

April 22, 2013

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VIA ELECTRONIC MAIL AND ONTRAC

Mr. John Moody
Water Resources Control Engineer
California Regional Water Quality Control
Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, California 95670
E-Mail: jmoody@waterboards.ca.gov

Re: **Tentative Waste Discharge Requirements: Florin Perkins
Landfill, Unclassified Landfill Units, Closure and Corrective
Actions, Sacramento County**

Dear Mr. Moody:

On behalf of Ms. Nancy C. Cleavinger, representative of multiple trusts that are owners of the land upon which Florin Perkins Landfill is located, we are submitting the following comments on the subject waste discharge requirements. We would like to thank you and all Board staff for your efforts in preparing the proposed order.

Since submittal of the Report of Waste Discharge, we have been informed of additional permitting schedule requirements by the Sacramento Metropolitan Air Quality Management District (SMAQMD). As fully detailed in the attached report prepared by the Dunn Environmental Team (DE Team) (consisting of Dunn Environmental, Inc., Fujii Civil Engineering and GeoChem Applications) and this letter, these additional permitting requirements will delay installation of the proposed gas venting correction action.

Comments and Suggested Revisions

A. General Comments

1. Ms. Nancy Cleavinger is a co-trustee of NC Cleavinger Family Trust. The tentative waste discharge requirements (TWDRs) on the caption, information sheet, and monitoring and reporting program list Nancy C. Cleavinger as Trustee of the NC Cleavinger Revocable Trust. The trust is not revocable and is a family trust. In all instances where the NC Cleavinger Revocable Trust is referenced as a Revocable Trust it should be changed to the "NC Cleavinger Family Trust".

2. In findings 41, 45, 46 and 50 are references to reports prepared by Dunn Environmental, Inc. Dunn Environmental Inc. affiliated with Fujii Civil Engineering and GeoChem Application, the DE Team, to provide additional expertise and licensed individuals to comply with registration requirements of Title 27. In all instances where Dunn Environmental Inc, is cited, the reference should be replaced with “the DE Team, comprised of Dunn Environmental Inc., Fujii Civil Engineering and GeoChem Applications”.

B. *Specific Comments*

a.) Findings

1. **Page 2. Finding 4.** This finding indicated that Jackson Road Land fill is also owned by the Discharger. Jackson Road Landfill and Florin Perkins Landfill ownership interests are not the same. Although some of the Trusts do have interests in both properties the ownership interests are not identical. Ms. Nancy C. Cleavinger is the representative of both groups of Trusts. As a result, lack of identical ownership should not be an impediment for usage of Jackson Road Landfill monitoring wells as up gradient wells for Florin Perkins. It is recommended that the parenthetical statement (*also owned by the discharger*) be deleted.

This finding also references operation of Florin Perkins Landfill by Chet Hulsey during the 1993 to 1994 time frame. Mr. Hulsey was the operator of the adjacent Jackson Road Landfill. Although Mr. Hulsey submitted a report of waste discharge in August 1985 and was listed on Order 89-202, he was not an operator at Florin Perkins Landfill. Florin Perkins Landfill Inc. entered into an agreement for operating Florin Perkins Landfill and Jackson Road Landfill on April 29, 1993 at which time Mr. Hulsey contract was terminated. Ms. Cleavinger’s records reflect that Florin Perkins Landfill, Inc. made a security deposit and rent payment in April 1993. Florin Perkins Landfill Inc. submitted a report of waste discharge for Florin Perkins Landfill on August 1993 and more than six months later began accepting wastes in February 1994. Florin Perkins Landfill Inc. was the landfill operator until February 2005.

2. **Page 3. Finding 9.** This finding does not fully represent the Zanker Resource Management LTD lease and Discharger regarding closure. We request finding 9 be modified as follows:

“In October 2006, the Discharger entered into a land lease with Zanker Road Resources Management, LTD, (Zanker) whereby Zanker retained the right to develop and operate a Class III, inert landfill and a material recycling facility. A Water Code Section 13267 Order required the Discharger by March 30, 2011 to indicate whether or not it intended to begin accepting waste at Florin Perkins Landfill or close the Site. The Discharger met with Zanker in March 2011 to discuss its intent regarding operating a landfill. Zanker indicated it did not intend to operate a landfill and therefore the Discharger initiated closure activities.”

