



June 19, 2015

Mr. Vinoo Jain
Mr. Marty Hartzell
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Re: Tentative Waste Discharge Requirements for Recology Yuba-Sutter & Feather River Organics

Dear Vinoo and Marty:

Recology Yuba-Sutter (RYS) appreciates this opportunity to provide comments on the tentative Waste Discharge Requirements and Monitoring & Reporting Program issued by permitting staff of the Central Valley Regional Water Quality Control Board on May 20, 2015 for the Recology Yuba-Sutter landfill and Feather River Organics composting operations in Marysville, California. We also appreciate the time you took to meet with us on June 15. It was a very productive meeting, which has narrowed the set of outstanding issues. We are committed to continuing to work with Regional Board staff in an effort to fully resolve any remaining issues. Our aim is to reach a cooperative resolution, so that there is no contested hearing before the Regional Board members and the matter is placed on the Board's consent calendar. To that end, we would like to set up a meeting with the appropriate Board staff to discuss the key remaining issues as soon as possible.

Attachment A to this correspondence sets forth our specific, itemized comments on the findings and provisions in the tentative WDRs and MRP. At our June 15 meeting, you indicated that staff wanted comments in narrative form, rather than a proposed markup or redline of the tentative WDRs. We have therefore provided narrative comments, but please note there are some instances where specific textual changes are proposed to the provisions of the tentative WDRs, in an effort to provide comments that are as clear and thorough as possible.

Many of the issues in the attached comments involve simple textual changes and clarifications or requested modifications of the compliance deadlines. Other issues in the attached comments represent our effort to capture the discussions with Regional Board staff. The most important issues that we would like to focus on for our upcoming discussions with staff are as follows:

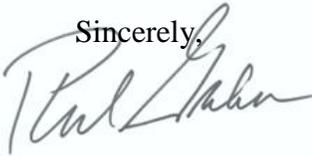
- **Groundwater monitoring:** RYS requests that the requirement in the tentative WDRs to revise the site's existing groundwater detection monitoring program be modified, in order to allow RYS to conduct a further technical study to assess whether the program is compliant and to identify any upgrades or modifications to the program that may be necessary. We believe this is a reasonable, step-wise approach before undertaking an

extensive revision of the site's groundwater monitoring program. We intend to work closely with Regional Board staff to define the parameters and methodology for the requisite technical evaluation.

- Vadose Zone Monitoring: RYS requests that the requirement in the tentative WDRs to analyze perimeter LFG monitoring probes for VOCs be modified to trigger this testing only when appreciable LFG is determined to be present based on the detection of methane and/or VOCs by field monitoring. This is the approach that has been used at the Recology Hay Road and Recology Ostrom Road facilities and we believe it is an appropriate approach to use here.
- Specifications for LF-1 Cover and Compost Pad: Regional Board staff have previously approved detailed work plans (the Southern Area Work Plan and the Compost Area Work Plan) that govern the requirements for the LF-1 cover and the compost pad. But the tentative WDRs appear to add new requirements, which are not contained in those approved work plans. RYS believes that the approved work plans include sufficient protections for water quality and that the new requirements added by the tentative WDRs are not necessary or warranted.

We hope we can work through these issues with you and your team. We appreciate your consideration of our comments and we look forward to meeting with staff to discuss the matter as soon as you are available to do so.

Sincerely,



Phil Graham

cc: Gino Yetka, CalRecycle
William A Davis, Yuba County Environmental Health Department
Marc Bruner, Perkins Coie

ATTACHMENT A
COMMENTS ON TENTATIVE WASTE DISCHARGE REQUIREMENTS
RECOLOGY YUBA-SUTTER/FEATHER RIVER ORGANICS

This attachment presents the specific, itemized comments of Recology Yuba-Sutter (“RYS” or the “Discharger”) on the tentative Waste Discharge Requirements. Section 1 presents our comments on the Findings in the tentative WDRs; Section 2 presents our comments on the Prohibitions, Specifications, Provisions and Tasks in the tentative WDRs; and Section 3 presents our comments on the tentative Monitoring & Reporting Program.

1. FINDINGS

Finding #1: We suggest that Recology Yuba-Sutter should be the only discharger named in the WDRs and that Recology, Inc. should not be named as a discharger. RYS is the landowner, it manages the closed landfill units at the site, it operates the Feather River Organics composting facility, it maintains and operates the site’s monitoring systems, and it is responsible for compliance with the applicable rules and regulations. Recology, Inc. is not the landowner and does not conduct day-to-day operations at the site.

Finding #3: Recology Yuba-Sutter is the landowner, not Recology, Inc.

Finding #5: The second sentence refers to “Title 27 Section 13260.” It appears that this reference should be changed to California Water Code Section 13260(a)(1).

Findings #7, 8 & 10: These findings state that the Feather River Organics composting facility is “unregulated” and has operated since 2003 “without Central Valley Water Board regulatory oversight.” We respectfully maintain that this characterization is not entirely accurate.

In August 2001, Regional Board staff reviewed a Report of Waste Discharge and authorized composting operations at the site pursuant to the Board’s Resolution No. 96-31 (Conditional Waiver of Waste Discharge Requirements for Composting Operations). Shortly after the expiration of the Regional Board’s Conditional Waiver in January 2003, the Board issued individual WDRs for the site (Order R5-2003-0093, issued June 6, 2003). Even though the 2003 WDRs do not directly regulate the composting operations, Regional Board staff have indicated that they regularly include these operations as part of their site inspections.

