# Central Valley Regional Water Quality Control Board 10/11 December 2020 Board Meeting Response to Comments for the California Asbestos Monofill Inc. California Asbestos Monofill Tentative Waste Discharge Requirements

The following are Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff responses to comments submitted by interested parties regarding the tentative Waste Discharge Requirements 97-142 revision for the California Asbestos Monofill, Inc. (Discharger) California Asbestos Monofill (Facility).

The tentative Waste Discharge Requirements (WDR) Order was issued for a 30-day public comment period on **2 October 2020** with comments due by **2 November 2020**. The Central Valley Water Board received public comments regarding the tentative Permit by the due date from the Discharger. No other comments were received. Changes were made to the proposed Order based on comments received, as detailed below.

The submitted comments were accepted into the record, and are summarized below, followed by Central Valley Water Board staff responses.

## DISCHARGER COMMENTS

CAM General Comment:

The tentative WDR lists “Waste Management, Inc.” (Discharger) as the owner and operator of the facility. This is incorrect and needs to be updated throughout the document to list the “California Asbestos Monofill, Inc.”, as the legal owner and operator of the facility. If Order No. 98-204 needs to be modified to formally reflect the correct owner and operator, the California Asbestos Monofill, Inc. will work with the Central Valley Water Board to make such an update prior to consideration of issuance of the tentative WDRs as final.

WB Response

: Staff reviewed Form 200 submitted with the ROWD and concurs with the proposed change. WDR and MRP have been changed accordingly. Staff also changed the name of Facility from California Asbestos Monofill, Inc., to California Asbestos Monofill.

## Discharger Specific Comments

1. WDR Pg.1, Introduction #2:

At the end of this paragraph add “The only WMU on this site is LU-1. The description of Table 1 in Item 2 on page 1 should refer to “WMUs and other site features”. Closure and post-closure maintenance requirements should apply only to LU-1.”

WB Response:

Consistent with the previous WDRs for the site and Title 27, LU-1 is not the only Waste Management Unit at the site. A Waste Management Unit (WMU), as defined in Title 27, is “an area of land, or a portion of a waste management facility, at which waste is discharged.” Mining Waste Management Units (Mining Units) are waste management units for ‘treatment, storage or disposal of mining waste’ (Title 27, Chapter 7, Subchapter 1). Pursuant to Title 27 Section 22164, mining waste is defined as ‘all waste materials (solid, semi-solid and liquid) from the mining and processing of or ores and minerals including soil, waste rock and other and other forms of overburden as well as tailings, slag, and other processed mining waste’.   
  
At California Asbestos Monofill, where asbestos ore was mined and processed, mining units include units listed in Table 1, as they have all received mining waste in one form or another. All Facility units are subject to closure and post-closure maintenance requirements, although the requirements may vary by WMU depending on threat to water quality. Finding 2 language has been modified to read ‘…Waste Management and Mining Units (WMU/MU)…’.

1. WDR Pg.1, Introduction #2: Table – 1 Summary of Waste Management/Mining Units Permitted under Order:
2. Mill Tailings Stockpile
   1. Last column – Status: “Closed” should be “Reclaimed”
3. Evaporation/Infiltration Ponds H-1, H-2, and C
   1. Last column – Status: “Active; Used to dewater pit” should be “Active; used to dewater pit and collect stormwater”
4. Overburden Waste Rock Piles
   1. Last column – Status: “Inactive” should be “Reclaimed”
5. Rock Reject Pile
   1. Last Column – Status: “Inactive; proposed to use as cover for pit bottom” should be “Inactive; proposed to use as cover for LU-1 closure”

WB Response:

Comment Accepted with modification. We changed Mill Tailings Stockpile to ‘Closed/reclaimed. Reclamation under SMARA is not the same as closure under Title 27. Other changes have been made as proposed.

1. WDR Pg.4, Waste Classification & Permitting #12, Item b:

“Closed Mill Tailings Stockpile” should be “Reclaimed Mill Tailings Stockpile.”

WB Response:

Comment Accepted with modification. The text has been modified to read ‘Closed and Reclaimed Mill Tailings Stockpile’.

1. WDR Pg.4, Waste Classification & Permitting #12, Item c:

“Rock Reject and Overburden Rock Stockpiles” should be “Rock Reject and Reclaimed Overburden Waste Rock Piles.”

WB Response:

Comment Accepted. The text has been modified as proposed.