3. **Page 13. Finding 46.** As a result of discussions with the SMAQMD, and based upon the results of a source test of the initial passive vents, the Discharger may be required to apply for, and obtain, an Authority to Construct/Permit to Operate (ATC/PTO) to install any additional vents. As a result, the Discharger's ability to determine effectiveness of the gas vents may be subject to permitting timelines of the SMAQMD. We request finding 46 be modified as follows:

"The Discharger proposes installation of passive LFG controls at each unit prior to landfill closure as an interim corrective action measure to address landfill gas concerns (see *Final Closure and Postclosure Maintenance Plan and Landfill Gas Monitoring and Control Plan for the Florin Perkins Landfill*, prepared by the DE Team.). The LFG controls would consist of passive LFG vents and associated monitoring probes installed in advance of landfill closure. The first phase would be installed in areas where existing vapor probes indicate the highest concentrations of methane (see Finding 30). Initial efforts will focus on the South Fill Area. The second phase would be installed, as necessary, based on the results of monitoring the first phase for a one-year period. The second phase would consist of any additional vents and monitoring probes necessary for interim LFG control prior to landfill closure. LFG monitoring would be conducted in accordance with a gas monitoring plan in the EFS/CAP as approved by the LEA. Construction and operation of the passive LFG gas vents may be subject dependent on initial source testing to permitting requirements of the SMAQMD. The time schedule in Provision 8 for installation of the passive LFG vents reflects SMAQMD timelines. Upon completion of final cover construction per the landfill closure schedule, the interim vents would be incorporated into a long term LFG control system constructed in accordance with the final closure plan. See Finding 58."

b.) C. Corrective Action Specifications.

1. **Page 19. Specification 1.** This specification should be modified to reflect that gas venting will be performed pursuant to Provision 8 of the Order. We request that this specification be modified as follows:

Methane and other landfill gases, if present, shall be adequately vented, removed from the Unit, or otherwise controlled to prevent the danger of adverse health effects, nuisance conditions, or the impairment of the beneficial uses of surface water or groundwater due to migration through the unsaturated zone in accordance with the approved time schedule in Provision 8 of this Order.

c.) I. Provisions,

1. **Page 30. Provision 8.** As discussed above in reference to Finding 46 and the attached letter from Dunn Environmental, Inc., the schedule for installation of interim gas vents and submission of certification reports needs to be amended to reflect permitting requirements of the SMAQMD. We request that the time schedule in Provision 8 be modified as follows:

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Task	Southern Fill Area	North and East Fill Area
Submit report documenting installation of initial set of interim LFG vents per LGMCP	9/01/13	12/15/16
Monitor interim vents and existing vapor probes per LGMCP for one year (following SMAQMD issuance of ATC/PTO)	8/1/14 – 8/1/15	11/15/16 – 11/1/17
Submit plans for any additional vents and/or monitoring probes, as indicated by monitoring data	9/15/15	12/23/17
Complete installation of interim LFG vents and probes	7/15/16	10/01/18
Submit certification report for the interim LFG Controls	9/30/17	2/1/2019

2. **Page 31. Provision 10.** As a result of SMAQMD permitting and its time requirements, we request that Task 10 d., “Submit report documenting installation of long term LFG controls at Southern Fill Area” compliance date be modified to 10/1/19.

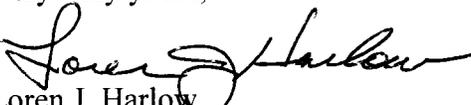
d.) Information Sheet

1. **Page 1. Paragraph 1, Second to Last Sentence.** We request that this sentence be modified to be consistent with Finding 4 as follows:

In February 2005, the property owner (Discharger under this Order) evicted the former landfill operator Florin Perkins Landfill, Inc. for noncompliance with Regional Board Orders and breaches of the operating agreement.

Thank you for the opportunity to submit comments on the Tentative Waste Discharge Requirements. If you have any questions regarding our comments, please contact me.

Very truly yours,


Loren J. Harlow
BAKER MANOCK & JENSEN, PC

LJH:tlw

Enclosures

cc: Ms. Nancy Cleavinger
Dunn Environmental Inc.
Mr. Curt Fujii, PE, Fujii Engineering
Mr. Will Neal, GeoChem Application
Mr. John Lewis, Sacramento County EMD



April 18, 2013

Mr. John Moody
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive No. 220
Rancho Cordova CA 95670

RE: Florin Perkins Landfill Tentative Waste Discharge Requirements -
Additional Clarification related to Landfill Gas Vent Source Testing and Permit
Requirements

Dear John:

The Dunn Environmental, Inc. (DE) and other team members have reviewed the Tentative Waste Discharge Requirements (TWDRs) for the Florin Perkins Landfill in Sacramento, California. We are providing additional detail regarding the Sacramento Metropolitan Air Quality Management District (SMAQMD) requirements for source testing and potential air permit requirements, as they will affect the TWDRs. The SMAQMD process will require changes to the schedule presented in the TWDRs.