In 2012, Regional Board staff requested information about the composting operations in order to include those operations within a revised set of WDRs for the site. In response, RYS submitted a Report of Waste Discharge on June 29, 2012 and it submitted additional information about the composting operations on February 15, 2013. Ultimately, instead of issuing revised WDRs, in August 2013, Regional Board staff issued a Cleanup & Abatement Order that covers both the composting operations and the closed landfill. (Order R5-2013-0704, issued Aug.. 29, 2013, as amended on Jan. 13, 2015.) Board staff have indicated that one of the reasons for issuing the CAO was to obtain the technical information needed to prepare comprehensive updated WDRs that would cover both the landfill and the composting operations.

In light of this history, RYS suggests changing the language in the tentative WDRs to state that the composting operations have not been covered by WDRs since the expiration of the Conditional Waiver, rather than stating that the operations are “unregulated” or “without Central Valley Water Board regulatory oversight.”

Finding # 9(d): This finding states that the site’s groundwater detection monitoring system does not comply with Title 27. RYS recognizes Regional Board staff’s position on this issue; as you know, RYS and its consultants have disputed this position in the past, based on the site’s hydrogeology and a technical evaluation of the site’s monitoring system. (See, e.g., Golder Associates, *Monitoring System Evaluation and Corrective Action Effectiveness*, July 29, 2011.) In an effort to resolve this issue cooperatively with Regional Board staff, RYS proposes to conduct a further technical evaluation to assess whether any upgrades or modifications to the site’s groundwater detection monitoring network are necessary. RYS would work closely with Board staff in establishing the parameters and methodology for conducting this evaluation. RYS believes that this is an appropriate, step-wise way to work towards a mutual resolution of this important issue. We would like to meet with Regional Board staff to discuss the matter as soon as possible.

With respect to the text of the tentative WDRs, we request that Finding #9(d) be revised to read: “The Discharger will conduct a technical evaluation of the site’s groundwater detection monitoring system to determine whether upgrades or modifications to the system are necessary to achieve compliance with Title 27 regulations.” See also the comments below on Findings #55, #56, #93 and #94 and Provision H.7—Task C.

Finding #14: The “Yuba-Sutter Enforcement Agency” should be changed to the “Yuba County Local Enforcement Agency.”

Finding #21: This finding states that the Section 13267 Order issued by Regional Board staff on December 16, 2014 required “a discharge plan that accounts for *consecutive days* of a 25-year, 24-hour design storm event.” (Emphasis added.) Please note, however, that the August 2013 Cleanup & Abatement Order, on which the Section 13267 Order was based, established a different standard to govern the compost water management system. Provision #9(b) of the CAO, as amended, states that the site’s “compost area leachate collection system shall collect and contain all contact stormwater (leachate) generated during rainfall events *up to and including* the 25-year, 24-hour design storm event of 3.16 inches.” (Emphasis added.)

Finding #22: Please note that the updated compost area water balance submitted by RYS on January 15, 2015 was based on a firm oral agreement with the City of Marysville for disposal of 200,000 gallons of compost water per day to the City’s sewer treatment plant with a maximum disposal of 750,000 gallons per week. The written permit issued by the City of Marysville on January 27, 2015 memorialized the firm oral arrangement that already had been established.

Finding # 28: This finding states that RYS “completed installation of five LFG wells around GP-14” Please note that extraction wells were not placed “around GP-14,” but were all placed on the western side of GP-14 within the limits LF-1. Accordingly, RYS suggests that the text of this finding be revised to read that RYS “completed installation of five landfill gas extraction wells on the western side of GP-14 along the south side of LF-1”

In addition, RYS requests that the following sentence be added at the end of this finding to reflect the improvements resulting from the corrective actions that have been implemented at the site: “The methane that was detected in GP-14 was effectively removed and methane has not been detected in GP-14 since November 2013.”

Finding #33: RYS requests that the following sentence be added at the end of this finding to reflect the improvements resulting from the corrective actions that have been implemented at the site: “Landfill gas is no longer detected in the perimeter landfill gas monitoring probes on the northern side of LF-1.”

Finding #35: RYS requests that the following sentence be added at the end of this finding to reflect the improvements resulting from the corrective actions that have been implemented at the site: “There have been no confirmed detections of VOCs in LF-3 monitoring wells since 2007.”

Finding #36: This finding focuses on VOC impacts observed in groundwater monitoring wells associated with LF-1. However, the finding references corrective actions for LF-3, which are unrelated to the groundwater impacts in the area of LF-1. Accordingly, RYS suggests that the references in the second sentence to LF-3 be deleted.

In addition, RYS requests that following sentence be added to the end of this finding to reflect the improvements resulting from the corrective actions that have been implemented at the site: “Note that the current number and concentrations of VOCs detected have decreased to the point where most of the VOC detections are at estimated trace concentrations that are below the laboratory reporting limit.”

Finding #45: For the sake of clarity, RYS suggests that the fifth sentence of this finding be revised as follows: “As part of the EFS, the Discharger voluntarily installed nine shallow temporary probes into LF-1 waste to further delineate the extent of LFG within LF-1.”