1. WDR Pg. 5, Site Conditions #19:

The tentative WDRs state “French and Rogers Creek fractures traverse the northern half of the site (Attachment B).” This should be corrected to “The Rogers Creek fracture traverses the northern half of the site (Attachment B).”

WB Response:

Comment accepted. The text has been modified as proposed.

1. WDR Pg. 5, Site Conditions #24:

The tentative WDRs state “…the 30-year wet season for the facility was calculated to be 23 to 25 inches.” This should be corrected to “…the average annual precipitation for the facility was calculated to be 23 to 25 inches.”. WB Response: Comment Accepted:

WB Response:

Comment accepted. The text has been modified as proposed.

1. WDR Pg. 9, Unit Design, Pit/Monofill Unit LU-1 #42:

The tentative WDRs state “The Discharger proposes to cover the LU-1 waste at the bottom of the pit with at least 2 feet of rock reject over the existing ≥1 foot cover of compacted mill tailings…” This should be changed to “The Discharger proposes to place at least 2 feet of rock reject in LU-1 over the existing ≥1 foot cover of compacted mill tailings located at the elevation of LU-1 waste.”

WB Response: Comment Accepted:

1. The text has been modified as proposed.
2. WDR Pg. 10, Unit Design, Evaporation/Infiltration Pond #48:

The tentative WDRs state *“The unlined evaporation/infiltration ponds (referred to as evaporation/percolation ponds in Order No. 97-142) H-1, H-2 and C are used to dewater the pit. Pit water is pumped into H-1 and/or C and allowed to evaporate/infiltrate into the ground. H-1 drains into H-2.”* This should be changed to *“The unlined evaporation/infiltration ponds (referred to as evaporation/percolation ponds in Order No. 97-142) H-1, H-2 and C are used to dewater the pit* *and/or collect stormwater from undeveloped areas of the site. The unlined evaporation/infiltration pond C is currently only used to collect stormwater from undeveloped areas of the site and a portion of the Reclaimed Mill Tailings Stock Pile area, but could also be used to dewater the pit if necessary. Pit water is currently pumped into H-1 and/or C and allowed to evaporate/infiltrate into the ground. H-1 drains into H-2.”*

WB Response:

1. Comment accepted. The text has been modified as specified.
2. WDR Pg.11, Closure and Post-Closure Maintenance & Financial Assurance #51:

The tentative WDRs state *“ROWD includes pit/LU-1 post-closure maintenance plan listing responsibilities, resources, and inspection frequency. However, the plan does not include post-closure cost estimates. This Order requires submittal of Final Post-closure Monitoring and Maintenance plan for the entire facility including post-closure cost estimates and financial assurance mechanism update as specified in Requirements Section F and Time Schedule I.5.”* This should be changed to *“ROWD includes pit/LU-1 post-closure maintenance plan listing responsibilities, resources, and inspection frequency. However, the plan does not include post-closure cost estimates. This Order requires submittal of Final Post-closure Monitoring and Maintenance plan for LU-1, including post-closure cost estimates and financial assurance mechanism update, as specified in Requirements Section F and Time Schedule I.5.”*

WB Response:

Comment rejected, no changes were made to the text. See response to comment 1. Pursuant to Title 27 Section 22510(h), the Discharger shall continue to monitor the entire facility. Table 1 demonstrates that there are several mining units that are present at the Facility which require monitoring and maintenance to protect water quality pursuant to Title 27 Section 22510(h).

1. WDR Pg.14, Requirements, B. Discharge Specifications, #3:

The tentative WDRs state *“Water level in the mining pit/LU-1 shall be maintained below 478 feet msl (Finding 43).”* This should be changed to *“Water level in the mining pit/LU-1 shall be maintained at or below an approximate elevation of 478 feet msl (Finding 43).However, this elevation should be re-evaluated and updated as additional water level data is collected and the site water balance model is updated.”*

WB Response:

Comment accepted with modifications. We added ‘at or’ to the first sentence. However, a regulatory level can’t be approximate. A change to a regulatory level set in an Order requires an amendment adopted by the Board, therefore, the second sentence was modified as follows: ‘If the Discharger updates the water balance model and demonstrates that a different water level is equally protective of water quality, staff may propose an amendment to the WDRs to revise the maximum pit level.’

