

3152 Shad Court
Simi Valley, CA 93063
February 2, 2011

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: "Comment Letter - Draft Industrial General Permit".

Dear Ms. Townsend:

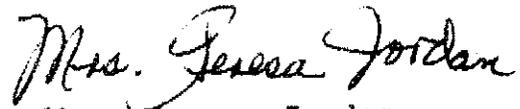
The following are my comments on the aforementioned subject for the State Water Resources Control Board to take into consideration at its March 29, 2011 meeting public hearing.

- #1 - It is flabbergasting and mind boggling that the public review and comment period Draft General Permit Order was released in an incomplete form (January 28, 2011 State Water Resources Control Board NOTICE OF PUBLIC HEARING, bottom of Page 1).
- #2 - There is no guarantee that the proposed General Permit Order "will be recirculated to the public for review and another public hearing will be held" because there is no clear indication as to whether the "final substantive changes" "made" (January 28, 2011 State Water Resources Control Board NOTICE OF PUBLIC HEARING, top of Page 2) are those arrived at by State Water Board staff, or from submitted public comments, or a combination of staff and public.
- #3 - I am opposed to the Conditional Exclusion Requirements - No Exposure Certification "Major Changes/New Requirements" (Item #25, Page 4 of 5) proposal.
- #4 - I am opposed to the Conditional Exclusion - No Discharge Certification "Major Changes/New Requirements" (Item #26, Page 4 of 5) proposal.
- #5 - I am opposed to the Conditional Exclusion for Dischargers That Implement Green Storm Water Impact

Reduction Technology (G-SIRT) "Major Changes/New Requirements" (Item #27, Page 5 of 5) proposal.

- #6 - The concerns on the TENTATIVE AMENDED WASTE DISCHARGE REQUIREMENTS FOR DISPOSAL/REUSE OF CONTAMINATED SOILS AND OTHER NONHAZARDOUS WASTES AT MUNICIPAL SOLID WASTE LANDFILLS WITHIN THE LOS ANGELES REGION (FILE NOS. 57-220, 58-076, 60-090, 60-117, 60-118, 63-082, 67-020, 69-091, 72-030, 72-035) that I expressed in my letters to Mr. (Dr.) Enrique Casas (Los Angeles Regional Water Quality Control Board) and Dr. Wen Yang (Los Angeles Regional Water Quality Control Board) are relevant to the Draft Industrial General Permit's 40 CFR Part 445 covered facilities--landfills.

Sincerely,



Mrs. Teresa Jordan

Enclosures:

January 24, 2011, Letter to Mr. Enrique Casas, Los Angeles Regional Water Quality Control Board. (5 Pages, and 3 Pages of Enclosures)

February 2, 2011, Letter to Drs. Enrique Casas and Wen Yang, Los Angeles Regional Water Quality Control Board. (2 Pages)

3152 Shad Court
Simi Valley, CA 93063
January 24, 2011

Mr. Enrique Casas
LARWQCB
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Re: TENTATIVE AMENDED WASTE DISCHARGE REQUIREMENTS FOR
DISPOSAL/REUSE OF CONTAMINATED SOILS AND OTHER NONHAZARDOUS
WASTES AT MUNICIPAL SOLID WASTE LANDFILLS WITHIN THE LOS
ANGELES REGION (FILE NOS. 57-220, 58-076, 60-090, 60-117,
60-118, 63-082, 67-020, 69-091, 72-030, 72-035).

Dear Mr. Casas:

The following are my comments on the aforementioned subject
for the Regional Water Board's consideration.

