



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

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Arnold Schwarzenegger
Governor

September 16, 2008

Interested Parties

RESPONSE TO COMMENTS - TENTATIVE REVISED WASTE DISCHARGE REQUIREMENTS FOR SUNSHINE CANYON CITY/COUNTY LANDFILL, SYLMAR, CALIFORNIA (FILE NO. 58-76)

On August 15, 2008, Regional Board staff released copies of tentative Waste Discharge Requirements (WDRs) for the proposed Sunshine Canyon County City/County Landfill that will combine the existing Sunshine Canyon City Landfill and Sunshine Canyon City County Landfill in Sylmar, California. The deadline for submitting comments regarding the tentative WDRs was September 8, 2008.

In response to the comments received, Regional Board Staff has prepared the attached Response to Comments for the Board. As a formal response to all the comments submitted to the Regional Board regarding the tentative WDRs during the public comment period, we are sending the Response to Comments to all commentors. (To save printing and postage costs, attachments to this letter are sent only to commentors. Other interested parties may view and download the document at the Regional Board website at

http://www.waterboards.ca.gov/losangeles/board_decisions/tentative_orders/ or obtained by contacting the Regional Board staff listed at the end of this letter.)

The tentative WDRs have been revised to reflect the comments and may be viewed online at http://www.waterboards.ca.gov/losangeles/board_decisions/tentative_orders/. As scheduled, the tentative WDRs will be considered by the Regional Board at a public hearing to be held on October 2, 2008, at 9:00 AM, Metropolitan Water District of Southern California, 700 North Alameda Street, Board Room, in Los Angeles, California.

If you have any comments or questions, please call Dr. Wen Yang at 213-620-2253.

Rodney H. Nelson

Rodney H. Nelson
Senior Engineering Geologist
Groundwater Permitting and Landfills Unit

Enclosures:

- Letter from Mr. Wayne Hunter dated September 6, 2008
- Letter from Ms. Mary Edwards faxed to the Region Board on September 8, 2008
- Letter from Mr. Dave Hauser dated September 5, 2008

cc: See attached Mailing List

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Mailing List

Firms and Agencies

Leslie Graves, Division of Water Quality, State Water Resources Control Board
Susan Markie, California Integrated Waste Management Board, Sacramento
William Marciniak, California Integrated Waste Management Board, Los Angeles
Mike Driller, Department of Water Resources
Ken Murray, Los Angeles County, DPH
Pete Oda, Los Angeles County, DPH
Martin Aiyitiwa, Los Angeles County Department of Public Works
Wayne Tsuda, City of Los Angeles, Environmental Affairs Department
Eugene Tseng, City of Los Angeles, Environmental Affairs Department
Ted Kowalczyk, South Coast Air Quality Management District, Diamond Bar
Wayde Hunter, North Valley Coalition
Anthony Pelletier, Allied Waste Industries
Mark Macowski, Upper Los Angeles River Area Watermaster
Wayne Aller, Knollwood Property Owners Association
Becky Bendickson, Granada Hills North Neighborhood Council
Kim Thompson, Granada Hill North Neighborhood Council
Anne Ziliak, Granada Hills North Neighborhood Council
Mary Crosby, Granada Hills North Neighborhood Council
Gloria Molina, Supervisor, First District, County of Los Angeles
Yvonne Burke, Supervisor, Second District, County of Los Angeles
Don Knabe, Supervisor, Fourth District, County of Los Angeles
Ed Reyes, Councilmember, 1st District, City of Los Angeles
Bernard Parks, Councilmember, 8th District, City of Los Angeles
Greig Smith, Councilmember, 12th District, City of Los Angeles
Nancy Vanyek, Mid Valley Chamber of Commerce
Bruce Ackerman, Economic Alliance
Wayne Adelstein, North Valley Regional Chamber of Commerce