1. WDR Pg.15, Requirements, B. Discharge Specifications #7:

The tentative WDRs state *“Accumulated asbestos fibers from evaporation/infiltration and retention ponds shall be removed and disposed appropriately as proposed in the approved final post-closure maintenance plan required by this Order (see Time Schedule I.4).”* This should be changed to *“Sediment from the evaporation/infiltration and retention ponds shall be removed and disposed appropriately as proposed in the approved final post-closure maintenance plan required by this Order (see Time Schedule I.4). Sediment removal from these ponds will generally occur as the ponds are emptied as part of operations.”*

WB Response:

‘Accumulated asbestos fibers’ was replaced with ‘sediment’.

1. WDR Pg.17, Closure and Post-Closure Maintenance Specifications, E. #5:

The tentative WDRs state *“Inspections and maintenance of Mill Tailings Stockpile shall be included in the final post- closure report and cost and financial assurance estimates.”* This bullet should be removed as this area was reclaimed in January 2018 pursuant to the Reclamation Plan approved by Calaveras County.

WB Response:

Comment rejected. Although Mill Tailings Stockpile is closed and reclaimed, it requires continued monitoring and maintenance to ensure that the slopes remain stable and the stormwater conveyance features don’t get damaged or clogged, or for the presence of any other issue that could create a new threat to water quality.   
  
Moreover, the 18 June 2018 Construction Quality Assurance review correspondence sent to the Discharger required that the Discharger submits a post-closure monitoring and maintenance plan for the Mill Tailings Stockpile by 30 September 2018. To our knowledge, the plan has not been submitted, however, at this time, it can be integrated into the facility post-closure plan required by the revised WDR Order.

1. WDR Pg.17, Financial Assurance Provisions, F. #1:

The tentative WDRs state *“…beneficiary to ensure the funding for post-closure maintenance of the pit/LU-1, Mill Tailings Stockpile, evaporation/infiltration impoundments/ponds, retention/settling ponds, and overburden waste rock and rock reject piles, and any associated infrastructure.”* This should be changed to *“…beneficiary to ensure the funding for post-closure maintenance of the pit/LU-1 and evaporation/infiltration impoundments/ponds associated with the dewatering of LU-1.”*

WB Response:

Comment rejected. Pursuant to Title 27 Section 22212, post-closure funding requirements apply to all units. See response to comments 1 and 9.

1. WDR Pg.18, H. Reporting Requirements #3:

“All technical reports submitted under this Order shall be prepared by, or under the direct supervision of, a California-licensed civil engineer or engineering geologist. For the purposes of this section, a “technical report” is a report incorporating the application of scientific or engineering principles.” This should be changed to “All technical reports submitted under this Order shall be prepared by, or under the direct supervision of, a California-licensed civil engineer or engineering geologist or a California-licensed geologist. For the purposes of this section, a “technical report” is a report incorporating the application of scientific or engineering principles.”

WB Response:

Comment accepted, ‘or a California-licensed geologist when appropriate’ was added to the text. A California-licensed geologist can submit geology related reports such as monitoring reports. Any engineering design must be prepared by a California-licensed civil engineer or engineering geologist.

1. WDR Pg.19, Requirements, I. Time Schedule, Table 5 – Time Schedule, Item No. 4:

The tentative WDRs state *“Submit a Final Post-Closure (and LU-1 closure, if applicable, see F.2) Monitoring and Maintenance Plan including the tabulated cost estimates for monitoring and maintenance during the post-closure period for the entire facility.”* This should be changed to *“Submit a Final Post-Closure (and LU-1 closure, if applicable, see F.2) Monitoring and Maintenance Plan including the tabulated cost estimates for monitoring and maintenance during the post-closure period for LU-1.”*

WB Response:

Comment rejected. No changes have been made to the text. See response to comments 1,9 and 13.

1. WDR Pg.31, Standard Provisions and Reporting Requirements, IV. Financial Assurance Provisions, Paragraph A:

The tentative WDRs state “The Discharger shall establish an irrevocable fund for closure and post- closure maintenance to ensure closure and post-closure maintenance of each classified WMU in accordance with an approved closure and post-closure maintenance plan [27 CCR §22510(f)].” This should be changed to “The Discharger shall establish an acceptable funding mechanism consistent with 27 CCR§22228 for closure and post- closure maintenance to ensure closure and post-closure maintenance of LU-1 in accordance with an approved closure and post-closure maintenance plan [27 CCR §22510(f)].”

