

## **Public Comments and Responses to Comments on Central Disposal Site Draft Waste Discharge Requirements**

Regional Water Board staff posted draft Waste Discharge Requirements (WDRs) and Monitoring and Reporting Program for public review and comment from December 7, 2012 through January 22, 2013. We received three comment letters from: 1) William J. Henrich, a neighbor of the Central Disposal Site, 2) the Happy Acres Mutual Benefit Water System, serving the residents of the Happy Acres subdivision, located on Mecham Road northeast of the Central Disposal Site, and 3) the County of Sonoma, the Discharger named in the WDRs. Comments from those letters, as received, and Regional Water Board staff responses are presented below. The County of Sonoma assisted in providing responses to a number of the comments below; County response documents are included as an attachment.

William J Henrich (WJH)

### **Comment WJH 1:**

Traffic impacts associated with the landfill (Phases 3, 4 and 5) buildout, disposal operations whereby all the County's refuse will be transferred to this facility plus the potential of haul trucks from Roblar Road quarry equals how many vehicles per hour during the peak traffic hour (7:00-8:00 AM)? I think Happy Acres neighbors could relate more to quantity of the heavy trucks heading down Mecham Road instead of a nonspecific traffic survey as referenced in a Final Memorandum.

### **Response:**

Traffic impacts are described in two separate Environmental Impact Reports (EIRs) that are certified by the County of Sonoma, the project's lead agency under the California Environmental Quality Act (CEQA), and further described in the May 25, 2012 Addendum. A 2009 Traffic Study that the County included as part of the Addendum to the Sonoma County Central Disposal Site Improvement Program Final Environmental Impact Report for the Reopening of the Central Disposal Site (May 25, 2012) ("CEQA Addendum (May 25, 2012)") determined that when 100% landfilling begins, the morning peak traffic hour would be 8-9 am, and would result in approximately 85 inbound vehicles to the Central Disposal Site, representing approximately 10% of the daily total number of vehicles to the site. The County notes that the peak hour was based on data collected during a busy season at the landfill, and thus represents a worst case for the analysis, and that this is a different data set than analyzed in the 1998 EIR, as the County conducted a new traffic analysis to update the 1998 EIR traffic study.

The County indicates that the updated traffic study found that, with implementation of the project, two significant traffic impacts would occur: 1) the intersection of Stony Point Road and Roblar Road would meet the peak hour signal warrant criteria, and 2) the intersection of Stony Point Road and West Railroad Avenue would also meet the same signal warrant criteria. These are the same significant traffic impacts described in the 1998 EIR (see Traffic Impacts No. 2 and 3a, at pages 3-219 and 3-221). Accordingly, the traffic study confirms that the proposed project will not result in significant new or substantially more severe traffic impacts than were shown in the 1998 EIR.

The County reports that “with regards to the intersection of Stony Point Road and Roblar Road, the EIR included two mitigations, as follows:

- 1) The DTPW- Integrated Waste Division was required to restrict truck traffic that is subject to County control such that trucks do not travel through this intersection between 7 and 8:30am. The measure will remain in effect until a signal is installed. This has been implemented since EIR certification, and continues today.
- 2) The DTPW – Integrated Waste Division was required to pay a fair share traffic mitigation fee towards the installation of a signal. This fee was paid to the Road Division of DTPW following EIR certification. Note the County is in the process of completing final design and permitting for the signal installation, with an estimated construction date in 2015.

With regards to the intersection of Stony Point Road and West Railroad Avenue, the 1998 EIR included one mitigation, as follows:

The DTPW – Integrated Waste Division was required to pay a fair share traffic mitigation fee towards the installation of a signal. This fee was paid to the Road Division of DTPW shortly after EIR certification. In addition, the Road Division of the DTPW is required to monitor traffic at this intersection and install a signal when the intersection meets the necessary warrants. “

Note that CEQA mitigation measures are enforceable conditions in the WDR pursuant to Order Provision 3.

Finally, “as described in the Addendum, in the Cumulative Impacts discussion, the approximately 28 truck trips generated during the am peak by the proposed Roblar Road Quarry would be distributed on the roadway system in the general vicinity of the Quarry. As described in the Quarry EIR, the routes the trucks take would vary on any given day. Given the low number of truck trips and their distribution over the haul routes during the a.m. peak hour, the cumulative traffic impact at the two intersections discussed above would not be substantially more severe than previously identified.”