Individuals

Marlene Bane	Sylvia Libis
Karen Barrile	Scott and Sharon Manate
Patrick Casparian	Gus Montes
Robert Chase	Robin Navickas
Ralph Croy	Dora Prihar
Joyce Edelman	Robert Ricketts
George and Mary Edwards	Charles and Kay Stelzried
Mary Anna Kienholz	Irene Tomlinson
Jack Lester	Phil and Bobbie Wenger
Sheldon Levitt	Chris Ward
Louise Lewis	Anthony Zero



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LOS
ANGELES REGION

REVISED WASTE DISCHARGE REQUIREMENT
FOR
BROWNING-FERRIS INDUSTRIES OF CALIFORNIA, INC.
(SUNSHINE CANYON CITY/COUNTY LANDFILL)

Response to Comments

The public comment period for the tentative Order started on August 15, 2008, when the tentative Order was mailed to the Discharger and interested persons, and ended on September 8, 2008, which was the deadline for submitting comments set in the cover letter transmitting the tentative Order. During the public comment period, staff received comments regarding the tentative Order from Mr. Wayne Hunter of the North Valley Coalition, Ms. Mary Edwards of Sunshine Canyon Community Advisory Committee, and Mr. Dave Hauser of BFI. These comments are summarized (in *italic*) and responded as following. Copies of the comment letters are attached at the end of this document.

Comments from the Mr. Wayne Hunter of North Valley Coalition (dated September 6, 2008)

Comment: *How will the Regional Board ensure that deep groundwater at the site is properly monitored, and if contaminated how it will be remediated?*

Response: The majority of groundwater monitoring wells at Sunshine Canyon Landfill are screened within the shallow groundwater zone, rather than deep groundwater, because shallow groundwater is the first to be impacted if there is a release of pollutant from the Landfill. In accordance to 27 CCR section 20405(a) the point of compliance is a vertical surface located at the hydraulically down-gradient limit of the landfill unit that extends through the uppermost aquifer underlying the unit. Currently, there are also four deep groundwater monitoring wells that are installed down-gradient and side-gradient of the Landfill and no confirmed contamination has been reported at those wells. The Regional Board Executive Officer is authorized to require additional groundwater monitoring wells, including deep wells, if Regional Board staff believes that such additional wells are necessary. BFI will be required to remediate any contamination of deep groundwater if such contamination is detected and confirmed to be caused by the Landfill, just as it is required to remediate any contamination of shallow groundwater at the site.

Comment: *There may not be sufficient wells at the landfill entrance to detect "any and all" migration off-site of contaminants. We believe that the prudent course of action would be to add additional wells at the mouth of the canyon and/or require off-site wells to be constructed between the landfill and sensitive receptors.*

Response: Based on Regional Board staff's understanding of the groundwater flow patterns at the site, we believe that the six groundwater monitoring wells (MW-1, MW-5, MW-6, MW-13R, MW-14, and DW-1) located down-gradient to the cut-off wall in the mouth of Sunshine Canyon are sufficient to detect any pollution of groundwater that flows out of the Canyon. The three observation wells (OM-1, OM-2, and OM-3) near the cut-off wall that have been used to observe groundwater levels may also be used for groundwater quality monitoring if needed. As mentioned

above, the Regional Board Executive Officer is authorized to require additional groundwater monitoring wells if such wells are necessary.

Comment: *Have groundwater monitoring wells CM-17R, CM-15 & CM-16R already been removed?*

Response: Regional Board staff inspected the site and verified that monitoring wells CM-17R, CM-15 & CM-16R are still there and in good condition. It should be pointed out that CM-16R and CM-17R were misspelled as CM-16 and CM-17, respectively, in Table T-1 of the tentative Monitoring and Reporting Program dated August 15, 2008. The misspellings have been corrected.