Finding 46 and Provision 8 should reflect the requirements of SMAQMD. The time required to comply with SMAQMD requirements is presented in the attached email from Ms. Michelle Joe of SMAQMD. Following the installation of the initial 5 passive landfill gas (LFG) vents in the South Fill Area (SFA), SMAQMD will require initial source tests of the vents to determine if the emissions from the vents exceed any of the following threshold levels:

- Uncontrolled non-methane organic compounds (NMOC or VOC) emissions from the project are greater than or equal to 2 pounds in any 24-hour period.
- If applicable, the non-cancer Acute/Chronic Hazard Index is greater than, or equal to, one for all cases.
- If applicable, the Maximum Excess Cancer Risk is greater than, or equal to, 0.1 in a million.

The above threshold levels apply to the total emissions from the five vents, not to the individual emissions from each vent. Therefore, if the total emissions from the five initial vents exceed any of the above threshold levels, SMAQMD will require FPL to apply for an Authority to Construct/Permit to Operate (ATC/PTO) for the vents. In

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addition, if the initial five vents exceed the threshold levels, then FPL will not be able to operate the vents (i.e, FPL must “cap” the vents.) until SMAQMD issues the ATC/PTO. FPL would also need to obtain an ATC/PTO authorizing the installation and operation of any additional LFG vents, and the schedule presented in Provision 8 should incorporate the time necessary for the initial source testing, the SMAQMD decision on permit applicability, and obtaining the ATC/PTO. Based on from Michelle Joe's email, the time required to obtain an ATC/PTO for the initial vents and any additional vents in the SFA are as follows:

- Conduct source test and submit results to SMAQMD – 41 days (96 hours + 7 days + 30 days).
- SMAQMD permit determination – 30 days, depending on SMAQMD workload.
- Prepare and submit application for ATC/PTO – 30 days.
- SMAQMD completeness determination – 30 days (potentially, two iterations of the completeness review).
- SMAQMD approves, or denies, the ATC/PTO – 180 days following the completeness review or depending on SMAQMD workload (341 days following installation of the initial five LFG vents, with two iterations of the completeness review).

The SMAQMD timing considerations shown above indicate that FPL will need approximately 12 months, following installation of the initial five passive LFG vents in the SFA, to obtain an ATC/PTO. The DE Team believes that FPL can include potential additional LFG vents for the SFA in the ATC/PTO authorizing installation and operation of the initial five vents. That is, FPL can submit an application for an ATC/PTO for up to 15 – 20 passive vents, thus, obtaining authorization to install and operate additional vents in the SFA following the initial year of monitoring (of the five initial vents). Since the ATC/PTO will be effective for two years, FPL can install any additional vents necessary in the SFA within that two-year period.

Installation of vents for the North and East Fill Areas will require additional permitting and take a similar time frame as the SFA. FPL must obtain an ATC/PTO prior to installation of the initial vents in the North and East Fill Areas. The schedule presented in Provision 8 should be revised as shown below to reflect the time and permitting requirements of the SMAQMD.

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Task	Southern Fill Area	North and East Fill Area
Submit report documenting installation of initial set of interim LFG vents per LGMCP	9/01/13	12/15/16
Monitor interim vents and existing vapor probes per LGMCP for one year (following SMAQMD issuance of ATC/PTO)	8/1/14 – 8/1/15	11/15/16 – 11/1/17
Submit plans for any additional vents and/or monitoring probes, as indicated by monitoring data	9/15/15	12/23/17
Complete installation of interim LFG vents and probes	7/15/16	10/01/18
Submit certification report for the interim LFG Controls	9/30/17	2/1/2019

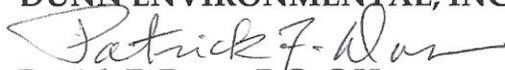
As noted above, this schedule incorporates the assumption that the initial five vents are installed in the SFA by August 1, 2013. In addition, it reflects the following assumptions:

- SMAQMD issues the ATC/PTO for the vents in the SFA by 8/1/14 (approximately one year after installation of the initial five vents).
- FPL submits an application for an ATC/PTO for vents in the NFA and EFA by 10/1/15, based on monitoring data.
- SMAQMD issues the ATC/PTO for vents in the NFA and EFA by 10/1/16.
- The schedule presented for Provision No. 10 d., "Submit report documenting installation of long term LFG controls at Southern Fill Area" should be revised to 10/1/19.

Thank you for your consideration in these matters. Please do not hesitate to call me or Curt Fujii if you have any questions.

Sincerely,

DUNN ENVIRONMENTAL, INC.


