

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 7 and 8 August 2014**

**Response to Written Comments for the
City of Sacramento Utilities Department and Sylvia Dellar Survivor’s Trust
Dellar Landfill
Tentative Waste Discharge Requirements**

At a public hearing scheduled for 7 and 8 August 2014, the Regional Water Quality Control Board, Central Valley Region (“Central Valley Water Board”) will consider adoption of Waste Discharge Requirements (“WDRs”) for the Dellar Landfill. Tentative WDRs and a Notice of Public Hearing for this item were issued to the Discharger (City of Sacramento and Sylvia Dellar’s Trust) and interested persons on 3 June 2014. Written comments were received only from the Discharger. This document contains responses to those written comments.

DISCHARGER COMMENTS

Written comments on the tentative WDRs jointly submitted by the City of Sacramento and Sylvia Dellar Survivor’s Trust were received on 3 July 2014. Written comments were also received from the Sylvia Dellar Survivor’s Trust on 2 July 2014. Water Board staff held a 10 July 2014 conference call with the Discharger to explain the proposed changes to the tentative WDRs in response to their comments. This Response to Comments provides Board staff’s formal response to comments on the tentative WDRs. A summary of these comments and staff’s response to each are provided below by comment subject area.

1. Landfill Closure

- a. Various comments objected to the landfill being referred to as “inactive” and/or as “partially closed”, given that the Discharger implemented an approved final closure plan for the landfill in 2012 and that the certification report for the work was approved by Board staff. Comment 3 (Page 1 of 1 July 2014 letter), for example, states:

“ . . . This finding misstates the approved Final Closure/Post Closure Monitoring (Monitoring Plan) (FC/PCMP). The FC/PCMP was approved by Board staff. The closure Certification Report was accepted by Board staff. Neither document was entitled partial but rather the FC/PCMP and Closure Certification Report as noted. As such, any reference to the Board approved documents as partial should be corrected.

The Discharger therefore contends that the landfill should be referred to as “closed”.

Response – A review of the files conducted in preparation of the tentative WDRs found that the northeast portion of the landfill footprint extended to the inward edge of the access road on top of the American River levee, about 18 feet beyond the northeast extent of proposed final cover under the 2011 FCP/PCMP. See WDR Finding 69. Also, as noted in WDR Finding 78, and the 2012 Closure Certification Report, the northeastern extent of the final cover was reduced by 16.8 feet to comply with a 35-foot construction setback (i.e.,

“No Construction Zone”) negotiated with the American River Flood Control District (ARFCD) in lieu of having to obtain a permit for working in the levee area. Because the 2011 FCP/PCMP did not include a plan for covering the entire landfill footprint, the tentative WDRs refer to the plan as a partial FCP/PCMP. For the same reason, the landfill is referred to as partially closed. References to the landfill as “inactive” have been deleted or changed to “partially closed”.

- b. Levee Corridor -- Several of the Discharger’s comments objected to Construction Specification F.4, which requires that the portion of the landfill footprint within the levee corridor area (approximately 280 feet long and 35 feet wide) be closed in accordance with a revised Final Closure and Postclosure Maintenance Plan (FCP/PCMP) required to be submitted under Closure and Postclosure Specification E.1 and Provision J.6.b. Comment F4 (Page 5 of the comments letter), for example, states:

“The City, Dellar Trust, and their respective professional consultants have reviewed the benefits and difficulties associated with completing the remaining final cover adjacent to the levee. It is our opinion that there would be no measurable benefit associated with completing this action from a technical and cost perspective. See the discussion provided as Exhibit 2, attached.”

In the above-referenced attachment (Exhibit 2), the Discharger identifies various controls implemented within the levee corridor area (“No Construction Zone”) under the 2011 FCP/PCMP to demonstrate that existing soil cover in the area meets Title 27 performance standards (e.g., grading, drainage, infiltration) such that no further closure construction in the area is warranted.

Response – Title 27 water quality regulations are implemented by WDRs, not Board staff. The attempted demonstration that the existing cover in the levee corridor area meets Title 27 performance standards must therefore be made under the WDRs, not in comments on the tentative Order. Corrective Action Specification D.3 allows for such demonstration, which may be included in the revised FCP/PCMP submitted under the WDRs in lieu of the final cover design required under Construction Specification F.3.