Comment: *We continue to have grave concerns that there are inadequate protections to ensure that "only treated leachate and treated condensate" and not waters intercepted at the groundwater extraction trench and the cutoff wall are reintroduced into the landfill. We would ask that airtight language be employed that would prevent any future reinterpretation of the RWQCB's intent to allow only treated leachate or condensate.*

Response: To address this concern, Requirement J.3.h., which reads "The practice of reintroducing landfill liquids to the Landfill shall be limited to leachate and gas condensate only. No other liquids, such as extracted groundwater, subdrain water, and stormwater runoff, shall be reintroduced" has been added to the tentative WDRs.

Comment: *We object to the premature elimination of the reopener (Section M.1. of Order No. R4-2007-0023) prior to the 5-year prohibition imposed by the City and recognized by the County which will prohibit the combining of the landfill in the bridge area if BFI has not shown that they can successfully operate two separate landfills.*

Response: The reopener was included in Order No. R4-2007-0023 because seismic stability analysis indicated that the proposed final cover for the County Extension Landfills may not be stable in some areas with steep slopes. The reopener required, among others, that BFI submit a conceptual final cover system to address the stability issue and that Order No. R4-2007-0023 be revised within two years of its adoption if the conceptual final cover system is not approved. With the construction of the City/County Landfill, which combines the City and County Extension Landfills, the areas of concern will not be final covers but filled with municipal solid wastes. It is therefore not necessary to keep the reopener in the revised WDRs. If the two existing landfill units are not combined, the whole Landfill will have to be redesigned and the stabilities of liner and final cover systems will have to be reevaluated.

Comment: *What is being done to address, replace or compensate the City of Los Angeles for the extensive loss of water, which once helped recharge the City's groundwater basins, now that it is being totally intercepted by the groundwater extraction trench and the cutoff wall?*

Response: Regional Board staff has confirmed with the Upper Los Angeles River Watermaster that the City of Los Angeles has started charging BFI for the amount of groundwater extracted from the Sunshine Canyon. The first invoice, for the period from October 2007 to September 2008, will be sent to BFI in November 2008.

**Comment from Ms. Mary Edwards of Sunshine Canyon Community Advisory Committee
(Received on July 12, 2007)**

Comment: *Both the EIR and SEIR contain drawings of final covers with trees. To sustain what is described in the environmental documents as a "mosaic of trees and scrubs", there must be a final cover of soil much deeper than the 2 ft. proposed by the operator.*

Response: State and Federal regulations require that landfill final cover must be designed to minimize infiltration and erosion. The final cover system that BFI proposed in the JTD meets the requirements included in Section 21090 of 27 CCR for Class III landfill final cover systems. The Regional Board may approve alternative final cover systems, such as the five-foot thick monolithic final cover that has been constructed on top of the closed City Landfill Unit 1. However, large trees, such as oak, are not suitable to be planted on the final cover because, with their deep root system, they may damage the integrity of the final cover and cause maintenance problems.

Comments from Mr. Dave Hauser of Browning Ferris Industries (Dated September 5, 2008)

Comment: *Adding the phrase "to the extent feasible" in Section H.1. of the WDRs, which requires water level in wells to the up-gradient of the cutoff wall to be kept lower than the water levels in wells to the down-gradient of the cutoff wall, because there are situations when such a condition is not achievable.*

Response: Requirement H.1. has been modified to read *"The Discharger shall maintain and operate the groundwater extraction system at the cutoff wall at the entrance area of the Facility to prevent contaminated groundwater from leaving the site. The system shall be operated with an automatic mechanism to maintain, to extent feasible, a water level in the extraction wells to the upgradient of the cutoff wall that is lower than the water levels in the observation wells to the down-gradient of the cutoff wall."*

Comment: *Adding the phrase "that affected by" in Requirement H.2. of the WDRs, which requires BFI to retain and collect all groundwater seepages at the closed City Landfill Unit 1, because not all seepages are affected by the landfill.*

Response: Requirement H.2. has been modified to read *"The Discharger shall retain and collect all groundwater seepages that are affected by the closed City Landfill Unit 1. In no circumstance shall such seepage water be released offsite."*

Comment: *Replace Figure 5 of the tentative WDRs and Figure T-2 of the tentative Monitoring and Reporting Program with updated figures.*

Response: Those two figures have been replaced with new figures provided by BFI.

