

Regional Water Quality Control Board Central Valley  
Region Board Meeting  
20/21 April 2022

Response to Written Comments for the  
Buena Vista Class III Landfill  
Closure, Post-Closure Maintenance, and Corrective Action  
Tentative Waste Discharge Requirements

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At a public hearing scheduled for 20/21 April 2022, the Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) will consider adoption of new Waste Discharge Requirements (WDRs) for the Buena Vista Landfill (Facility) in Amador County. Amador County (Discharger) owns and operates the Facility. This document contains responses to written comments received from interested persons regarding the tentative WDRs circulated on 14 February 2022. Written comments were required by public notice to be received by the Central Valley Water Board by 16 March 2022 to receive full consideration. Comments were received from Amador County on 16 March 2022.

Written comments are summarized below, followed by responses from Central Valley Water Board staff. In addition, staff has made a few minor changes to the tentative WDRs to improve clarity and fix typographical errors.

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#### AMADOR COUNTY COMMENTS

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**DISCHARGER COMMENT NO. 1:** In Tentative WDRs Finding Nos. 4 & 62 remove reference to Full Drawing and Specification for Attachments D, E, G, and H. It is unnecessary to have all the engineering attachments since completed construction will be different from the preliminary documents described in Attachments D, E, G, and H of the Tentative WDRs. Replace with only two drawings (Site Plan and one detail sheet) for the referenced attachments.

**RESPONSE:** Staff agree the nature of design and construction will result in as-built conditions similar to, but different than as described preliminary documents referenced as Attachments D, E, G, and H of the Tentative WDRs. Staff support the proposed changes to Attachments D, E, G, and H. The Tentative WDRs are revised to recognize the difference between design and construction documents and as-built conditions, while providing simple representations of the Proposed Construction Details.

**DISCHARGER COMMENT NO. 2:** In Tentative Finding No. 31 the description of “ACES Waste Services, Inc. maintains separate coverage under the Industrial General Permit for the HHW and WARF (WDID 5S03I011223)” is for an unrelated facility and should be deleted. Also remove reference to design discharge from the stormwater basin to Jackson Creek and replace with “basin is designed to retain significant rainfall from the site.”

**RESPONSE:** Staff agree the phrase “is designed to discharge to Jackson Creek” does not provide an accurate description of the setting since there is no intention or design to discharge wastes from the Facility to surface waters. Notwithstanding, protection of

beneficial uses for waters of the State, including Jackson Creek remains a priority and there is no dispute that “[o]verflow from the runoff holding pond drains to Jackson Creek,” as described in the current WDRs for the Facility. As such, the phrase “is designed to discharge” is revised to “is designed to retain significant runoff from the Facility with overflow draining to Jackson Creek. The subject text related to ACES Waste Services, Inc. is also deleted.

**DISCHARGER COMMENT NO. 3:** In Tentative Finding No. 56 remove reference to semiannual monitoring of each separate leachate sump and trenches. This sampling effort is expensive and a combined sampling is completed for the Class II Pond leachate. This pond collects discharge from all leachate sources.

**RESPONSE:** The general intent of the requirement is to employ observations and field parameters to monitor all sumps for the presence and quantity of leachate to maintain the leachate height to no greater than 12 inches from bottom of the extraction wells. Staff agrees that regular sampling of most sump materials is unnecessary. Finding No. 56 is revised to clarify that monitoring of sumps for leachate is required. Regular sump inspections and monitoring of field parameters are generally appropriate for sumps at the Facility without leachate (or unless described otherwise, e.g., Sump L-1, Surface Impoundment Sump). Monitoring and Reporting Program, Table 22 is revised to adjust monitoring frequencies on a semiannual basis. Staff notes that the sump leachate sampling and reporting schedules in Monitoring and Reporting Program, Table 22 are “applicable for subsequent monitoring only” after a first detection of leachate in a sump.

**DISCHARGER COMMENT NO. 4:** The collection system(s) beneath the Class II Surface Impoundment are “Leak Detection Systems” rather than “Leachate Collection and Removal Systems,” since the system(s) are not designed to collect “leachate.” The Discharger requested replacing references in the Tentative WDRs to “Leachate Collection and Removal System” or “LCRS” for the Class II Surface Impoundment with “Leachate Detection System” or “LDS;” respectively.

**RESPONSE:** The Tentative WDRS identify the detection system beneath the Class II Surface Impoundment as “Leachate Collection and Removal Systems” consistent with descriptions in Title 27 sections 20320 (including Table 4.1) and 20340. Staff recognize the functional distinction identified by the Discharger, but the proposed revisions would conflict with Title 27.