- c. Closure Schedule – Comment J7 (Page 5 of comments letter) states:

“All of the dates pertaining to the levee closure are outside the control of the City and the Dellar Trust. See Comment E.1. If the levee closure requirement remains in the adopted WDR (See F.4 and Exhibit 2), the dates need to be contingent on approval by ACOE/ARFCA [Army Corps of Engineers/American River Flood Control District] and field conditions (weather, etc.) that could affect timing of the performance of the work in the field. The following is suggested . . .”

Response – Due dates in Provision J.6 for submission of reports depending on local agency approvals have been removed and replaced with deadlines (e.g.,

“within x days”) based on the date of initiation of project construction. The latter is based on the date of receipt of final project approvals. In the event that these agency approvals are not granted or closure of the levee area is otherwise infeasible, Corrective Action Specification D.3 allows the Discharger to make a demonstration as to an alternative cover design for the levee area (including the existing configuration).

- d. Cover Design – Comments 76 and F6 request that the component of the final cover referred to as the “foundation layer” be instead referred to as the “subgrade”.

Response – No change was made to address this comment. The use of the term “foundation layer” is consistent with Title 27 terminology regarding landfill cover design, whereas the term subgrade is not. Also, the WDR Construction Specifications for the foundation layer (F.3 and 6.a) state that the foundation layer shall consist of fill soil, existing cover soil, and/or landfill waste. No mention is made of “subgrade”.

2. Monitoring

- a. Background Monitoring – Several comments (e.g., 41, 46 and MRP 1.a) note deficiencies associated with using wells B-4 and/or C-15 as background wells and state that it is premature to require that these wells be used for background monitoring until the Water Quality Protection Standard Report required under the WDRs is approved.

Response – A review of available groundwater monitoring data indicated that wells B-4 and C-15 were either upgradient or side gradient of the landfill and that they appeared to be relatively unimpacted for general minerals compared to wells downgradient of the landfill. The Discharger may propose alternative locations for background monitoring (i.e., in the WQPS Report required under WDR Provision J.5.f) if it is determined that such locations are more appropriate than B-4 and C-15. A new background monitoring well may need to be installed in such case.

- b. Detection/Corrective Action Monitoring – Comment 44 notes that there are several other potential sources of the VOCs detected in the offsite wells downgradient /sidegradient of the landfill other than the Dellar Property and that the WDR findings should reflect this fact.

Response – The first sentence of the subject finding has been revised as follows:

Given that the Dellar Landfill accepted MSW and is unlined, it appears likely that ~~most if not all~~ one or more of the VOCs detected in the monitoring wells directly down gradient of the site (i.e., C-14, D-18, and D-19) came from the Dellar Landfill.

- c. Storm Water – Comment I.4 (Page 5 of letter) notes that the landfill qualifies for an exemption from the General Industrial Storm Water Permit because the site

discharges to the City's combined sewer system, which is regulated under a separate NPDES permit. MRP Comment 4 (Page 7 of letter) further states that required surface water monitoring under the MRP is redundant because it is conducted under the General Storm Water Permit for the combined sewer system.

Response – The requirement for obtaining coverage under the General Industrial Storm Water Permit has been deleted. Storm water sampling of the detention ponds is required under the MRP, however, for several reasons, as follows:

- To detect a potential release from the landfill (e.g., exposed waste or leachate seep);
- To detect evidence of cover or drainage swale erosion; and/or
- To detect unexpected impacts from other potential sources (e.g., trespass).

Given that the ponds are within the landfill footprint and do not have Title 27 prescriptive liners, the required pond monitoring also helps minimize the risk of storm water impacts going undetected and infiltrating into the landfill.

3. Other

- a. Standard Provisions – Various comments (e.g., A9 on Page 3) request that the WDRs specify which standard provisions and reporting requirements (SPRR) apply to a given set of specifications (e.g., closure, construction) rather than just referring to the standard provisions “applicable to a closed/unlined landfill” for that set of specifications.

Response – The purpose of the SPRR is to avoid having to include standard provisions applicable to many landfill sites in the individual WDR for a given site. The SPRR sections are generally grouped by the same categories as the WDR requirements to facilitate identification of applicable provisions for a given site. In general, standard provisions applicable to a landfill with a Class II or III level containment system would not be applicable to an unclassified, unlined landfill.

- b. Location Map – The last comment (Page 7 of letter) notes that the location map (WDR Attachment A) incorrectly shows the Dellar Property as including the Cannon Family Trust and Scollan Credit Trust parcels.

Response – WDR Attachment A has been corrected to show only the Dellar Property within the site boundary.

Various other minor edits were made in response to comments.