- #1 - I am opposed to allowing the disposal/reuse of contaminated soils. This change will allow the disposal/reuse of VOCs and SVOCs and other wastes generated from the cleanup of the Santa Susana Field Laboratory site (formerly Rocketdyne) at the Calabasas, and Simi Valley landfills. Because the Regional Water Board has not rescheduled the hearing on the groundwater issue in the Los Angeles Region since 2009, and due to these WDRs changes, the Simi Valley City Council members and their constituents concerns over the Simi Valley Landfill expansion project's significant impacts to all of us are well founded.
- #2 - I am opposed to terminating Los Angeles Regional Water Board's General Order No. 91-93. It is inexcusable that "since 1991" "the general order's disposal limits have not been evaluated" (Mr. Samuel Unger's September 8, 2010 letter to "Interested Agencies and Persons") -- "have not been updated" (October 6, 2010 Regional Water Board's Website Informational Workshop document). Because General Order No. 91-92 was "Issued to soil generators, not landfill operators" (October 6, 2010 Informational Workshop document) in the Los Angeles River and Santa Clara River Basins (File No. 88-57, and

possibly File No. 93-043), it is more "appropriate" (Mr. Unger's September 8, 2010 letter) for the Regional Water Board to issue a general WDRs order for MSW or Class III landfill operators within the Los Angeles Region due to the "Significant changes" being "proposed" (Mr. Unger's September 8, 2010 letter) than terminating General Order No. 91-93 due to findings such as "9. The Class III Landfill disposal is a one time, short term disposal, and is not anticipated to require in excess of 90 days to complete at which time these requirements will expire", and "10. The issuance of Waste Discharge Requirements for the discharges subject to these general requirements is exempt from the provisions of Chapter 3, (commencing with Section 21100) of Division 13, of the Public Resources Code pursuant to one or more of the following provisions:

(a) The lead agency has prepared an Environmental Impact Report or a negative declaration based on findings pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15070 which show that there will be no significant impact on water quality; or (b) The project would affect a minor alteration to the condition of land, and is exempt in accordance with Title 14, Chapter 3, Section 15304, California Code of Regulations" (General Order No. 91-93, Page 2).

- #3 - I am opposed to allowing the disposal/reuse of any contaminated soils at the 10 impacted MSW or Class III landfill sites.
- #4 - Even though Mr. Unger's September 8, 2010 letter states that "Significant changes proposed in individual WDRs include...Updated requirements for the protection of surface water quality for active MSW landfills that propose to reuse contaminated soils and related wastes...as part of landfill environmental control or operation systems", it is stated in Tentative Order No. R4-2011-XXX (Page 1, 5th finding) that "Increasingly, the generators of contaminated soils or landfill operators request approval for use of contaminated soils and related wastes at landfills within the Region, rather than disposal, as a component of environmental control systems. Most often the request is for use as cover materials, more specifically for use as alternative daily cover".

- #5 - I am opposed to changing General Order No. 91-93's "contaminants/pollutants" (Page 1, 4th finding) to "constituents of concern".
- #6 - Changing General Order No. 91-93's "mitigating" (Page 1, 3rd finding) to "controlling" will not guarantee that water quality will not be compromised. It is stated in Tentative Order No. R4-2011-xxx's 12th finding (Page 3) that "Surface water monitoring results for landfills in the Region indicate that benchmark limits are commonly exceeded". Thus, the General Industrial Permit's municipal waste landfills stormwater sampling events requirements are weak.
- #7 - While Tentative Order No. R4-2011-XXX's 12th finding (Page 3) states that "In addition to site specific WDRs, active MSW landfills in the Region are regulated under State Water Resources Control Board Water Quality Order No. 97-03-DWQ (National Pollutant Discharge Elimination System [NPDES] General Permit No. CAS000001), Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities, General Industrial Permit)", it is stated under the 10th finding that "site specific demonstration projects are not required" for the listed "materials" to be "used" as alternative daily cover.
- #8 - The word "GENERAL" has been deleted from TENTATIVE ORDER NO. R4-2011-XXX's title (Page 1).
- #9 - I disagree that disposing contaminated soils to the 10 impacted MSW or Class III landfills will eliminate or reduce to non-significant levels the threat to State waters (Tentative Order No. R4-2011-XXX, Page 1, 3rd finding). The 2nd finding states "assure", not ensure, that discharges of the wastes do "not affect the quality of waters of the state".
- #10 - Tentative Order No. R4-2011-XXX textual language inconsistency with regards to the word "State". Example: Page 1, the 2nd finding states "state", and the 3rd and 4th findings state "State".
- #11 - Tentative Order No. R4-2011-XXX textual language inconsistency with regards to the words "MSW or Class III landfills". The 3rd finding (Page 1) states "(MSW