Happy Acres Mutual Benefit Water System (HAMBWS)

**HAMBWS Comment 1:**

HAMBWS finds it premature to issue the WDR or MRP and strongly demands that a full EIR covering all phases of this project combined be completed under public review prior to any extension to current operations at the Landfill.

**Response:**

Pursuant to California Code of Regulations, title 14, section 15164, the County (as lead agency) developed an Addendum to the 1998 EIRs dated May 25, 2012, and on June 13, 2012, the County posted its Notice of Determination for that Addendum.

The Addendum includes an analysis of the factors that would trigger the need to prepare a subsequent EIR under California Code of Regulations, title 14, section 15162, subdivision (a).

The County concluded that although there are some minor changes in the project and project circumstances, these changes will not result in any new significant effects, or substantially more severe significant effects than previously examined. The Addendum reports no anticipated new or worsened water quality impacts. The Regional Water Board will consider the Addendum and previous EIRs in making its decision on this Order. HAMBWS's specific comments are addressed below.

**HAMBWS Comment 2:**

Based on the information provided concerning the past performance and current liabilities of Republic Services Inc., HAMBWS considers it in the best interest of the community that Republic Services Inc. be disqualified from participation in this project. (HAMBWS).

**Response:**

See response to comment 22.

**HAMBWS Comment 3:**

The only mention of the leachate pipeline connecting the facility to the City of Santa Rosa's Laguna Wastewater Treatment Facility is in paragraph E.5 Landfill Description and History and paragraph G14. What current and future monitoring exists to protect against potential contamination of adjacent ground water wells in the Happy Acres community wells or the HAMBWS well located off Stony Point and Meacham roads? Why is this issue not addressed in the WDR or the Monitoring plan?

**Response:**

Leachate flowing in the pipeline is subject to regulatory oversight by the Regional Water Board, but is not covered under the landfill WDRs; the leachate pipeline is a separate facility regulated under a separate permit: State Water Resources Control Board General Order No. WQ 2008-0002-EXEC, Adopting Amended Monitoring and Reporting Requirements for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems. The County filed a Notice of Intent to Comply with the Terms of the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems on September 22, 2010. The associated State Identification Number is WDID# 1SS011652.

The County developed a monitoring plan for the pipeline prior to placing it in operation. The pipeline is a double-wall construction made of High Density Polyethylene (HDPE), allowing any leak from the inner, carrier pipe, to accumulate in the space between the inner and outer pipe.

There are a number of low spots in the pipeline along Hammel, Mecham, and Stony Point Roads in which the County has specialized monitoring points that provide a means of checking for any fluid accumulating at the low points. If fluid is detected at a low point, it can be examined to determine whether it is leachate leaking from the inner pipe. No leaks have been reported since the pipeline was placed into service.

The County indicates that confidence in the performance of the pipeline system was expected to build with time assuming no leaks were detected, so the monitoring plan specified that the monitoring frequency would decrease over time as confidence was established. Monitoring frequency began as a daily program for the first two weeks, then was weekly for the subsequent two months, then monthly for a year and then quarterly.

**HAMBWS Comment 4:**

Paragraph E.6 states that landfill 1 is currently undergoing corrective action to control releases of leachate and landfill gas to receiving waters. Correction action involves leachate removal and landfill gas control activities intended to create and maintain an inward ground water gradient. A) Does this mean that currently there is an outward groundwater gradient? B) What are the specific parameters of past and current releases? C) What monitoring is being accomplished to define contaminates and path of past and current releases?

**Response:**

4A)-4C) The groundwater gradient across the site trends towards the south-southeast, down the canyon, and generally follows the topography. For Landfill 2, groundwater beneath the canyon liner system has been intercepted into a gravel underdrain system which is designed to flow by gravity down the canyon due south where it is collected and pumped into the leachate ponds.

The corrective action program for Landfill 1 is designed to reduce both leachate and landfill gas buildup via a network of extraction wells constructed within the waste, the goal of which is to establish inward hydraulic control of pollutants by pumping. Monitoring of the liquid buildup is accomplished by a series of leachate piezometers across the waste mass.

Monitoring of the south-southeast groundwater gradient is accomplished in both shallow and deep zones by a series of monitoring wells which encircle the waste footprints, more concentrated at the property boundary along Hammel Road in the downgradient direction.

Both leachate and landfill gas have been detected in monitoring wells and gas probes in proximity to the waste footprints and in the Landfill 2 underdrain. Past and current releases have included methane and dissolved volatile organic compounds (VOCs), as well as increased concentrations of general water chemistry indicator parameters (e.g., specific

conductivity, alkalinity, chemical oxygen demand (COD), total dissolved solids (TDS), and nutrients (nitrates and ammonia) and salts and chlorides).

