SCOPE
Santa Clarita Organization for Planning and the Environment
TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY
AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY
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10-15-18

Mr. Douglas Cross
California Regional Water Quality Control Board, Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Re: Comment Letter - Tentative WDRs for Chiquita Canyon

Dear Mr. Cross:

Now in our 30th year, Santa Clarita Organization for Planning and the Environment (SCOPE) is a local planning and conservation group with a focus on the watershed of the Santa Clara River. As such, we have commented extensively of the Chiquita Canyon Landfill permit process beginning in 1995 with its previous permit. Over the last two decades, we have become increasing concerned with water quality issues from the landfill that may be affecting the Santa Clara River which is the primary drinking water source for communities in the area and downstream.

After extensive research of data supplied to your agency under the previous permit, we became concerned that not all constituents, including some that require a TMDL for the Santa Clara River were being addressed in the permit. We are therefore grateful to see the broader range of required testing and reporting that will now be required so that the affected communities and the public can be fully informed of any water quality issues.

We also appreciate the assurance included in the permit that if any new pollutants are indicated in the area, that testing for those pollutants may be added by the RWQCB.

The following are our specific permit comments.

Item 24. "There are no known Holocene faults within 200 feet of the site boundaries."
While this paragraph may be a geologically accurate statement, the Regional Water Quality Board should be aware that the 1994 Northridge thrust fault earthquake caused considerable movement in this area and caused the landfill face to collapse. We therefore believe that it is inappropriate to allow the increased height. 1 - 1

In addition, to our knowledge, no examination of the integrity of the liners in the newer cells was conducted after this earthquake. We assume that there is a viable technology that could be used to ensure the liner remained intact or that additional groundwater monitoring for leakage should have been conducted. 1 - 2

We bring up this point because we are probably due for another large earthquake in our area. We ask that some requirement for inspections be included in this permit after any large earthquake.

Item 25 "The property immediately west and south of the Landfill is owned by the Newhall Land and Farming Company and is currently either vacant or used for agricultural activities. (Figure 6)."

While this statement is currently accurate, the vacant property immediately across Hwy 126 from the landfill is the Newhall Ranch Landmark tract and was permitted for 1544 housing units and an elementary school just after the landfill approval. The developers of the Newhall Ranch Landmark tract (Fivepoints) have advertised to their shareholders and others that they will break ground on this tract in 2019. 2

Item 31. "The Landfill is currently under a corrective action program (CAP) pursuant to title 27 of the California Code of Regulations (27 CCR), Section 20430, for the detection of VOCs at three groundwater monitoring wells, including DW-1 near Primary Canyon, DW-3 at Canyon 8, and DW-20 near Canyon D. VOC's detected in groundwater at the impacted monitoring wells include 1, 1-Dichloroethane (1, 1 DCA), 1,2-Dichloroethane, 1,4-Dichlorobenzene, Benzene, cis-1,2-Dichloroethene, Dichlorofluoromethane, Methylene chloride, TCE, PCE, and Vinyl chloride. TCE, PCE and 1, 1 DCA are the constituents most frequently detected. The CAP began in 1998, with the adoption of Order No. 98-086, for wells DW-1 and DW-3. In 2016, well DW-16 was enrolled under the CAP."

It appears likely that this pollution may also be leaking into the Santa Clara River since this is the unlined portion of the landfill nearest to the river. As the Board is well aware, the listed pollutants are all carcinogens and have a very low MCL in order to protect the public. 3 - 1

We have long requested that a monitoring well be located across the highway, closer to the river to determine the extent of the plume from this pollution. We request again that such a monitoring well be constructed and samples taken from it at regular intervals.

Further, the Board should note that Newhall Land operates several agricultural wells in the farm fields immediately across from this land fill. In the Newhall Ranch Specific Plan, the developer had originally stated that the Landmark project would be supplied from these agricultural wells, but since the 2011 EIR, they have relocated the potable water source for this community. Why? Are these agricultural wells polluted? If that is the case, could they be pulling a plume of carcinogenic pollutants from the landfill? **We ask that you investigate this potential public health risk.** 3 - 2

Additionally, the Regional Board might consider using the wells mentioned in Item 32 as only measuring water level, to conduct additional water quality monitoring. 3 - 3

33-34. We do not believe that the extant and capture of methane gas was accurately disclosed in the EIR for this permit. The SCAQMD also had some concerns in this area. If the fugitive methane is not being accurately disclosed, the efforts to reduce the water quality violations may not be sufficient. We have attached the section from our EIR comment letter that addresses this matter.