**Letter From Mr. Wayde Hunter Dated
September 6, 2008**

North Valley Coalition
11862 Balboa Boulevard, Box 172
Granada Hills, CA 91344

RECEIVED
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CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

September 6, 2008

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

Attention: Rodney Nelson

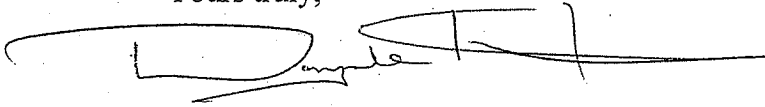
Delivered by Fax (213) 576-6625, US Mail & Email

RE: Tentative Waste Discharge Requirements – Sunshine Canyon
City/County Landfill, Sylmar, California (File No. 58-76)

Dear Members of the Board:

The North Valley Coalition wishes to thank you for the opportunity to comment on the Tentative WDRs as submitted by the RWQCB – Los Angeles Region on August 15, 2008 in a letter signed by Mr. Rodney Nelson, Sr. Engineering Geologist, Land Disposal Unit.

Yours truly,



Wayde Hunter
President, North Valley Coalition

c.c. Councilman Grieg Smith, 12th Council District
Supervisor Mike Antonovich, 5th District
Ms. Anne Ziliak, Chair Land Use Committee GHNNC
Dr. Wayne Aller, Chair, County CAC Sunshine Canyon
Ralph Kroy, Chair City CAC Sunshine Canyon

Enc.

**North Valley Coalition Comments to Tentative Waste Discharge Requirements
– Sunshine Canyon City/County Landfill, Sylmar, California (File No. 58-76)**

Corrective Action Plan Waste Discharge Requirements Order No. R4-2008-xxxx
& Monitoring And Reporting Program (No. CI-2043)

We believe that the proposed combining of the City and County landfills, will pose risks not addressed in the tentative WDRs. The addition of 81 million tons of new trash between/over an existing 16 million ton leaking single liner County landfill, and a closed unlined 25 million ton City landfill (consisting of 2 parts), will eventually bring the entire structure to within 200 feet of San Fernando Road and the property boundaries and prevent any detection or prior remediation. The combined weight of this new landfill will exert additional pressure not only downward but laterally as well potentially resulting in unexpected pathways for contamination to develop.

In Item 28 of the Corrective Action Plan it notes that there is a deeper locally confined water-bearing zone. According to one of our consulting hydrogeologists *"there are vast amounts of water underlying Sunshine Canyon"*, and since they are the waters of the State they still require protection. How will the RWQCB ensure that these waters are properly monitored, and if contaminated how it will be remediated? Currently there are no deep monitoring wells within Sunshine Canyon existing or proposed that will be able to detect the potential contamination of this body of water directly beneath the combined landfill. All deep wells are located downgradient near the mouth of the canyon (DW-4 & DW-1) and are designed to detect contamination migrating toward the mouth of the canyon and not to determine if the waters of the state are being properly protected. The deep wells to the south of the landfill (DW-2 & DW-3) are also designed only to detect off-site migration of contaminants (see Figure T-1 & T-2 of Monitoring And Reporting Program).

We question as to whether or not there are sufficient wells at the landfill entrance to detect "any and all" migration off-site of contaminants. Figure T-2 of the Monitoring And Reporting Program shows MW-1, MW-5 MW-13R, MW-6 & MW-14. However, MW-6 & MW-14 are upgradient leaving only MW-1, MW-5 MW-13R downgradient. MW-1 and MW-13R are 100 feet apart and MW-1 and MW-5 are closer to 300-feet apart, which leaves far too great a distance between them to adequately detect any and all contaminants leaving the site. The Metropolitan Water District of Southern California owns the Balboa Inlet Tunnel, which conveys untreated municipal water to the Jensen Filtration Plant. The 14-foot tunnel comes within about 500 feet of the eastern boundary of the existing landfill situated at the mouth of Sunshine Canyon. The top of the tunnel, at its shallowest point, lies approximately 25 feet below the surface. Depth to groundwater at the same location is on the order of 10 feet or less. Dependant upon flow rates, the hydraulic pressure head in the tunnel is approximately 3 to 19 feet lower than the ground water level. Under these conditions, ground water may seep into the tunnel. We believe that the prudent course of action would be to add additional wells at the mouth of the canyon

