

Regional Water Quality Control Board
Central Valley Region

Response to Written Comments for
Tentative Waste Discharge Requirements
for
County of Kern
Bakersfield Metropolitan (Bena) Sanitary Landfill, Kern County

This document contains the responses to written comments received from interested parties regarding the proposed tentative Waste Discharge Requirements (WDRs) for the County of Kern (County), Bakersfield Metropolitan (Bena) Sanitary Landfill, Kern County for operation, construction, and post-closure maintenance. The Tentative WDRs, R5-2021-XXXX, were prepared to update as part of a policy of administrative review. Currently, WDRs Orders regulate the facility.

The Tentative WDRs were circulated on 19 February 2021 for public comment, ending on 19 March 2021. A total of one letter/email was received and these comments are addressed below.

Comments submitted during the comment period were received from the following:

- A. Jeff Davis, County of Kern, 14 March 2021

RESPONSE TO COMMENTS

Comment A.1:

Comment #1 (Page 1; Introduction; Finding No. 3; Table 1; Second Row) In Table 1 – Summary of Waste Management Units (WMUs) Permitted under Order, is the size (86 acres) of Phase 2A accurate? WDR R5-2007-0092 describes 2A as being 175 acres.

Response A.1:

The recommended revision will be made. The 86 acres represented the acreage of the built cells within Phase 2A, not the final buildout acreage.

Comment A.2:

Comment #2 (Page 3; Waste Classification & Permitting; Finding No. 13) Water injection did not cease in November 2014 due to increasing surface emissions of landfill gas. Water injection ceased in November 2013 to address localized subsidence on the top deck and evaluate continuance of the program.

Response A.2:

Finding 13 will be revised as follows (deletions are in strikethrough text and additions are underlined):

On 26 July 2013, the Central Valley Water Board adopted WDRs Order R5-2013-0110, which modified the Discharger's operative order to allow for the injection of clean water into the waste mass of Phase 2A to increase the moisture content of the waste to enhance the microbial decomposition of that waste. Water injection ceased in November 2014 at the Discharger's discretion due to increasing surface emissions of landfill gas. Order R5-2007-0092 still remained the operative order.

Comment A.3:

Comment #3 (Page 4; Alternative Daily Cover; Finding No. 18) For alternative daily cover (ADC), please add compost to the approved list as an option for use as it is included in our October 2020 JTD (which is referenced in the WDRs).

Response A.3:

The recommended revision will be made.

Comment A.4:

Comment #4 (Page 6; Monitoring Networks; Finding No. 34; Table 2; Third Row) In Table 2 – Groundwater Monitoring Well Network, well BE1-04 is historically dry. The pump was removed from the well in 2019 to simplify the quarterly checks for recharge and elevation measurements.

Response A.4:

Well BE1-04 has been part of the groundwater detection monitoring system for Phase 1 since its installation and has been dry for the majority of the time. BE1-04 was completed in coarse-grained alluvial deposits that overlie finer-grained sediments. From the time of its installation until 1998, BE1-04 did not contain any measurable water. Eleven feet of water was measured in the well in October 1998. By January 1999, less than one foot of water remained in BE1-04. Background groundwater data was gathered from each well using the intrawell analysis method. As such, the recommended revision will be made and the Phase 1 groundwater detection monitoring system will be revised to consist of the following monitoring wells: BE1-01, BE1-02, and BE1-20.

Comment A.5:

In Table 3 – Unsaturated Zone Monitoring Network, the table does not include several monitoring points for Phase 1 and omits the entire perimeter LFG monitoring network for Phase 2A. WDRs R5-2007-0092 were issued prior to the addition of several PM wells constructed to comply with changes to Title 27. The vadose detection monitoring gas wells not included in Table 3 of the WDRs are listed below:

- BE1-22
- BE1-24
- BE1-25

- BE1-26
- BE1-27
- BE1-28
- BE1-29
- BE1-30
- BE1-31
- BE1-32

Additionally, BE1-16 and BE1-17 are in close proximity to each other, much closer than the 1,000' spacing required by Title 27. The Department has designated BE1-17 as the Point of Compliance monitoring point.

Response A.5:

Both the Regional Water Quality Control Board (Water Board) and CalRecycle have regulations in Title 27 but not all regulations within Title 27 apply to both agencies. The perimeter landfill gas monitoring program falls under the purview of CalRecycle and its purpose is to ensure that there is no landfill gas migration off site. The Water Board's unsaturated zone monitoring requirements are to determine if there is an early indication of a release from a waste management unit. As such, its monitoring points differ from the perimeter monitoring points. The 1,000 foot spacing applies to the perimeter monitoring network and is a regulation that falls under CalRecycle's authority. The recommended revision will not be made. Though the perimeter monitoring network is omitted from the Water Board's WDRs, this does not alleviate the County of any monitoring that is required by CalRecycle.

Comment A.6:

Comment #6 (Page 10; Unit Closures; Finding No. 50) Please update May 2020 to October 2020 to match JTD referenced earlier in WDRs.

Response A.6:

The recommended revision will be made.

Comment A.7:

Comment #7 (Page 11; Post-Closure Maintenance & Financial Assurances; Finding No. 53; Table 4; Row 3) The current cost estimate for corrective action is \$793,029 based on June 2020 Annual Inflation Factor worksheets required by CalRecycle. The value presented in the WDRs is from a 2012 Board resolution (the Department can provide the resolution if requested). We are not sure which value the Water Board wishes to use.

Response A.7:

The recommended revision will be made.

Comment A.8:

Comment #8 (Page 11; California Environmental Quality Act; Finding No. 55) The Department was surprised not to see anything specific to CEQA for facility operations in the WDRs. The 2007 WDRs has a short description of CEQA is it related to the landfill. If this is needed, please let us know and we can provide a brief summary.

Response A.8:

The CEQA language in these WDRs only pertains to the revision of the WDRs. The WDRs do not incorporate any changes to the existing operation or previously approved expansion of this facility so additional language is not needed at this time.

Comment A.9:

Comment #9 (Page 15; Discharge Specifications; Table 5; Designated Waste) In Table 5 – Authorized Waste Discharges at Facility, the Department would like to request confirmation that this provision would not allow non-hazardous wastes under variance (i.e. Caltrans projects producing soils with low level TPH/lead) to be accepted? If this is accurate, can the Department please request to alter to include non-hazardous waste as an approved waste type?

Response A.9:

The variance granted to Caltrans by the Department of Toxic Substances Control (DTSC) in 1995 applied to Caltrans for the requirements imposed on a generator of hazardous waste, specifically for their aerially deposited lead (ADL)-contaminated soils along the roadside. The variance did not apply to the waste itself. The variance was replaced with an interagency agreement between Caltrans and DTSC in June of 2016. The agreement allows for the reuse of both non-hazardous and hazardous ADL-contaminated soils on a project site. The agreement also specifies that any ADL-contaminated soil exceeding hazardous waste concentrations that is moved outside of the original project limits or the project defined construction corridor is not covered by the agreement and is fully subject to the hazardous waste management standards of Health and Safety Code, chapter 6.5 (section 25100, et seq) and regulations adopted thereunder. Furthermore, DTSC does not have regulatory oversight over designated waste. As such, the agreement does not cover designated waste, just non-hazardous and hazardous waste. As a Class III facility, the Bena Sanitary Landfill is permitted to accept non-hazardous solid waste, which would apply to the acceptance of contaminated soil if the contaminated soil is not classified as designated waste. The recommended revision will not be made.