In light of the problems described above and the attachment describing methane release disclosures, the Regional Board may not be able to make the findings required in Item 44. i.e., finding that under normal operating conditions: 4

> "a. The discharge conditions and effluent limitations established in this Order will ensure that the existing beneficial uses and quality of waters of the State in the Region will be maintained and protected, and
> b. Discharges regulated by this Order will not degrade existing water quality if the terms and conditions of this Order are met."

B. Unacceptable Materials 1. (Page 9)
We request that auto shredder waste be added to this list. It has been specifically excluded by the County permit and it is our understanding that CalRecycle also prohibits this waste. 5

Mitigation Monitoring and Reporting

We request that monitoring for radioactivity be included in Table 2 because there was concern that that some waste from the Santa Susana Field Lab clean up was being dumped in the Chiquita Canyon Landfill. This information was derived from manifest reports. 6 - 1

Currently water quality monitoring reports are only required bi-annually. **We request that where any constituent is found to exceed a state MCL level that monitoring intervals be increase to quarterly or even monthly time periods until the constituent no longer exceeds the MCL level.** We make this request because, in the case of the Whittiker Bermite pollution plume in Santa Clarita, wells that were originally only required to be monitored annually became contaminated and were polluting drinking water for quite some time before the problem was discovered. In that case, the Dept of Health Services shortened the monitoring interval to ensure that any future problems could be more quickly addressed until the MCL for the pollutant had registered below the MCL for 3 consecutive quarters. 6 - 2

The MMRP also requires that an inspection of the property be made after any significant storm event. We ask that you quantify the amount of rainfall that will trigger this inspection so that this point is not arguable. We also request that additional water quality monitoring be conducted after any significant rainfall event. The reason that we request this is that during the 2006 period of high rainfall in the Santa Clarita Valley, pollutants from the Whittiker Bermite site where found to have run off into local ground water wells quickly and at higher levels than during dry periods causing contaminants to exceed MCL levels in those wells. We are concerned that these same phenomena will occur at the Chiquita Canyon Landfill. 6 - 3

Transparency

A major concern of our organization and of the residents of the nearby community is transparency and availability of the reports required by the Mitigation Monitoring and Reporting Program. We understand that most, but it is our understanding that not all reports regarding this landfill are now uploaded and available on your website, We ask that all correspondence also be uploaded and available, especially any notices of unplanned releases and documents pertaining to them We also ask that an "interested parties' list be maintained and those parties be offered the ability to sign up for notification when new documents are uploaded to your website. (This is a procedure currently used by the Department of Toxic Substances Control to keep communities informed about matters related to clean ups in their areas and is regularly accessed by residents in Santa Clarita to keep informed regarding the Whittiker Bermite Clean up). Once this system is implemented, it becomes automatic for any uploaded item and thus is not labor intensive. 7

Thank you for your time and attention to our concerns.
Sincerely,

President

Attachment - Excerpt from SCOPE Comments to Los Angeles County Board of Supervisors regarding methane gas level disclose in the EIR for Chiquita Canyon Landfill:

Table 1
Chiquita Canyon Landfill
Landfill Gas Collection Efficiency

Year	LandGEM [1] (standard cubic feet per minute)	Adjusted LandGEM [2] (standard cubic feet per minute)	Actual Flow (standard cubic feet per minute) [3]	Collection Efficiency (%)
2001 – 2002 [4]	2,913	2,870	2,748	96
2002 – 2003 [4]	3,216	3,169	3,348	106
2006 [4]	4,133	4,071	3,955	97
2007 [4]	4,423	4,358	3,851	88
2008 [4]	4,710	4,640	3,631	78
2009 [5]	4,981	4,907	3,769	77
2010 [4]	5,049	4,974	3,784	76
2011 [6]	5,212	5,135	3,968	77
2012 [6]	5,431	5,351	4,161	78
2013 [6]	5,548	5,466	4,098	75
2014 [6]	5,688	5,603	3,983	71
			Average	**83.5**

[1] Average annual flow rate from LandGEM model results (see Attachment 1)

[2] LandGEM model average annual flow rates adjusted to 60°F standard conditions using the AB-32 conversion factor of 99.220616 scfm/Gg-yr

[3] Average annual flow rate based on 365 days per year and normalized to 50% methane

[4] Actual flow rate determined from *Site Specific Characteristic* and *Calendar Year Operating and Compliance Report Summary*, SCS Engineers

[5] Actual flow rate determined from *Heat Input Capacity Report for Chiquita Canyon, Castaic, California*, SCS Engineers

[6] Actual flow rate determined from *Annual Rule 1150.1 Compliance Plan Report for Chiquita Canyon Landfill, Castaic, California*, SCS Engineers

Methane Capture Rate Methodology Error

While the SCAQMD stated that the capture rate for methane at the CCL facility should be averaged at a 75% capture rate, the project proponent hired Golder Associates, to provide a report supporting a current average 81.5% capture rate and a future rate of 85%.