and/or require off-site well(s) to be constructed between the landfill and sensitive receptors (i.e. Balboa Inlet Tunnel).

Under the Tentative Monitoring and Reporting Program on page T-16, wells CM-17R, CM-15 & CM-16R are shown on the City/County line. There has already been extensive grading in the "bridge area" under a County approved grading plan. However, BFI has extended these contours from the County into the City side without we believe the proper City approvals. Since this area contains the downgradient wells for the County extension as listed above, have these wells already been removed and did BFI obtain the necessary permission from the RWQCB prior to their removal?

Are these the same wells referred to under Table T-1 on page T-7 of the Monitoring And Reporting Program as CM-15, CM-16, and CM-17? While the location notes them as temporary, and that they will be decommissioned with the development of landfill liner construction in the notes, should numbers 16 & 17 also bear an "R" designation on this Table?

We continue to have grave concerns that there are inadequate protections to ensure that "only treated leachate and treated condensate" and not waters intercepted at the groundwater extraction trench and the cutoff wall are reintroduced into the landfill. In BFI's Joint Technical Document (JTD) they had submitted plans to develop structures far in excess of what would be expected for return of treated leachate or condensate. We would ask that airtight language be employed that would prevent any future reinterpretation of the RWQCB's intent to allow only treated leachate or condensate.

Under Background, Item 12, page 2 of the Corrective Action Plan it is proposed to eliminate the "reopener" because the final slopes of concern are eliminated because the space between the two existing landfills will be filled with waste. We object to the premature elimination of this clause prior to the 5-year prohibition imposed by the City and recognized by the County which will prohibit the combining of the landfill in the bridge area if BFI has not shown that they can successfully operate two separate landfills. Since there are no guarantees that this will or will not occur, and that some critical slopes may exist, it would be prudent for the RWQCB to allow the reopener clause to remain.

Under Environmental Setting, Item 27, page 5 the Corrective Action Plan it notes that the northern boundary of the San Fernando Groundwater Basin, is an important resource in this region and that it is located approximately 1-mile to the south, and under Item 32, page 5 it notes that the Facility is located within the Los Angeles River Watershed Basin. What is being done to address, replace or compensate the City of Los Angeles for the extensive loss of water which once helped recharge the City's groundwater basins now that it is being totally intercepted by the groundwater extraction trench and the cutoff wall?

**Letter from Ms. Mary Edwards Faxed to the
Region Board on September 8, 2008**

3 pg

Please Share
with all members & staff
Thanks

Mary Edwards
(818) 340-7635
Fax: 340-0457

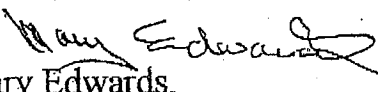
Regional Water Board RE Sunshine Canyon.