Finding #46: RYS requests that the following text be added at the end of this finding to reflect the improvements resulting from the corrective actions that have been implemented at the site: “These conditions eventually prompted the installation of five landfill gas extraction wells in the southern portion of LF-1 in September 2013. As a result of this corrective action, methane has not been detected in GP-14 since November 2013.”

Finding #48: RYS requests that the following sentence be inserted between the fifth and sixth sentences of the existing text to provide additional information on the referenced report and the corrective actions that were recommended: “Based on these findings, the 15 November 2012 report included several recommendations, including completing the pipeline video survey, repairing damaged pipes, periodically inspecting the pipelines, filling low area where ponding can occur, repaving damaged pavement, constructing drainage swales, and inspecting the landfill surface and making repairs.”

Finding #53: RYS does not dispute the key conclusion in this finding that the data continue to show that VOCs and bicarbonate alkalinity concentrations exceed the concentration limits. However, RYS requests that the finding be revised to address the following two issues:

- The second sentence of the finding states that due to the presence of VOCs and elevated bicarbonate alkalinity concentrations as compared to background (i.e., concentration limits), gas and leachate related groundwater impacts “*continue*” at the facility. However, this statement does not appear to recognize the possibility that the impacts being observed are pre-existing impacts based on historical conditions. The corrective actions implemented to date are primarily intended to provide source control to mitigate potential future impacts, while degradation of the existing impacts will rely mostly on natural attenuation processes (i.e., biodegradation, dilution, etc.). The mere presence of VOCs or elevated bicarbonate alkalinity concentrations does not necessarily mean that discharges are still occurring as implied by the current language of the finding. Further, monitoring results show a decreasing trend in VOC concentrations. Accordingly, RYS requests that the second sentence of this finding be revised as follows: “Although the report clearly showed that the five extraction wells were effective in reducing LFG concentrations below the 5% limit required by CalRecycle at the perimeter of a landfill property boundary, the data continues to show that VOCs and bicarbonate alkalinity concentrations exceed the concentration limits set forth by the Discharger’s Water Quality Protection Standard ~~and that gas and leachate related groundwater impacts continue at the facility.~~”
- The conclusion in the last sentence of the finding that the LFG extraction system is not effectively removing LFG on the basis of observed oxygen levels is problematic. In general, the observed oxygen levels in the LFG extraction wells are compared to literature values presented in an EPA guidance document. Specifically, it is noted that LFG generated from older waste should not exhibit oxygen levels in excess of 1 percent. The problem with this comparison is that the characteristics outlined in the EPA guidance document pertain to LFG under static pressure conditions (i.e., no active LFG extraction). However, with active LFG extraction, low pressure conditions are created within the refuse mass and atmospheric air is introduced into the refuse mass, thereby increasing oxygen levels. Although the standard of practice is to minimize this influx as much as practical, some atmospheric air will invariably be introduced by the extraction process. Thus, oxygen levels above 1 percent do not indicate inefficient collection operations, and in fact higher oxygen levels are indicative of highly aggressive extraction operations. Accordingly, RYS requests the deletion of the final three sentences of the finding, which state that, based on the oxygen levels, the site’s LFG system has not been operating effectively.

Finding #54: The third sentence of this finding states that the installation report for the LF-1 expanded LFG extraction system must provide a determination of the current unsaturated zone monitoring system’s ability around LF-1 to “quantify” improvements to groundwater quality. However, please note that it is not practical to translate soil-pore gas data from LFG monitoring probes into quantifiable improvements to groundwater. RYS and its engineers can conduct a qualitative evaluation, but we request that the word “quantitative” be deleted from this finding.

Finding #55: See the comment above on Finding #9(d) and the comments below on Findings #56, #93, and #94 and Provision H.7—Task C. RYS requests that the word “Noncompliant” be deleted from the header above this finding. As explained above, RYS proposes to perform additional technical analysis to assess whether the existing groundwater detection monitoring

system is compliant and to determine any upgrades or modifications to the system that may be needed.

RYS further requests that the first sentence of this finding be revised as follows and that a new second sentence be added: “At the time this Order was adopted, the Discharger and Regional Board staff were not in agreement on whether the Discharger’s groundwater detection monitoring system ~~satisfied~~ ~~did not satisfy~~ the requirements contained in Title 27. As part of this Order, the Discharger will perform a technical evaluation to assess the system for compliance with Title 27 and to determine any upgrades or modifications to the system that may be necessary....”

Finding #56: See the comments above on Findings #9(d) and #55 and the comments below on Findings #93 and #94 and Provision H.7—Task C. RYS requests that the last sentence of this finding be revised as follows: “These WDRs in Provisions H.7 require the Discharger to provide a Workplan that describes how the Discharger will evaluate compliance ~~comply~~ with Title 27 requirements by determining whether establishing a sufficient number of Points of Compliance are present within the DMP based on the groundwater flow characteristics in the area ~~that are hydraulically downgradient~~ of the WMUs.”

Finding #70: RYS requests that the third and fourth sentences of this finding be revised as follows to provide a more accurate description of the Hog Farm area: “Storm water that drains to the Hog Farm area is discharged through a sluice gate discharge culvert with a manually-operated gate valve to the Yuba River 100-year floodplain. The Hog Farm area is protected from a flood with a 100-year return period by a berm flood control levee permitted by the Central Valley Flood Control Board and closure of the sluice gate valve.”