or Class III) landfills". Findings 6 and 8 (Page 2), 10 and 12 (Page 3), 15 (Page 4), 21, 22, and 23 (Page 5), and Sections A.1, B.2 and B.3 (Page 5), B.4, B.5, and C.1 (Page 6), C.2 and C.2.a (Page 7), E.1 and E.2 (Page 9), and F.2 (Page 10) do not include the words "or Class III". Section C.3 (Page 7) does not include "MSW or" with "Class III". Section D.1 (Page 8) states only "landfills".

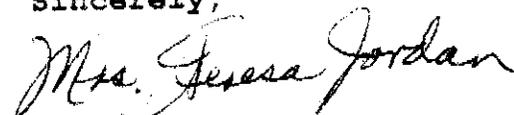
- #12 - Tentative Order No. R4-2011-XXX textual language inconsistency. The 22nd finding (Page 5) states "the Regional Board has notified interested parties..." The September 8, 2010 (Unger), December 15, 2010 (Yang), and January 12, 2011 (Yang) letters stated "To Interested Agencies and Persons".
- #13 - Tentative Order No. R4-2011-XXX WDRs are inconsistent since the "Contaminated soils concentration limits" "may vary for each landfill cited in this Order, based on site specific criteria" (Section A.2, Page 5).
- #14 - I am opposed to Tentative Order No. R4-2011-XXX's Section F.7 (Page 11) which states that "The Executive Officer or authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours". The written report must not be waived.
- #15 - Page 11, Tentative Order No. R4-2011-XXX, Section F.8 contains an error. Section "a." is missing.
- #16 - Page 11, Tentative Order No. R4-2011-XXX, Section F.8. (missing "a.").iii, delete "principal executive officer" as a municipality certifying signatory. For a City, the Mayor must sign, and for the County Board of Supervisors, the Chairperson must sign.
- #17 - Page 12, Tentative Order No. R4-2011-XXX, change Section H to read "PENALTIES", and include Sections H.1 and H.2. Section H.3 include under a new section "I. NOTIFICATIONS", and change "H.3." to "I.1."
- #18 - Page 3, Tentative Order No. R4-2011-XXX, the 4th finding states "in writing to the California Integrated Waste Management Board, now the Department of Resources Recycling and Recovery (CalRecycle)". The statement must read "in writing to the Department of

Resources Recycling and Recovery (CalRecycle; formerly the California Integrated Waste Management Board)".

#19 - File No. 60-090, in the September 8, 2010 (Unger), December 15, 2010 (Yang), and January 12, 2011 (Yang) letters' subject title, is in error. The Simi Valley Landfill's File No. is 69-090. File No. 69-090 is not listed in the letters' subject title.

#20 - Only through the process of elimination, after extensive research, did I determine that 60-117 may be the File No. for the Scholl Canyon Landfill. The information on the FILE NOs and respective landfills should have been readily available on the Regional Water Board's Website.

Sincerely,



Mrs. Teresa Jordan

Enclosures:

January 23, 2011, Compiled List of LANDFILLS, LOCATIONS, and FILE NOs., Teresa Jordan.