Dear Board Members,

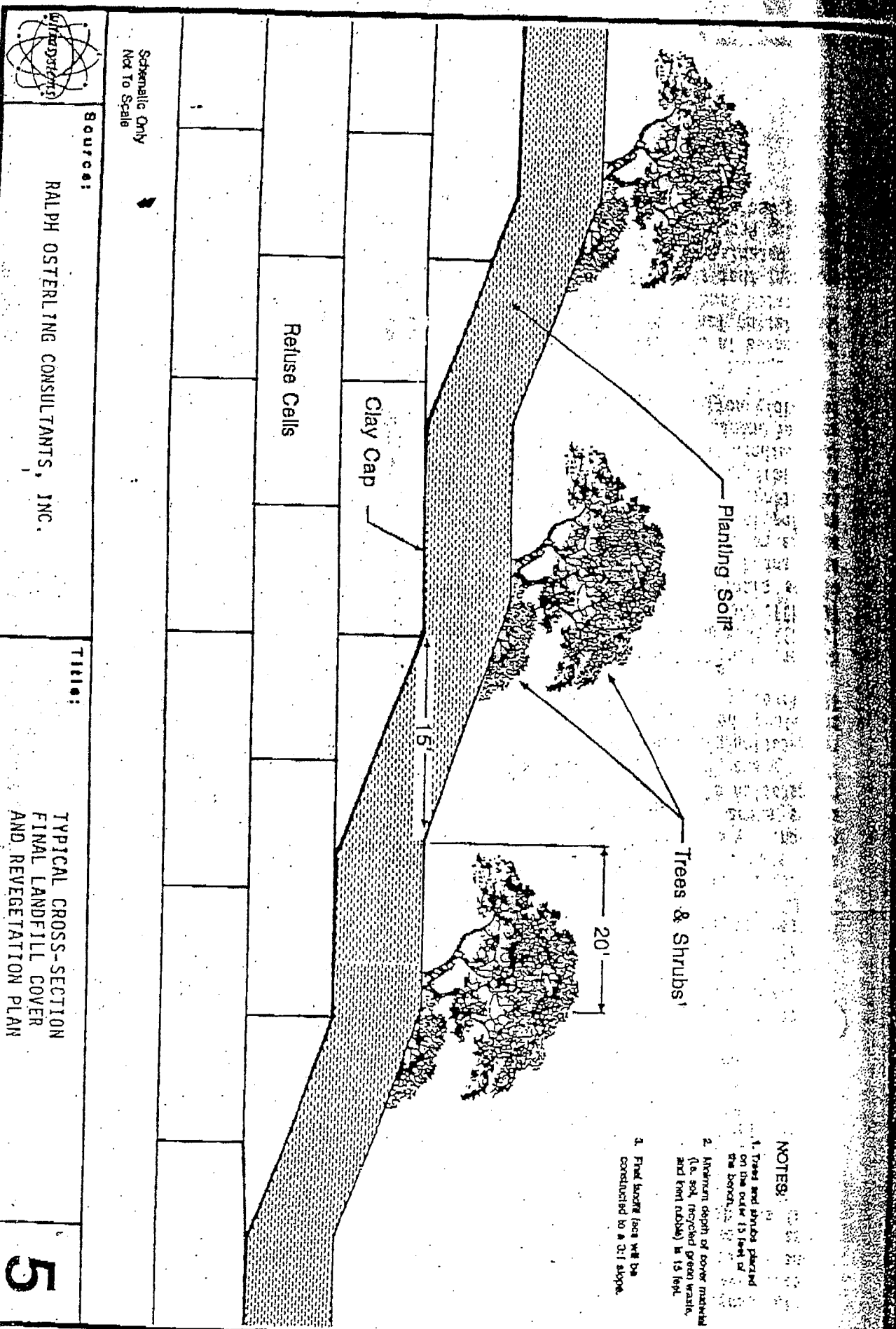
From the very first approvals of Sunshine Canyon as a landfill the community was promised a final cover as described in both the EIR and the Subsequent SEIR. The attached diagram is a copy of the drawing that appears in those volumes. The wonton destruction of the closed canopy oak forest (at that time the densest in the County) was an environmental tragedy. To sustain what is described in the environmental documents as a "mosaic of trees and scrubs" there must be a final cover of soil much deeper than the 2 ft. requested by the operator. I know that it is much cheaper to throw wild grasses over the trash, but this is a clear betrayal of those who have waited 50 years for any portion of the landfill to be properly closed.

The community needs your help.