Finding #71: We suggest revising this finding to make clear that the adjacent landfill to the south/southwest edge of RYS is an abandoned landfill, not an operating facility.

Finding #77: The facility is protected from flows from a 100-year flood by a perimeter flood control levee. This was previously certified in an engineering report dated January 27, 1995, which Regional Board staff approved in correspondence dated February 9, 1995. Copies of these documents will be sent under separate cover.

The efficacy of the flood control levee has not previously come into question and RYS respectfully maintains that the requirement to prepare a new Flood Protection Report is an unnecessary duplication of effort. While Title 27 § 21750(d)(2) refers to maintaining flood protection facilities, the inspection and maintenance of the levee and the associated costs can be incorporated as an addendum to the facility’s Post-Closure Maintenance Plan, rather than preparing a separate Flood Protection Report for this purpose. RYS therefore requests that the requirements stated in this finding be deleted. See also the comment below on Provision H.7—Task J.

Finding #78: RYS is in the process of preparing the requisite materials, including the Storm Water Pollution Prevention Plan, for compliance with the new statewide Industrial General Permit, which takes effect on July 1, 2015. The SWPPP will identify the appropriate SIC codes that apply to the site. RYS therefore requests that the last sentence of this finding be revised to

indicate that the facility's upcoming SWPPP will indicate the applicable SIC codes, rather than prescribing specific SIC codes as part of these WDRs.

Finding #86: It appears that this finding may be confusing first encountered groundwater, which corresponds to the depth in which groundwater is first encountered in a borehole at the time of drilling, with the subsequent static groundwater depth following well installation. Thus, RYS suggests that the finding be revised as follows: “The depth to first encountered groundwater measured in groundwater monitoring wells ranges from about 12 to 43 feet below the top of well casings native ground surface. Groundwater elevations have ranged historically (1996 through 2014) range from about 49 feet MSL to 67 feet MSL.”

Finding #87: The cited lower range value for total dissolved solids (TDS) of 5 milligrams per liter (mg/L) is incorrect. The correct value is 130 mg/L.

Finding #89: The beneficial use of “industrial process supply” is referenced twice in this finding.

Finding # 90: The reference to MW-1 and MW-2 should be deleted as these monitoring wells have been replaced by MW-1R and MW-2R as mandated by Regional Board staff.

Finding #91: Consistent with the comment to Finding #87, the cited lower range value for TDS of 5 mg/L in the table is incorrect. The correct value is 130 mg/L.

Findings #93 and #94: Please see the comments above on Findings #9(d), #55 and #56 and the comment below Provision H—Task C.

Finding #100: RYS respectfully maintains that the simple summing of VOC detections does not provide all of the information needed for a complete evaluation of the effectiveness of the corrective actions for VOCs. For instance, the use of mean values does not take into account the following factors:

- VOC concentration. VOC concentrations provide more useful data than simply noting the detection of an analyte.
- VOC concentration trend with time. There is a significant downward trend in VOC concentrations with time in all the corrective action monitoring wells within the 2005 through 2014 data set. This indicates that corrective actions are working.
- Changes in analytical method with time. Some methods analyze for more VOC species than other methods. Additionally, different methods have differing Reporting Limits (RLs), Method Detection Limits (MDLs), and Practical Quantitation Limits (PQLs). These factors should be taken into account before meaningful conclusions can be drawn from the data.
- Changes in RL/MDL/PQL. As an example, there has been an order of magnitude change in the MDL of some analytes in the last 10 years.
- Sample frequency. The sample frequency for some monitoring wells is quarterly,

whereas semiannual sampling is performed for other monitoring wells.

- **Duplication.** In the case of LF-1, the 2014 VOC count includes MW-1, MW-1R, MW-2 and MW-2R. Since these monitoring wells are completed at the same locations and MW-1R and MW-2R were installed to replace MW-1 and MW-2, the second semester 2014 data for MW-1 and MW-2 should be deleted.

In light of these issues, RYS requests that the table in this finding be deleted, as it is based only on the summing of detections. RYS also requests that the text of this finding be revised as follows: “Previous findings provide information regarding groundwater degradation and ongoing corrective action activities. ~~The table below summarizes the number of VOC detections that have occurred in detection/corrective action wells since 2005.~~ The groundwater monitoring results show ~~continual~~ water quality impacts to monitoring wells ~~MW-1, MW-2, MW-10, MW-15, MW-1R and MW-2R~~ at WMU LF-1 where the WMU is a closed unlined Unit with an earthen closure cover and post-closure operations such as a MRF, a vehicle maintenance facility, administration offices, and composting are occurring. Groundwater monitoring results also show ~~continual~~ water quality impacts at monitoring well MW-3 associated with WMU LF-2. These WDRs require the Discharger to enhance leachate and landfill gas control systems through corrective action at LF-1 and LF-2 to address VOC impacts ~~abate the discharge of VOCs to~~ groundwater.”

Finding #101: The table in this finding presents mean monitoring values and compares them to the concentration limits. However, this approach does not recognize the trends in the data and whether the conditions are getting better or worse. For example, if higher concentrations were present in 2010 but have steadily declined to below the concentration limit in 2014, the mean value may still plot above the concentration limit, even though compliant conditions have been attained. In short, comparing mean values to concentration limits does not constitute an approved or reliable statistical method. RYS requests that the current monitoring values should be used instead, which is the approved statistical evaluation method for the site.