December 4, 2003?, FILE NO. 69-090, Simi Valley Landfill and Recycling Center Waste Discharge Requirements, Los Angeles Regional Water Quality Control Board Order No. R4-2003-0152. (Pages 1 and 31)

TENTATIVE AMENDED WASTE DISCHARGE REQUIREMENTS FOR DISPOSAL/
REUSE OF CONTAMINATED SOILS AND OTHER NONHAZARDOUS WASTES AT
LANDFILLS WITHIN THE LOS ANGELES REGION

PUBLIC REVIEW AND COMMENT PERIOD

JANUARY 30, 2011 COMMENTS SUBMITTAL DEADLINE

| <u>LANDFILLS</u> | <u>LOCATION</u> | <u>FILE NO.</u> |
|--------------------|-----------------|-----------------|
| 1. Calabasas | Agoura, CA | 60-118 |
| 2. Chiquita Canyon | Valencia, CA | 67-020 |
| 3. Pebbly Beach | Avalon, CA | 72-030 |
| 4. Puente Hills | Whittier, CA | 57-220 |
| 5. Savage Canyon | Whittier, CA | 63-082 |
| 6. Scholl Canyon | Glendale, CA | 60-117? |
| 7. Simi Valley | Simi Valley, CA | 69-090* |
| 8. Burbank | Burbank, CA | 72-035 |
| 9. Sunshine Canyon | Sylmar, CA | 58-076 |
| 10. Toland Road | Santa Paula, CA | 69-091 |

[NOTE: * File No. 60-090 may be in error.]

[NOTE: List compiled by Teresa Jordan on January 23, 2011.]

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

ORDER NO. R4-2003-0152

WASTE DISCHARGE REQUIREMENTS
FOR

WASTE MANAGEMENT OF CALIFORNIA, INC.
(SIMI VALLEY LANDFILL AND RECYCLING CENTER)

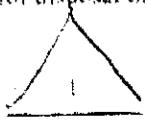
(FILE NO. 69-090)

*Is
File No.
60-090 in
Error to*

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds:

BACKGROUND

1. The Simi Valley Landfill and Recycling Center (Landfill) is a 297.45-acre Class III waste management facility located in the foothills of the Santa Susana Mountains. The Landfill address is 2801 Madera Road, Simi Valley, California 93065 (Figure 1). The Landfill latitude and longitude is North 34° 17' and 118° 47', respectively. The Landfill owner/operator is Waste Management of California, Inc. (Discharger).
2. Current permitted landfill operations at the Landfill encompass approximately 186 acres of the 297.45-acre site.
3. From 1971 until 1982, the Ventura County Regional Sanitation District (VCRSD), the prior operator of the Landfill, operating in conformance with Waste Discharge Requirements (WDRs) issued by this Regional Board, discharged Group I solid waste and liquid wastes on approximately 30 acres of a designated 75-acre portion of the property in the northerly part of the Landfill (Figure 2). Approximately 29,000 tons of solid, liquid and containerized hazardous wastes were discharged during this period.
4. On May 23, 1983, this Regional Board adopted Order No. 83-26 prescribing revised WDRs for the Landfill prohibiting disposal of liquids and Group I/hazardous wastes.
5. In 1986 a leachate barrier and collection system was installed at the southern toe of the Landfill. The purpose of the toe barrier system was to intercept and extract leachate from the canyon alluvium underlying the Landfill thereby preventing offsite migration of potential chemicals of concern. The canyon alluvium is considered to be the primary groundwater migration pathway for constituents should a release occur from the Landfill. The main elements of the interception system are: a 12-foot wide subsurface compacted clay barrier keyed at least five feet into competent bedrock and extending across the canyon mouth; a leachate collection drainage layer, subdrain and sump installed on the landfill side of the barrier; a pump, discharge piping and storage tank to remove and store leachate for disposal or treatment for dust control through an



October 16, 2003
Revised November 19, 2003

[Handwritten signatures and initials]

Waste Management Of California, Inc.
Simi Valley Landfill And Recycling Center

Waste Discharge Requirements
Order No. R4-2003-0152

rescission or modification. All discharges of waste into the waters of the state are privileges, not rights.