Sincerely,


Mary Edwards,
Member City and County CAC's

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**Letter from Mr. Dave Hauser Dated
September 5, 2008**

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September 5, 2008

CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

Rodney H. Nelson, Senior Engineering Geologist
Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

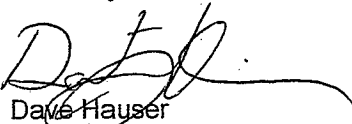
Subject: Written Comments – Tentative Waste Discharge Requirements – Sunshine
Canyon City/County Landfill, Sylmar, CA (File No.58-76)

Dear Mr. Nelson:

Please find attached our written comments regarding the Tentative Waste Discharge Requirements (WDR'S) (File No.58-76). We respectfully request their consideration in the final WDR's to be issued by the Regional Water Quality Control Board.

If you have any questions regarding our comments, feel free to contact me at 818-833-6511 or via e-mail at dave.hauser@awin.com.

Sincerely,



Dave Hauser
General Manager

cc. Dr. Wen Yang, Regional Board

BFI Comments on Tentative WDR for City/County Landfill

Page 2, Item 11 - Revise first sentence as follows

.....and ~~a~~ one-foot thick erosion-resistant....

In addition, Figure 5 referenced in this paragraph should be replaced with the Final Cover Section figure attached herewith, which is from the Joint Technical Document (JTD).

Page 3, Item 12 - Remove extra period from end of second-to-last sentence.

Page 5, Item 26 - Revise last sentence as follows:

.....requires the Discharger to properly remove and/or otherwise mitigate such landslide deposits prior to the installation of landfill liner systems.

Page 6, Item 35 - Replace "CM-15R" in both instances with "CM-15", given that CM-15R has not yet been installed.

Page 7, Item 40 - Revise first sentence to read as follows:

.....and Order No. R4-2007-0023 contain ~~a~~ corrective action programs (CAP) that require the Discharger to

Page 7, Item 41 - In the first sentence, replace "TDS" with "select inorganic constituents", given that TDS has not exceeded WQPS in any site well.

Page 7, Item 41 - In the second sentence revise to read:

These pollutants are believed to ~~be~~ originated from the

Page 7, Item 41 - In the sixth sentence revise to read:

.....indicates that no VOCs are ~~no longer~~ detectable in groundwater wells downgradient to

(Comment: the existing language suggests that VOCs were previously detected in these wells, which is not the case).

Page 17, Item H.1 - Revise the second sentence to read:

.....The system shall be operated with an automatic mechanism to maintain, to the extent feasible, a water level ~~at in~~ the extraction ~~trench~~ wells that is lower than the water levels in the observation wells to the downgradient of the cutoff wall.

(Discussion: The subject WDR condition recognizes the importance of minimizing the occurrence of a strong groundwater gradient (higher head levels on the upgradient side of the cutoff wall) which would tend to promote flow of groundwater through or around the cutoff wall.

Past operation and monitoring of the cutoff wall and extraction system has indicated that water levels in the downgradient observation wells often tend to decline as upgradient water levels are drawn down. This results, in some cases, in conditions where it is infeasible to maintain downgradient water levels at levels above those in the extraction wells. The addition of the phrase "to the extent feasible" would address this issue and allow for water levels in the observation wells which are the same or only slightly lower than those in the extraction wells.

We believe that such small positive down-canyon gradients, if kept to a minimum, will not significantly affect the performance of the cutoff wall, given its low permeability and the fact that it is keyed into bedrock.

Page 17, Item H.2 – In the first sentence, revise to read:

The Discharger shall retain and collect all groundwater seepages that are affected by ~~at~~ the closed City Landfill Unit 12.

Discussion: Not all seeps at the City Landfill are contaminated. The proposed revised language ensures that BF is only required to retain and collect seepage waters that show evidence of landfill impacts.

Page 18, Item I.8 – In the second sentence, revise to read:

Water samples should be taken prior to the mixture of the water with potable water sources.

Page 22, Item M.9 – In the second sentence, revise to read:

.....submitted to the Regional Board within thirty days of....