WB Response:

Comment rejected, no changes were made. The SPRRs are standardized requirements issued to all facilities and have been previously approved by the board, and therefore are not subject to revision at this time. As specified in Finding 5, the provisions of the WDR Order are controlling if there are inconsistencies between the provisions of the Order or SPRRs. As stated in WDRs Section F., the Discharger may submit a financial mechanism listed in Title 27 section 22228 for which the Discharger is eligible.

1. MRP Pg.4, B. Detection Monitoring Program (DMP), 1. Groundwater, b. Sample Collection and Analysis, Table 2 – Groundwater Detection Monitoring, Physical Parameters:
2. Elevation
3. Fourth column – Sampling Frequency: The tentative WDRs state that the elevation of the groundwater monitoring wells, and pit lake be recorded on a quarterly frequency. The Discharger requests a change to the frequency of this monitoring requirement to semi-annual to better coincide with the other semi- annual monitoring requirement. However, as part of the remote monitoring system for the pit pumping system, the pit lake water level will be monitored on a daily basis. Water levels in the groundwater monitoring wells are not expected to change rapidly in response to the pit water levels due to the very low permeability of the surrounding bedrock and the absence of a continuous groundwater bearing formation below the mine pit. Therefore, semi-annual monitoring of groundwater levels is sufficient.

WB Response:

Comment rejected. Title 27 Section 20415(e)(15) requires measurement of groundwater elevation at least quarterly. No changes were made to the MRP.

1. MRP Pg.8, B. Detection Monitoring Program (DMP), 4. Summary of Water Quality Protection Standards (WQPS) Components, f. Five-Year COCs:

At the end of this section add “Following each five-year sampling event, all sampling frequencies and constituents monitored will be evaluated to determine if these frequencies and constituents continue to be appropriate for the site.”

WB Response:

Comment rejected, no changes were made. Change in sampling frequencies and constituents monitored require MRP revision. The Discharger is welcome to evaluate sampling data and request MRP revision.

1. MRP Pg.10, D. Reporting Requirements, Table 7 – Summary of Required Reports:

The Discharger assumes that a single report containing both semi-annual and annual data will be submitted on February 1st of each month and include all data and analysis from the previous year of sampling.

WB Response:

Comment accepted, no changes were needed. Both semi-annual reports shall be combined with the annual report and submitted at the same time.

Discharger’s Additional Comments:

Following a conference call on 20 November 2020, the Discharger requested additional changes to WDR findings submitted by e-mail on 23 November 2020.

1. WDR, Finding 16:

Add: ‘No evidence of runoff or discharge from these piles have been observed by the Discharger’ after second sentence.

WB Response:

1. Comment accepted. The text has been modified as specified.
2. WDR, Insert after Finding 47:

Rock Reject and Overburden Rock Stockpiles

# Reclamation of the Rock Reject and Overburden Rock Stockpiles was completed by the Discharger in January 2018 pursuant to the Reclamation Plan approved by Calaveras County. As part of this process, slope stability and mine waste characterization analyses were prepared and provided to Central Valley Water Board staff.

WB Response:

Comment accepted. The text has been modified as specified.

1. WDR, Modify Finding 51 as follows:

51. ROWD includes pit/LU-1 post-closure maintenance plan listing responsibilities, resources, and inspection frequency. With respect to WMU/Mus on the site, based on complete analyses and current site observations, it is anticipated that only minimal maintenance and inspection will be necessary during Closure/Post-Closure and reclamation periods. The ROWD does not include post-closure cost estimates. This Order requires submittal of Final Post-closure Monitoring and Maintenance plan for the entire facility including post-closure cost estimates and financial assurance mechanism update as specified in Requirements Section F and Time Schedule I.5. The Discharger currently maintains Letter of Credit in the amount of $211,410.

WB Response:

Comment accepted. The text has been modified as specified.

1. WDR, Modify Finding 55 as follows:

55. Closure/reclamation plans for WMU/MUs on the side as proposed in Discharger’s ROWD are consistent with these previously issued documents.

WB Response:

Comment accepted. The text has been modified as specified.

(end of Response to Comments)

### OTHER CHANGES

REQUIREMENTS, PAGE 14.

Staff added ‘WDR’s Order No. 97-142 is rescinded, except for enforcement purposes, and that’ to the first paragraph which now reads:

**‘It is Hereby Ordered**, pursuant to Water Code sections 13263 and 13267, that WDR’s Order No. 97-142 is rescinded, except for enforcement purposes, and that the Discharger and their agents, employees and successors shall comply with the following.’