The County reports results of all groundwater monitoring quarterly to our agency in accordance with the facility permit. The extent of groundwater contamination detected at the site has been in close proximity to the waste units and within the Landfill 2 underdrain. Monitoring thus far has not indicated offsite migration potential.

**HAMBWS Comment 5:**

Paragraph E.7 notes a design failure in the construction of the landfill anchor trench as one possible source for landfill gas migration into ground water, and indicated that leachate may have entered ground water during repair work on a landfill gas condensate line. The Discharger also reported a number of breaches in the liner during operation and construction. The Discharger undertook corrective action efforts; subsequent testing indicates that the corrective actions undertaken have mitigated and reduced water quality impacts.

Paragraph E.8 mentions the Regional Water Board Order No. R1--2004-0040, directing cleanup and corrective action efforts with a goal of addressing releases from Landfill 2, controlling leachate formation and migration from Landfill 1 and those subsequent remedial actions have only reduced water quality impacts associated with those Landfills. A) To what level has water quality impacts been reduced? B) Are the current water quality impacts contained to the site? C) Why is there no offsite monitoring wells etc.? D) Do current water quality impacts represent potential contamination of adjacent ground water wells in the Happy Acres community or the HAMBWS well located off Stony Point and Meacham roads? E) Has the requirements of Order R1-2004-0040 been met by the current operators? F) Since this Order rescinds and places Order No. R1-2004-0400, has it incorporated all its requirements as part of the Corrective Action Section, I.22? G) It appears that section I.22 summarizes these requirements, why not include the requirements of Order R1-2004-0400 verbatim?

**Response:**

5A)-D):

In June 2004, the Regional Water Board issued Order No. R1-2004-0040, directing cleanup and corrective action efforts with a goal of addressing releases from Landfill 2, controlling leachate formation and migration from Landfill 1 to reduce liquid levels in the fill and achieve hydraulic control. Subsequent remedial actions have mitigated and reduced water quality impacts associated with those Landfills. Current water quality conditions are specified in detail in Section 6.1.3 of the JTD.

Overall, reports indicate that the corrective actions undertaken by the County have been effective in mitigating and reducing water quality impacts, and that these impacts are contained to the site. This was also discussed in detail in the August 13, 2009 Shaw Report

entitled "Technical Memorandum on the Compliance with the Waste Discharge Requirements for Landfill 1 at the Sonoma County Central Landfill".

The Regional Water Board has not required off-site monitoring wells because primary constituents of concern have not been identified at the property line. Landfill 1 has a series of barrier walls designed to collect and control leachate migration at the toe of the plume. Landfill 2 was constructed with a groundwater intercept underdrain that collects groundwater and controls leachate migration.

The onsite monitoring network includes shallow and deep sentry wells which should detect any potential offsite release before it has an opportunity to leave the site, hence offsite monitoring wells are not warranted.

With respect to potential impacts to groundwater at the neighboring Happy Acres community, please refer to the most recent Corrective Action analyses performed by Shaw Environmental "Financial Assurance Assessment for Water Related Release" November 2011, Revision 1, April 2012." This report identifies clear groundwater divides between the Central Disposal Site and Happy Acres. Specifically, the subdivision is identified as being cross/upgradient of the landfill, with a ground water divide in the form of a hydrologic ridge barrier separating the watersheds. Water would need to move up hill from the landfill and into a separate watershed for an impact to occur. In combination with a robust groundwater monitoring network in place at the landfill and historic monitoring results indicating no impacts downgradient of the Central Disposal Site, it is reasonable to conclude that no impacts to groundwater wells at Happy Acres are anticipated.

5E)-G) The corrective action provisions still in force and effect from Order No. R1-2004-0040 are contained in section 23(f) of the new WDRs. Corrective action efforts have progressed over the past several years such that it is appropriate now to update the requirements and directives for corrective action; the draft order does this through requiring the submittal of the CAR, from which Regional Water Board staff will revise the Monitoring and Reporting Program (MRP) as appropriate to reflect current status of corrective action and monitoring efforts at the site. As MRPs are updated, Regional Water Board staff will post revisions and notify interested parties.

**HAMBWS Comment 6:**

Paragraph E.9 states that continued operation of the leachate management systems, in particular the leachate extraction system, is critical to long term environmental management at the site. The leachate pipeline connecting the facility to the City of Santa Rosa's Laguna Wastewater Treatment Facility seems to be an essential part of the extraction process. Why is it not addressed? What is the testing and maintenance requirements of the existing pipe line to insure long term integrity?