Accordingly, RYS requests that the table in this finding either be deleted or modified to use the most recent monitoring results instead of mean values for comparison against the applicable concentrations limits. RYS also requests that the data for MW-1 and MW-2 be replaced with the data from MW-1R and MW-2R.

Finding #117: This finding states that the post-closure maintenance costs are estimated at \$4.7 million over 15 years in accordance with the May 2014 Post Closure Maintenance Plan. However, the May 2014 plan contained various errors, including double- and triple-counting of costs that occurred when the cost spreadsheets were separated into three sets, one for each landfill unit. This factor alone accounts for an overestimation of costs in the May 2014 plan of over \$80,000 annually. Accordingly, RYS is preparing an updated Post Closure Maintenance Plan, which will be submitted as soon as it is completed.

Accordingly, RYS requests that the financial assurance provisions of the tentative WDRs be revised to provide for Regional Board staff’s review and consideration of a modified cost estimate and the possible revision of the required financial assurances based on that review. See also the comments below on the Financial Assurance Specifications of the tentative WDRs.

2. WDR PROHIBITIONS, SPECIFICATIONS & TASKS

Prohibition A.2: RYS requests that this prohibition be clarified to allow for disposal of wastewater to a POTW, either by truck transport or via the on-site POTW connection.

Prohibition A.9: RYS requests that this prohibition be clarified so that it does not nullify other provisions of the tentative WDRs that allow RYS to conduct operations on top of LF-1. In other words, RYS requests that the prohibition be clarified to allow for such operations that meet the requirements in the WDRs that govern the composting activities and water management and the approved Southern Area Work Plan and Compost Area Work Plan.

Prohibition A.12: Consistent with Title 14 regulations and the draft statewide General Order for composting operations, RYS would like to include other permissible feedstocks, namely, paper products and manure. As discussed at our June 15 meeting, manure constitutes less than 10 percent of the composting feedstocks used at the Feather River Organics facility.

General Specification B.4: RYS suggests that this specification be clarified to reflect the fact that there is an approved engineered alternative design that allows for a three-foot separation between waste and groundwater at LF-3. The referenced Standard Provisions and Reporting Requirements (Section E.1) provide for a five-foot separation.

General Specification B.5: RYS requests that this specification be clarified to allow for notification of the Regional Board within 24 hours.

Composting Specification C.6: RYS requests that this specification be clarified to allow for on-site storage of finished compost product until it can be sold or donated.

Composting Specification C.10: RYS requests modification of the 30-day repair period, since we believe this timeframe is not practicable or warranted. First, issues related to wet weather conditions and contractor availability could make this timeframe very difficult, if not impossible, to meet under circumstances that are beyond the site's control. In addition, the compost pad is designed to minimize physical erosion from heavy equipment operations, so any rapid depletion of the thickness following the initial discovery of an issue with the compost pad is unlikely. Further, the pad has a permeability of 1×10^{-6} cm/sec, which equates to an annual infiltration rate of less than one inch, or less than a tenth-of-an-inch over a 30-day period. In light of these factors, it does not seem necessary to require a 30-day repair period.

Accordingly, RYS requests that the repair requirement be changed to an annual requirement during the dry season, with the stipulation that all repairs must be completed prior to the onset of the next rainy season (October 15). Alternatively, if this time frame for repair is considered too long, then RYS requests at least a 60-day repair period so that repairs can reasonably be achieved by the compliance deadline.

Composting Specification C.15: Consistent with WDR provisions at other composting facilities, Recology requests that this specification include a provision to address high-intensity, short-duration storms that do not exceed the 25-year, 24-hour standard. We propose the maximum peak flow from a 25-year, 10-minute storm, which was used in the WDRs for the Forward Landfill in San Joaquin County (Order R5-2014-0006).

In addition, it appears that the 25-year annual return period standard in this specification is based on the previous version of the draft statewide General Order for composting operations. But the recent revision of the draft General Order published on May 29, 2015 replaced the 25-year annual return standard with the 25-year, 24-hour storm event. RYS therefor requests a corresponding change to incorporate the 25-year, 24-hour storm event standard in the tentative WDRs, in order to be consistent with the revised draft General Order.

Closure & Post-Closure Specifications C.23 & C.24: These two specifications indicate that they are based on the approved Southern Area Work Plan and the approved Compost Area Work Plan. However, it appears that several provisions of the specifications differ from the standards set forth in these approved work plans. The provisions at issue are as follows:

- Under Specifications C.23(f) and (g), cracks must be repaired if they are deemed to “provide a preferential pathway of liquids to migrate towards the underlying final closure cover.” This requirement is not contained in the previously approved Southern Area Work Plan, which provides a clear, objective and easily administrable standard that cracks must be repaired if they are greater than 3/8-inch wide. The added standard is subjective and indeterminate and RYS requests that it be deleted.

Similarly, Specification C.23(b) refers to cracks that provide a preferential pathway of liquids to migrate towards the underlying final closure cover, but no dimensions are provided to define what qualifies as a potential preferential pathway. Again, we request that the objective standard of 3/8-inch be used.

- In Specifications C.23(k)(1) and (2), the requirement that the compacted fill soil and aggregate base materials have a hydraulic conductivity not exceeding 1×10^{-6} cm/sec is another added requirement that is not in the previously approved Southern Area Work Plan. This plan states that the purpose of the repairs is to achieve a permeability “similar” to the existing cover materials, but no permeability or hydraulic conductivity value is specified.