The 85% number is important for compliance with the new laws and tightening requirements for reducing methane releases. However, as in the previous DEIR sections on vehicle miles traveled, we could not understand how the capture rate could be so much higher than that calculated by the SCAQMD, so we delved into the Golder Report found in Appendix H-4.

What we found was an anomaly in the years used to average the methane capture rate. One can see in the following chart that the capture rate is abnormally high for the years 2000 through 2007. In 2001-2002 the capture rate is 106%. How could they landfill capture more gas than was supposedly emitted? Was the data inaccurate, monitoring probes not properly calculated? At any rate, capture from 2008 onward is much lower. However using the apparently inaccurate earlier data of course creates a higher average capture rate when those years are included. Whereas, using the later data generates a lower capture rate.

Table 2
Chiquita Canyon Landfill
Landfill Gas Collection Efficiency
Alternate Approach

Year	LandGEM LFG Generation (standard cubic foot per minute)	LFG Collection (standard cubic foot per minute)	Collection Efficiency (%)
2001 - 2002	2,870	2,748	N/A
2002 – 2003	3,169	3,348	N/A
2006	4,071	3,955	N/A
2007	4,358	3,851	N/A
2008	4,640	3,631	N/A
2009	4,907	3,769	N/A
2010	4,974	3,784	N/A
2011	5,135	3,968	N/A
2012	5,351	4,161	N/A
2013	5,468	4,098	N/A
2014	5,603	3,983	N/A
2001-2014 (11 years)	50,544	41,296	81.7 (Average of Total LFG Collected Over 11 Years)

We have not had the time to make public records requests to receive copies of the earlier SCS Engineers reports that generated the apparently inaccurate data, but we strong urge the County to review those reports.

Then in a second table (above), Golder used their own methodology instead of using the methodology required by AQMD Annual rule 1150.1 which calculates fugitive gas amounts from actual data from monitoring devices on flares and

landfill probes. The Golder model seems to be based on the area and tonnage of the landfill. Even though this methodology came up with obviously inaccurate numbers in the early years, as did the first chart, Golder and the landfill proponent used these numbers to assert that the capture rate was a higher, 81.5% by including the higher early year capture rates.

As noted in the assumptions listed on page 34 of Appendix H-2, the two existing landfill flares or not included in the project emissions. Why? Excluding these flares understates total emissions.

As stated in our previous comment letter, the choice of methodology affects the calculation of air quality emissions, and greenhouse gas calculations. It appears that the DEIR has again intentionally underestimated and mis-represented a significant GHG impact by over-stating capture rates. The calculations are once again found only in the appendix and not in the body of the EIR. The only information in the EIR itself is a reference to the Golder Report, and does not even mention that the report can be found in the Appendices. None of the SCS Engineers reports are disclosed. Further problems are described under the biogenic gas section of the air pollution comments.

Such critical information does not belong hidden in an appendix. It must be disclosed prominently as a crucial assumption on which DEIR data calculations are based.[1] We believe that these assumptions and the failure to disclose them in the body of the EIR is a serious omission requiring recirculation of the EIR. Further, the DEIR preparer fails to describe the limitations of the model as required by CEQA.

Last, the Golder Report is used to model mitigation that would supposedly bring the landfill into compliance with the 85% capture rate that will be required of it in current legislation. Since the landfill capture rate should really be calculated from a base of 75%, not 81.5%, those mitigation measures will not be sufficient.

Also, one should note that the fugitive methane release is a PERCENTAGE. Therefore, as the landfill is expanded, the actual amount of fugitive landfill gas released will increase. Residents of the neighboring community of Val Verde and other nearby communities as well as the whole Santa Clarita Valley will be subjected to even greater health issues from fugitive gases than they are suffering now. Please see attached article entitled "Morbidity and mortality of people who live close to municipal waste landfills: a multisite cohort study, Francesca Mataloni, 2016.

[1] "It is buried in an appendix. ...It is not enough for the EIR simply to contain information submitted by the public and experts. Problems raised by the public and responsible experts require a good faith reasoned analysis in response. (*Cleary v. County of Stanislaus* (1981) 118 Cal. App. 3d 348, 357 [173 Cal. Rptr. 390].) The requirement of a detailed analysis in response ensures that stubborn problems or serious criticism are not "swept under the rug." (*Ibid.*)", SCOPE v. County of Los Angeles, 106 Cal. App. 4th 715; 131 Cal. Rptr. 2d 186; 2003 Cal. App. LEXIS 291; 2003 Cal. Daily Op. Service 1767; 2003 Daily Journal DAR 2219