Patrick F. Dunn, P.G. C.Hg.,

President

Enclosure: Michelle Joe, SMAQMD, 04/15/13 Email

cc: Nancy Cleavinger, Trust Representative
Loren Harlow, Baker Manock and Jensen, PC
Curt Fujii, P.E., Fujii Engineering and Will Neal, GeoChem Applications
Michelle Joe, SMAQMD
John Lewis, Sacramento County EMD

From: MICHELLE JOE [MJOE@airquality.org]
Sent: Monday, April 15, 2013 3:58 PM
To: jmoody@waterboards.ca.gov
Cc: pfdunn@dunnenviro.com; ALI OTHMAN
Subject: SMAQMD Comments to WDRs for Florin Perkins Landfill

Good Afternoon John,

My name is Michelle Joe from the Sacramento Metropolitan Air Quality Management District (SMAQMD) and I have been working with Pat Dunn of Dunn Environmental regarding demonstrating air quality permit applicability for the Florin Perkins Landfill site (Nancy C. Cleavinger, Trustee of the NC Cleavinger Revocable Trust; Et Al., Florin Perkins Landfill Unclassified Landfill Units Closure And Corrective Action).

Prior to the finalization of the testing and reporting schedules specified in the WDRs, I would like to comment that the following SMAQMD permitting requirements and timeframes be considered:

As required by SMAQMD Rule 201, Section 301, any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain an Authority to Construct. Furthermore, as required by SMAQMD Rule 201, Section 302, any person operating an article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain a Permit to Operate.

However, as provided in SMAQMD Rule 201, Section 112, any equipment which would emit any pollutants without the benefit of air pollution control devices less than 2 pounds in any 24 hour period would be exempt from obtaining an Authority to Construct.

To determine if this threshold is met for uncontrolled Non-Methane Organic Compounds (NMOC), Dunn Environmental was authorized by the SMAQMD on December 6, 2012 to conduct an initial source test according to the following timelines:

<i>Deadline</i>	<i>Action</i>
<i>Within 96 hours of start-up operation</i>	<i>Conduct the first initial sampling event</i>
<i>Within 7 operational days from the first sampling event</i>	<i>Conduct the second initial sampling event</i>
<i>Within 30 days from the completion of the initial source test event</i>	<i>Submit an initial source test report that encompasses both initial sampling events</i>

Upon submittal and review of the initial source test report, the SMAQMD will perform the following:

<i>Deadline</i>	<i>Action</i>
<i>Within 30 days or depending on SMAQMD workload</i>	<p><i>Review the initial source test report to determine if the following permitting exemption thresholds are exceeded:</i></p> <ol style="list-style-type: none"> <i>1. Uncontrolled Non-Methane Organic Compounds (NMOC or VOC) emissions from the project are greater than or equal to 2 pounds in any 24 hour period (to exceed the permit exemption requirements of SMAQMD Rule 201, Section 122),</i> <i>2. If applicable, the noncancer Acute/Chronic Hazard Index is greater than or equal to 1 for all cases (to exceed the DeMinimis risk thresholds specified in the SMAQMD's Soil/Groundwater</i>

	<p><i>Remediation Permitting Manual), and</i></p> <p>3. <i>If applicable, the Maximum Excess Cancer Risk is greater than or equal to 0.1 in a million (to exceed the DeMinimis risk thresholds specified in the SMAQMD's Soil/Groundwater Remediation Permitting Manual).</i></p>
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The SMAQMD will send a written notification to Dunn Environmental to indicate whether a permit application is needed. If any of the thresholds above are exceeded, Dunn Environmental shall comply with the following:

<i>Deadline</i>	<i>Action</i>
<i>Within 30 days of receiving written notification of permit applicability</i>	<i>Submit an application for Authority to Construct/Permit to Operate</i>
<i>Within 30 days of receipt of the application (SMAQMD Rule 202, Section 402)</i>	<i>SMAQMD determines application to be complete or incomplete (if incomplete, new 30 day review for completeness starts when new information is furnished).</i>
<i>Within 180 days of determining an application as complete (SMAQMD Rule 202, Section 407.1a.)</i>	<i>SMAQMD takes final action [to approve or deny] on the application. The Authority to Construct will likely contain or align to the requirements of the WDRs.</i>
<i>Within 2 years of issuance of an Authority to Construct (SMAQMD Rule 201, Section 301)</i>	<p><i>Authority to Construct expires, unless an extension (up to 2 years) is requested and approved by the SMAQMD</i></p> <p><i>-or-</i></p> <p><i>Project is completed and Permit to Operate is issued.</i></p>

Thank you for your time and consideration, and please let me know if you should have any questions or need any additional information.

Sincerely,

Michelle Joe
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