The new requirement in the tentative WDRs would require the collection of undisturbed samples for laboratory testing or in-place field testing to verify compliance. Because of the large grain size of aggregate materials, it is impractical to collect representative, relatively undisturbed samples of these in-place coarse stone materials for permeability testing per ASTM D5084. This is particularly the case in small repair areas. Field in-situ permeability testing of repaired areas is also impractical due the length of time required using the generally accepted sealed double ring infiltrometer method. Testing soils with a hydraulic conductivity of 1×10^{-6} cm/sec can typically take 8-12 weeks to complete using this method.

In addition, the specification in the tentative WDRs mandates the use of soil/aggregate base with fines content that is equal to or greater than the existing cover soil/aggregate base and requires that the material be compacted to a density equal to or greater than the existing cover soil/aggregate base. Therefore, it is reasonable to conclude that the resulting permeability should be similar or greater than the existing cover soil. RYS

accordingly requests that the 1×10^{-6} cm/sec requirement be deleted from both specifications.

- Specification C.24(a)(3)(i) adds the requirement, which is not in the approved Compost Area Work Plan, that the 15 percent fines component must be based on weight passing through a No. 200 (0.075 mm) sieve wherein the fines have a significant clay content classified as “SC”, or “CL”, or “CH” under ASTM Designation A2487-11. Since the compost pad is already required to meet a performance standard, RYS believes that adding a prescriptive standard is not warranted. Further, this added requirement may not be practicable to implement from a cost or timing perspective, since it cannot be guaranteed that the requisite materials can be acquired from a standard quarry operation. While the 15 percent fine component from a standard quarry operation may meet this requirement, it is not standard practice to verify the classification of the fines components, nor are most quarries set up to discretely segregate their fines materials based on soil classification. Since the compost pad achieves the desired hydraulic conductivity using the specification set forth in the approved Compost Area Work Plan, there appears to be no reason to add another requirement as proposed in the tentative WDRs.
- Specification C.24(a)(3)(viii) adds the requirement, which is not in the approved Compost Area Work Plan, to install lysimeters at a depth of 4 feet underneath the compost pad. Since the compost pad is six inches thick and the final cover is two feet thick, the required completion depth of 4 feet below the ground surface would place the lysimeter monitoring points within the refuse. This is problematic, since it will be very difficult to distinguish water quality characteristics that may be attributed to the composting operations versus the refuse. Thus, if lysimeters are required, RYS requests that the monitoring points be completed one foot below the base of the compost pad, which would position the lysimeters near the midpoint of the final cover.

Closure & Post-Closure Specification C.25(a)(xi): The tentative WDRs require that the compost water management system be designed to meet the 25-year, 24-hour storm event for 2015-2016 and the 25-year annual return period thereafter.¹ RYS does not believe a contingency plan should be required for “unforeseen weather events” that exceed the applicable standard. Indeed, if the system meets the requisite standard, what is the different standard that the contingency plan must meet? The requirement to have a contingency plan for “unforeseen weather events” may subject RYS to enforcement, based on conditions that are completely beyond its control, even where its system is fully compliant with the requisite standard. We therefore request that the requirement for a contingency plan above and beyond the applicable standard for the compost water management system be deleted.

Financial Assurance Specification F.1: As indicated in the comment above on Finding #117, the May 2014 Post Closure Maintenance Plan contained various errors. The most major of these errors is the double- and triple-counting of costs that occurred when the cost spreadsheets were

¹ Please see the comment above on Compost Specification C.15. That comment requests a short-term “intensity” standard and the elimination of the 25-year annual return standard based on the latest revisions to the draft statewide General Order.

separated into three sets, one for each landfill unit. This factor alone accounts for an overestimation of costs in the May 2014 plan of over \$80,000 annually. Accordingly, RYS is preparing an updated Post Closure Maintenance Plan, which will be submitted as soon as it is completed.

Accordingly, RYS requests that the financial assurance provisions of the tentative WDRs be revised to provide for Regional Board staff's review and consideration of a modified cost estimate and the possible revision of the required financial assurances based on that review, instead of prescribing a minimum value of \$4.7 million.

In addition, RYS requests that the June 1 annual submittal date be changed to provide for delivery to the Regional Board within 7 days after the report is submitted to CalRecycle. The reason for this requested change is that CalRecycle may change the due date for the report, which could result in inconsistent due dates between the two agencies.

Finally, it bears noting that while the tentative WDRs would require an annual submission, for closed landfills the requirement is to make a submission every five years.

Financial Assurance Specification F.2: The second to the last sentence of this specification states that post-closure maintenance costs shall be based on carrying out the first 30 years of post-closure maintenance. However, the remaining post-closure period for the facility was determined to be 15 years in an approval letter issued by CalRecycle dated March 28, 2013. While the facility has only 13 years of post-closure maintenance remaining, Title 27 requires that a minimum of 15 years must be assumed for post-closure maintenance financial assurance purposes. Accordingly, this specification should be revised to require that any updates to the post-closure maintenance plan be based on carrying out 15 years of post-closure maintenance.

Financial Assurance Specification F.3: See the comment above on Financial Assurance Specification F.1 with regard to the annual June 1 submittal requirement.