25. The filing of a request by the Discharger for the modification, revocation and reissuance, or termination of this Order or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
26. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
27. Pursuant to section 13263(e) of the CWC, these requirements are subject to periodic review and revision by this Regional Board.
28. This Order becomes effective on the date of adoption by this Regional Board.

M. Rescission

1. Except for enforcement purposes, Regional Board Order No. 00-092, adopted on June 29, 2000, is hereby rescinded.

I, Dennis A. Dickerson, Executive Officer, do certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on December 4, 2003.

Dennis A. Dickerson
Executive Officer



3152 Shad Court
Simi Valley, CA 93063
February 2, 2011

Dr. Enrique Casas
Dr. Wen Yang
LARWQCB
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Re: EXTENSION OF DEADLINE FOR SUBMITTING COMMENTS ON PROPOSED AMENDED WASTE DISCHARGE REQUIREMENTS FOR DISPOSAL/REUSE OF CONTAMINATED SOILS AND OTHER NONHAZARDOUS WASTES AT MUNICIPAL SOLID WASTE LANDFILLS WITHIN THE LOS ANGELES REGION (FILE NOS. 57-220, 58-076, 60-090, 60-117, 60-118, 63-082, 67-020, 69-091, 72-030, 72-035).

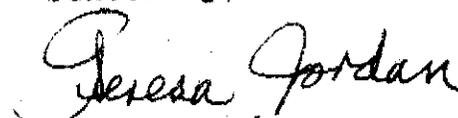
Dear Drs. Casas and Yang:

Since the public comments deadline has been extended until February 4, 2011, I am submitting additional comments on the aforementioned subject. Please note that this letter is a follow-up to my January 24, 2011 letter for the Los Angeles Regional Water Quality Control Board's consideration.

- #1 - Dr. Wen Yang's January 28, 2011 letter "To Interested Agencies and Persons" continues to list an erroneous File No. 60-090 for the Simi Valley Landfill. The Board's December 4, 2003 Simi Valley Landfill related Agenda item refers to File No. 69-090.
- #2 - The WDR Amendments proposed expansion of the General Industrial Stormwater Permit requirements, and the submittal of revised SWPPPs with site-specific BMPs (January 27, 2011 Public Workshop) will be nullified if the recently released (January 28, 2011) State Water Resources Control Board's DRAFT STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR THE DISCHARGE OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES (INDUSTRIAL GENERAL PERMIT) for facilities covered under 40 Code of Federal Regulations (CFR) Part 445 (Landfills) become policy. Among the State Water Resources Control Board's "Major Changes/New Requirements in the Draft

Industrial General Permit" is the "Conditional Exclusion for Dischargers That Implement Green Storm Water Impact Reduction Technology (G-SIRT)" that impact the existing General Permit's "SWPPP and monitoring requirements" (Item #27, Page 5 of 5). This is a "significant regulatory relief" (Draft document, Page 10, Section M.60) provision, yet the State Water Board has to my knowledge not adopted "approved G-SIRT standards" (Item #27, Page 5 of 5) for dischargers to apply for this conditional exclusion. The State Water Board's Draft document's Attachment F - 303(d) Water Bodies - Requirements section states "To Be Developed". Also, of concern are the proposals for Conditional Exposure Requirements - No Exposure Certification (Item #25, Page 4 of 5), and Conditional Exclusion - No Discharge Certification (Item #26, Page 4 of 5). The State Water Board Draft document's Attachment B Conditional Exclusion No Discharge Certification Requirements" section states "To Be Developed". It is stated in the State Water Board's January 28, 2011 NOTICE OF PUBLIC HEARING on the Industrial General Permit that "When the final substantive changes are made, it will be recirculated to the public for review and another public hearing will be held". Without the pertinent information in Attachments F and B being made available beforehand, and if no public comments are deemed "substantive", there may not be "another public hearing".

Sincerely,


Teresa Jordan