Page 23, Item N.3 – Order R4-2007-0046 is for a Newhall Ranch Sanitation District property. The correct reference should be to Order R4-2007-0064.

Note: We also suggest also rescinding Order R4-2006-0064 at this time, given that the tentative WDR includes language regarding the acceptance of treated wood..

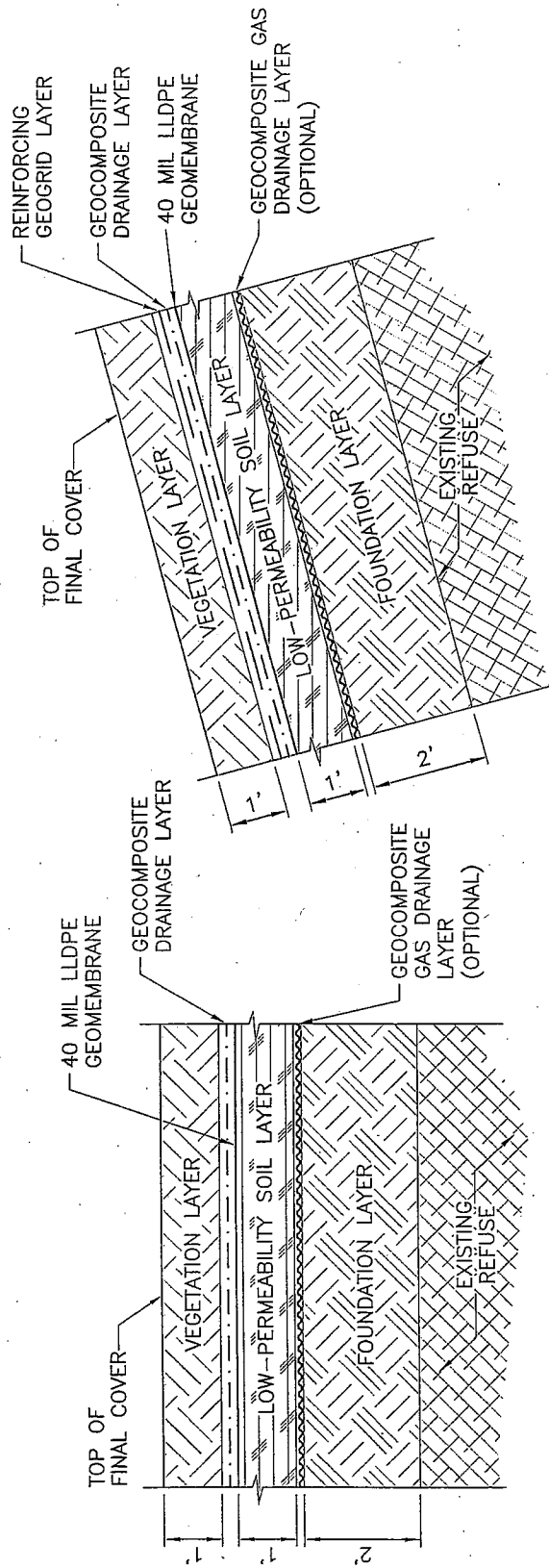
MONITORING AND REPORTING PROGRAM CI-2043

Page T-7, Table T-1 – CM-10, CM-16, and CM-17 have been decommissioned. To reflect “current” conditions change CM-10 to CM-10R, change CM-16 to CM-16R, and change CM-17 to CM-17R.

Page T-7, Table T-1 – Add ET-3 to the list of extraction wells. Add monitoring well MW-14 to the downgradient monitoring wells

Page T-8, Table T-2 – Add “Tin” to the list of “other COCs” in Table T-2.

Page T-17, Figure T-2 – Figure T-2 should be updated to include extraction riser ET-3. An updated version of A-Mehr, Inc.’s site plan showing the location of ET-3 is attached.



SLOPE COVER SECTION

DECK COVER SECTION