Provision H.7—Task C: Please see the comments above on Findings #9(d), #55, #56, #93 and #94. As explained above, RYS requests that the requirement in the tentative WDRs be revised to provide for a further technical evaluation to assess whether the groundwater detection monitoring program is compliant and to determine any upgrades or modifications that may be needed.

With respect to the due dates in this provision, RYS is concerned that the September 1, 2015 deadline for preparing a work plan does not provide enough time to adequately complete the plan. RYS therefore requests an extension of this date to December 1, 2015. RYS also requests that the date for completing the work be extended from May 1, 2016 to August 1, 2016, both to allow for sufficient time for preparation, submittal and approval of the work plan, and to avoid possible delays due to adverse weather conditions during the rainy season.

Provision H.7—Tasks E.1, E.2 & E.3: This comment concerns the deadlines for the corrective action program. With regard to Task E.1, RYS is concerned that the October 1, 2015 deadline for submittal of a revised Corrective Action Plan (CAP) does not provide sufficient time to prepare the plan. Completion of the CAP will require a comprehensive evaluation to assess the existing corrective actions, whether additional corrective actions are practical, whether additional corrective actions would achieve the desired objective, which alternative corrective action

approaches should be evaluated, and which corrective action approach should be selected. Accordingly, RYS requests a completion date of December 1, 2015 for the CAP so that there is sufficient time to complete the necessary engineering work.

With regard to Task E.2, RYS proposes changing the May 1, 2016 deadline for implementing and documenting the CAP improvements, both to provide sufficient time after the initial CAP submittal on December 1, 2015 and to avoid the need to conduct field work during the rainy season, which may not be practical. RYS proposes a revised date of August 1, 2016 or 180 days following Regional Board staff approval of the CAP.

With respect to Task E.3, RYS requests a corresponding change to the due date for the Effectiveness Evaluation Report, from May 1, 2017 to August 1, 2017 or one year following Regional Board staff approval of the CAP.

In support of these requested modifications, it is important to note that whereas selected water quality parameters exceed site-specific concentration limits, no organic or inorganic parameters exceed Primary or Secondary Maximum Contaminant Levels. As such, the current site conditions do not represent a potential health risk and we believe that the modest deadline modifications provide a reasonable schedule for the CAP.

Provision H.7—Task F: RYS believes that the requirement to submit a revised Water Quality Protection Standard by September 1, 2015 is premature. As explained above, RYS proposes to conduct a further technical evaluation to assess the groundwater detection monitoring network and to determine whether any upgrades or modifications are needed. RYS believes that any revision of the WQPS should await the outcome of this evaluation.

Further, assuming that an upgrade to the monitoring program is necessary, the upgrade would have to be proposed and approved by staff before it could be implemented. But the numerous variables that are part of this process may well impact the determination about what revisions to make to the WQPS. RYS therefore proposes modifying the deadline for revising the WQPS to at least 180 days after Regional Board staff approval of the work plan for the detection monitoring program. This would provide sufficient time to accommodate, as applicable, any new monitoring well installations and data that might need to be incorporated into the WQPS analysis.

Provision H.7—Task G: RYS requests that the due date for the Consolidated Post Closure Operations and Maintenance Plan be changed from September 1, 2015 to December 1, 2015. This plan is a comprehensive document for a facility with a variety of operations and monitoring systems and will require considerable effort to compile. RYS recognizes that certain operations and maintenance actions are important to complete prior to the onset of the wet season and will accordingly implement these actions before October 15, 2015. As a result, the requested extension will not adversely affect RYS's ability to properly maintain the facility.

Provision H.7—Task J: As previously outlined in the comment to Finding #77, RYS requests that this task be deleted, as it does not appear that a new Flood Protection Report is warranted.

Provision H.7: In the existing text, this provision follows the Compliance Schedule Table. The provision should be moved to before the table.

III. MONITORING & REPORTING PROGRAM

Sections A.1 & A.7(a): As outlined above in the comments on Findings #9(d), #55 and #56, RYS requests that the requirements in the tentative WDRs be revised to provide for a further technical evaluation to assess the groundwater detection monitoring system for compliance with Title 27 and to determine any upgrades or modifications that may be needed.

As a separate point of clarification, monitoring wells MW-1 and MW-2 have been replaced by monitoring wells MW-1R and MW-2R. Therefore, MW-1 and MW-2 should be removed from the groundwater monitoring network listing.

Sections A.2 & A.7(b) and Table II: The requirement to analyze perimeter LFG monitoring probes for VOCs on an annual basis is not considered necessary in the absence of appreciable LFG. It is more appropriate to link the TO-15 testing requirement to cases where LFG is determined to be present based on the detection of methane and/or VOCs by field monitoring. This methodology is a reasonable approach that is reflected in the Monitoring and Reporting Programs for the Recology Ostrom Road landfill and for the Recology Hay Road landfill. For Recology Ostrom Road (MRP Order R5-2009-0020), TO-15 testing is required if methane is detected at a concentration greater than 1 percent by volume and organic vapors are detected with a photoionization detector (PID) at a concentration greater than 1 part per million (ppm). For Recology Hay Road (MRP Order R5-2008-0188), TO-15 testing is required if methane is detected at a concentration greater than 1 percent by volume or organic vapors are detected with a PID at a concentration greater than 1 ppm. RYS is receptive to either of these two approaches.