**DISCHARGER COMMENT NO. 5:** Please simplify and revise the Financial Assurance requirements in the Tentative WDRs and related requirements in the Tentative Monitoring and Reporting Program (MRP). The Commentator noted that Title 27 section 22221 provides for Financial Assurance amounts which should be the greater of the Water Release Corrective Action Estimate or Non-Water Release Corrective Action Estimate corrective action plan. The Commentator provided additional information and requested revisions to the Financial Assurances amount requirements in the Tentative WDRs. Of note, the Commentator provided a spreadsheet and data showing calculations and supporting information for the following Post-Closure Maintenance, Water Release, and Non-Water Release Corrective Action amounts:

<b>Current Cost Estimates (Financial Assurance Requirements)</b>	<b>2019 Estimated Cost</b>	<b>2020 Inflation Factor</b>	<b>2021 Estimated Cost</b>
Corrective Action: Water Release	\$631,311	1.012	\$638,887
Post-Closure Maintenance	\$5,669,240	1.012	\$5,737,271
Corrective Action: Non-Water Release	\$2,414,025	1.012	\$2,442,993

The Commentator also provided an excerpt from a proposed Financial Statement Note for the Amador County Audited Financial Statements at 30 June 2021 with supporting Annual Inflation Factor Reports for 2019-2021.

The Commentator also requested revision to Standard Financial Assurance Provision H.1. which requires the Discharger to “establish an irrevocable fund for closure and post-closure maintenance.” The Commentator noted that Amador County maintains a General Fund balance reserve of \$8,180,264 for these purposes but “does not have money to setup an irrevocable fund.”

**RESPONSE:** The Discharger is required to comply with Title 27 section 22221(b). As such the Discharger shall demonstrate financial responsibility to CalRecycle for initiating and completing known or reasonably foreseeable corrective action in at least the amount of the greater of Water Release or Non-Water Release Corrective Action. Based on review of the additional Financial Assurance documentation provided by the Discharger, the Discharger is required to demonstrate financial responsibility for the estimated Non-Water Release Corrective Action amount, \$2,442,993. The Discharger also provided documentation and calculations to support its estimate of post-closure maintenance costs pursuant to Title 27 section 22212 of \$5,737,271 in 2021 dollars. The Discharger’s combined financial responsibility for Corrective Action and post-closure maintenance is \$8,180,264.

Staff revised Finding Nos. 99, 100 and 101 to address the additional Financial Assurance documentation provided by the Discharger.

**DISCHARGER COMMENT NO. 6:** Standard Provisions and Reporting Requirements (SPRRs) H.1 requires the Discharger to “establish an irrevocable fund for closure and post-closure maintenance to ensure closure and post-closure maintenance of each classified unit in accordance with an approved closure and post-closure maintenance plan [Title 27, § 20950(f) and § 22207(a)].” The Commentator represents that Amador County has \$8,180,264 of General Fund balance reserved for post closure maintenance obligations but does not have funds to set up an irrevocable fund as required in the Tentative WDRs. The Commentator also represented that Amador County maintains a Pledge of Revenue for Corrective Action for Non-Water Release.

**RESPONSE:** Title 27 requires the Central Valley Water Board to require the Discharger to establish an irrevocable fund (or to provide other means) for closure

and post-closure maintenance (Title 27 section 20950(f)). Title 27 further requires WDRs contain a provision which requires the Discharger to obtain and maintain assurances of financial responsibility for initiating and completing corrective action for known or reasonably foreseeable releases (Title 27 section 20380(b)). An acceptable mechanism to demonstrate the required Financial Assurance includes a "Pledge of Revenue" by which a government agency promises to make specific, identified future revenue available to pay future postclosure maintenance costs (T27 section 22228(a)(6), section 22200(jj)). A government agency may act as a provider of financial assurance for a disposal facility by using a pledge of revenue to demonstrate financial responsibility for postclosure maintenance on behalf of a private operator, if either: (1) The agency owns the facility; or (2) The agency is the rate setting authority and has control of the waste stream in the jurisdiction where the disposal facility is located (Title 27 section 22228(j)). Amador County owns the Buena Vista Class III landfill. The Tentative WDRs would require the Discharger to submit a complete Pledge of Revenue Agreement package to the Regional Board, including copies of the items required in Title 27 section 22245. Items required include a report regarding financial assurances and the financial assurance mechanism used to support corrective action, the complete Pledge of Revenue Agreement package describing types of revenue that the Discharger ensures will be available in a timely manner to pay for postclosure maintenance or corrective action and include copies of the items required in Title 27 section 22245.

Staff added Finding No. 103 to the Tentative WDRs clarifying that a complete Pledge of Revenue Agreement package satisfies the requirement in Standard Provisions & Reporting Requirements H.1 to establish an "establish an irrevocable fund for closure and post-closure maintenance to ensure closure and post-closure maintenance of each classified unit in accordance with an approved closure and post-closure maintenance plan [Title 27, § 20950(f) and § 22207(a)]." Further, staff note the Tentative WDRs specify that for any conflicting or contradictory language between the WDRs, the MRP, or the SPRRs, then language in the WDRs shall govern over either the MRP or the SPRRs, and language in the MRP shall govern over the SPRRs.

