more critical to the safety of walkers, hikers, boaters, and other recreational users is the fact that the so-called UFA (Uncontrolled Fill Area) presents serious additional hazards—some known and some yet to be discovered-- and has never been subject to closure. This area abuts the busy bike trail directly below it in State Park lands.

Your tentative WDO appears to have been prepared in blissful ignorance of the deserved reputation of the subject "Discharger" -- the City of Folsom,--as a known, documented, and unrepentant scofflaw in its attitude and approach toward the precious resource which flows through its boundaries.

The points following represent only a partial list of the basis for SARA's opposition to the issuance of the WDO under present circumstances.

- Despite the City's repeated mantra that the Site is largely benign in content, the evidence to the contrary is overwhelming (see Health and Safety Plan prepared for the city by Brown and Caldwell, February, 2008). The chemical hazards identified as a part of the Plan for removal are hardly consistent with mere grass clippings and discarded foliage, and soil, or with reports from long-term residents of the materials dumped there over the years.
- No. 29 of the WDO (p.5) indicates that pond liners were breached in several places. Is there any assurance that such breaches do not result in river water degradation, or will not do so in the future? Whether or not such "breaching" has occurred, monitoring wells placed outside the old sewage ponds may well be detecting toxic agents, thus underscoring the importance of a Closure Plan overseen by CIWMB, rather than jumping to "Clean Closure."
- No. 36 (p.7) indicates that VOC's (volatile organic compounds) have been "intermittently detected" at the site's test wells, but there is no indication of testing of the river water itself for these same compounds. Whether or not such testing is done, the City should be required to CIWMB Closure requirements for the UFA's outside the original sewage ponds.
- No. 42 defines "successful clean closure" as a process that results in no further threat to water quality. If testing is not done on a periodic and regular basis, how will success be determined?
- No. 48 (p.11) estimates a total amount of 73,000 cubic yards of waste material to be removed. Can the Board verify/confirm that the City's cost estimates are realistic in the light of, for example, steep increases in the cost of diesel fuel? Do the estimates include allowance for unpleasant surprises in the kinds of materials unearthed and removed ?
- No. 59 (p 13) assumes an optimistic date for completion of the work—one "season" of work. Has the City provided for the suggested "winterization" plan? Are the costs of such a plan included in the City's financial plan? If activities must be suspended (No. 5, p. 18), has the cost of protection of the

unfinished closure been budgeted? We do not believe that the City has presented the mandated "accurate and detailed" plan for arriving at a firm and believable cost estimate.

- Detailed requirements for post-closure work are specified on pp.19-20. Who/what will do the extensive monitoring required? If the Board's budget for staff is as impaired as delineated by your Executive Officer in her August 2, 2007 report to the Board, who will provide these services? The City of Folsom can hardly be expected to equip itself with the required resources for effective monitoring, nor would they have the incentive to do so absent the threat of severe legal and fiscal consequences.
- No. 3 (p. 27) refers to strictures to be placed on a succeeding owner. Any plans for construction on this site, even should the clean closure be successfully completed, which require water and sewage hookups, should take into account the existing overburdened infra-structure of the City, in particular the under-built and over-burdened 27 inch sewage line currently relied upon for discharges from 15,000 prisoners, all of the city north of the American River and all of the pre-1992 city.
- No. 9(p. 30) calls for the Discharger to "take all reasonable steps to minimize any adverse impact to the waters of the State resulting from non-compliance with this Order----(such steps) to include accelerated or additional monitoring as necessary to determine the nature, extent, and impact of the non-compliance." This is unadulterated nonsense. Should the fox be expected to guard the hen house?
- We cannot imagine that your Board, given the many years of history you have had with this particular discharger since the January 2000 spill of 750,000 gallons of raw sewage into Lake Natoma through Willow Creek, would seriously expect that they (i.e., Folsom) would monitor and report their own violations. Any such plan is totally unacceptable, and would most certainly call for a restraining order.

This Order, if adopted, is a travesty against the body politic. If you adopt it, you will be violating the Clean Water Act by turning over to a local government with a long history as a scoff-law the opportunity to further pollute the waters of the People of the State of California in pursuit of their own expansionist goals.

SARA is opposed to the granting of this Order because Folsom city officials have made it abundantly clear by their past behavior that they

will simply ignore any rules or regulations imposed by the Regional Water Quality Control Board.