Section A.5(e)(4)(C): The current wording states that catch basins shall be inspected “on” July 31; it appears that the text should be changed to “by” July 31.

Section A.6(a): The preparation of isopach maps of the 6-inch thick compost pad provides limited information, particularly as the thickness control monuments provide a more accurate method of monitoring compost pad thickness. RYS therefore requests that the frequency of isopach map preparation be changed from monthly to annually.

Section A.6(b): The term “adequate freeboard” is used in many sections of the MRP, but the 2-foot freeboard requirement applies only to open-top containment systems. As stated in WMU LF-1 Specification C.15 of the tentative WDRs: “A 2-feet minimum freeboard shall be maintained at all times for open-ended containment systems to prevent overtopping from wave action. Open-ended containment systems shall provide additional operational storage capacity for precipitation which falls into the open-ended containment system...” We suggest adding the text “open-ended containment system” where the MRP refers to “adequate freeboard.”

Section A.6(d)(3): RYS suggests renaming this section to “Annual Compost Facility Inspection” so as to differentiate the required inspection from an engineering level survey.

Section A.6(e): RYS requests that this section be clarified so that the required compost water sample can be collected at the single outflow point at the site’s POTW connection, such that there is no need to collect a sample at each of the system components that are listed.

Also, RYS requests the monthly sampling frequency be changed to quarterly, consistent with the sampling frequency presented in Table X.

Section A.7: RYS requests further clarification on distinguishing between Corrective Action Monitoring for the composting operations and for the landfill. RYS also requests that the MRP define the triggers that would activate the Compost Corrective Action Monitoring and the conditions that would need to be met to terminate the Compost Corrective Action Monitoring and revert back to routine monitoring.

RYS proposes that the trigger for initiating Compost Corrective Action Monitoring correspond to the issuance of a Notice of Violation coupled with the failure to resolve the identified deficiency within the timeframe specified in the NOV. Conversely, discontinuation of Compost Corrective Action Monitoring would correspond to the completion and demonstration that any repairs or modifications were successful in resolving the identified deficiency, coupled with a written request by the Discharger and subsequent approval by Regional Board staff to discontinue Compost Corrective Action Monitoring.

Section A.7(b): RYS requests the parameter “Temperature into the Flare” be deleted, as this parameter is extraneous and therefore not monitored.

In addition, RYS believes that weekly monitoring of LFG Monitoring Points is unnecessary, and requests the frequency be changed to quarterly.

Further, as discussed above in the comment to MRP Section A.2, RYS requests utilizing field monitoring protocols to trigger the need for TO-15 VOC analyses, consistent with the current procedures used at Recology Hay Road and Recology Ostrom Road.

Moreover, the requirement to measure and report VOC mass removed can be accomplished in the aggregate, but the system is not designed to accommodate such measurements for each WMU separately. Therefore, RYS requests changing the requirement to measuring and reporting the VOC mass removed in total from all three WMUs.

Section C.4: RYS requests that the reference to outliers and upward trends be deleted in the text and in the footnotes in the associated table. Outliers are removed from the statistical analyses. Further, because the site uses background wells, any upward trends in background wells must be accounted for in the statistical analyses, as these trends represent background groundwater quality moving toward the site.

Table I: RYS requests nitrate as N and nitrite as N be replaced with the current parameter nitrate plus nitrite as N; this removes the need to run the samples with a short holding time.

Consistent with the 2003 MRP, calcium, magnesium, potassium, and sodium are used only to construct major ionic parameter evaluations using Piper and Stiff-type diagrams. RYS requests the requirement to calculate concentration limits for Ca, Mg, Na, K be removed and the following language from the 2003 MRP be added: “Concentration limits are not required for calcium, magnesium, potassium, and sodium...”

Furthermore, RYS does not believe that it is necessary to indicate the actual month within the quarter that groundwater elevations must be measured. RYS requests that these measurements remain at quarterly, as is current practice.

Table II: As discussed above in the comments to MRP Sections A.2 and A.7(b), RYS requests utilizing field monitoring protocols to trigger the need for TO-15 VOC analyses, consistent with the current procedures used at Recology Hay Road and Recology Ostrom Road.

RYS also recommends that EPA Method TO-14 be changed to TO-15.

Finally, RYS would like to clarify if semiannual monitoring frequencies require semiannual reporting or annual reporting.

Tables III & IV: As with Table II, RYS would like to clarify if semiannual monitoring frequencies require semiannual reporting or annual reporting.

Table VII: There appears to be little change in the topography of the compost pad on a month-to-month basis. RYS therefore requests the frequency of the Compost Pad Topographic Survey be revised from monthly to quarterly.

Tables VIII & IX: RYS requests that the reporting frequency be changed from semiannual to annually for the compost operations storage tank and sump monitoring. The monthly/daily monitoring data could then be included in the annual compost report due April 1 of each year.

Table X: RYS proposes to add the text “adequate freeboard of open-ended containment system” to the first parameter on the list. Please see comment above on Section A.6(b) of the MRP.

Table XI: There is an inconsistency between the monthly survey reporting frequency and footnote #2, which directs reporting annually in the Annual Monitoring Report.

Attachment D (Stormwater Flow Direction): Stormwater does not flow out of the Hog Farm. RYS requests that this figure be modified by adding a “closed valve” symbol at the Hog Farm discharge location and the Legend revised to include “Culvert with Gate Valve”.