**DISCHARGER COMMENT NO. 7:** Remove 1,2,3-Trichloropropane per Method SRL-524M-TCP (i.e., low detection methodology) from the Tentative MRP Tables Nos. 3, 9, 13, 22, and 25 and Attachment C. The rationale for this request is supported as follows: 1) This parameter is also within the semiannual monitoring VOC 8260 short list and has not been detected historically, 2) Due to the fumigant use in the Central Valley, this parameter is a low detection drinking water concern only near orchards which is not the case at BVL, 3 The parameter cost \$125 per sample which may become 20 percent of the lab invoicing if used in the monitoring network. If the low detection methodology for 1,2,3 TCP is still required after this demonstration; we request that this parameter only be collected every five years at the groundwater extraction trench (L-1) which is downgradient and the upgradient monitoring well MW-9.

**RESPONSE:** On 18 July 2017, the State Water Resources Control Board (State Water Board) adopted a Maximum Contaminant Level for drinking water of 5 parts per trillion (ppt) for 1,2,3-Trichloropropane, and related requirements, including

establishing of a detection limit for purposes of reporting (DLR), identifying the best available technology for treatment, and setting public notification and consumer confidence report language. Staff reviewed the Discharger's monitoring and reporting record and agree that to date, the Discharger has reported no detections of 1,2,3-Trichloropropane per US-EPA Method 8260B with detection limits at the parts per billion range, a sampling and an analysis methodology which no longer meets regulatory standards for 1,2,3-Trichloropropane. Whereas the "low detection methodology" method SRL-524M-TCP can quantify 1,2,3-Trichloropropane at concentrations in the parts per trillion range. In consideration of cost concerns, staff support a screening approach for 1,2,3-Trichloropropane at concentrations in the parts per trillion range, with increased monitoring frequency in the event of detections. The Tentative MRPs are revised to require 1,2,3-Trichloropropane per Method SRL-524M-TCP once every five years at each respective sampling location.

**DISCHARGER COMMENT NO. 8:** Remove Nitrate as Nitrogen from Tentative MRP Table Nos. 13, 22, and 25.

**RESPONSE:** Staff reviewed the Discharger's monitoring and reporting record and note historic detections of Nitrate as Nitrogen at surface water monitoring points, LCRS sumps, and other detection and corrective action monitoring points. Staff believe the incorporation of Nitrate as Nitrogen into Table 13 (Surface Water Monitoring), Table 22 (LCRS Sump Monitoring) and Table 25 (Leachate Seep Monitoring) is appropriate and reasonable.

**DISCHARGER COMMENT NO. 9:** Request the Water Quality Protection Standards (WQPS) determination be required every other year (i.e., once every two years) rather than on an annual basis. The Tentative MRPs Concentration Limits requirements (Tentative MRP B.5.g) should be changed to biennial frequency request instead of annual frequency.

**RESPONSE:** WQPS standards apply during the active life of the Unit, the closure period, the post-closure maintenance period, and during any compliance period (Title 27, section 20390). Staff reviewed the record and found 1.) WQPS determinations for the facility are relatively consistent; and 2.) The current WQPS are appropriate for the Facility. The Tentative MRPs Concentration Limits requirements (Tentative MRP B.5.g) have been revised to require WQPS determinations on a biennial frequency instead of an annual frequency.

**DISCHARGER COMMENT NO. 10:** Remove parameters Nitrate and 123 TCP from TMRP Table 22 and change quarterly sampling frequency to semiannual. Cost implications are significant for this additional monitoring of the corrective action locations.

**RESPONSE:** See responses to Comment Nos. 7 and No. 10.

**DISCHARGER COMMENT NO. 11:** Make the following other changes/corrections to the Tentative MRP:

- **Tentative MRP Table 16** – Phase 2 wells are only gas wells.
- **Tentative MRP Table 20** – Correction Use screening language from Table 6 before

TO-15 analysis. Should be used due to the cost over \$150 per sample.

- **Tentative MRP Section D Additional Facility Monitoring** – Change word “sumps” to sump since there is only one LCRS sump at the Facility.

**RESPONSE:** The Tentative MRP has been revised to make the requested corrections.

**DISCHARGER COMMENT NO. 12:** The Tentative WDRs and Tentative MRP require the Discharger to perform and report periodic waste characterization of liquids stored in the Class II Surface Impoundment no less frequently than once every five years. In a meeting the Discharger expressed concern for potential misinterpretation requiring sampling the Class II Surface Impoundment more frequently than once every five years.

**RESPONSE:** The intent of the requirement is to understand the characteristics of liquids stored in the class II surface impoundment in the event an unauthorized release occurs or liquid wastes are suspected of being incompatible with containment features of the class II surface impoundment. Staff supports the Discharger’s request for clarification of the requirement. Staff made revisions to clarify the requirement to perform and report periodic waste characterization of liquids stored in the Class II Surface Impoundment once every five years.