**Response:**

See response to Comment 3, above.

**HAMBWS Comment 7:**

Paragraph F.12 describes groundwater resources around the landfill. It does not include the fact that Happy Acres Mutual Benefit Water System, Inc. provides water for over 80 of the residents of Happy Acres and that these residents have no other means of a water supply.

**Response:**

Comment noted; we have made appropriate revision to Paragraph F.12 of the WDRs.

**HAMBWS Comment 8:**

Paragraph H.18.a.ii states the geologic mapping will be conducted concurrent with earthmoving activities to determine the geologic formation remaining in the new footprint areas. Why not conduct geologic mapping prior to extension of the landfill operations? This seems to be the best economical and environmental approach. It also states that Landfill 2, Phases III and IV will require additional grading, blasting, and earthmoving in the area of mapped Wilson Grove deposits. Have the risks associated with this blasting been characterized? Are there measures in place to protect against possible contamination of the ground water aquifer in this area?

**Response:**

Based on the extensive survey and investigation information available about the site, it appears to meet regulatory requirements for siting a new landfill, per review conducted by both the registered experts in the field engaged by the Discharger and as well as those engaged by the Regional Water Board. However, the only way to know exactly what conditions exist in the location where a new unit will be sited is to excavate that area and see; observations made during excavation will serve to confirm assessments based on earlier investigations and/or identify site-specific conditions that require adjustments to either the unit design and/or to the waste discharge requirements.

The County reports that “controlled blasting to remove and loosen hard rock materials will be undertaken in accordance with LEA Conditions 17.1, (#1-10) of the Solid Waste Facility Permit (SWFP), and applicable state and federal regulations.

Previous studies at the Central Disposal Site have evaluated the effects of blasting that might ultimately affect water quality. These studies specifically looked at potential for fracturing of bedrock beneath the landfill, damage to existing or proposed landfill liners, damage to gas control systems, and damage to leachate storage ponds. As a result of these

studies, a blasting plan was developed to mitigate potential impacts specific to the above concerns. This blasting plan was subsequently adopted as a project mitigation measure for future development of the Central Disposal Site, including the East Canyon.

With this plan in place, no adverse impacts resulted during blasting for construction of LF-2, Phases I and II.”

CEQA mitigation measures are enforceable conditions in the WDR pursuant to Order Provision 3. The mitigation measures are also reflected in the current SWFP conditions, and the County indicates they will be implemented for LF-2, Phase III and IV construction.

As an added contingency, the County proposes that “a qualified geologist or engineering geologist be on site during or immediately after blasting to observe and confirm that no slope instability, damage to structures or damage to contiguous landfill units has occurred. If conditions warranting corrective action are observed, the RWQCB will be notified in advance of further mass excavation or liner construction for any individual cell or unit.”

**HAMBWS Comment 9:**

Paragraph H.18.a.vi states that the Franciscan Complex is fractured. Since Happy Acres Subdivision is also on the Franciscan Complex and Wilson Grove Formation, this could provide a path for the potential contamination of wells associated with this community. Why is this not addressed in the JTD or MRP?

**Response:**

As noted in the response to Comment 5, above, studies indicate that the Happy Acres subdivision is located up/cross gradient to the Landfill. As a further precaution, the perimeter/sentry well network around the landfill is intended to provide early warning of pollutant detection or migration off the site in any direction.

**HAMBWS Comment 10:**

Paragraph H.18.a.x states that the JTD indicates that potential geologic conditions that could lead to rapid geologic change should not affect the development of new waste cells in Landfill 2 and the REA because 1) the new cells will not be sited over loose, saturated sands which might experience liquefaction, 2) subsidence due to rapid groundwater extraction is unlikely as there are no known significant groundwater extractions in the vicinity of the Landfill. 3) onsite mapping and observations have not indicated the presence of pre-existing landslides, significant shear zones, zones of weakness, or other structural factors that could significantly affect stability of the expansion areas, and 4) the design team does not expect faulting to affect proposed new cell areas due to the distance from any known active and/or Holocene faults. The Happy Acres Mutual Benefit Well is located with 0.5 miles and extracts well over two million gallons each year. And in fact, the city of Cotati has wells in the same aquifer that extracts many times over that of the Happy Acres community

well. Why doesn't the JTD address this issue? Also wording such as should, unlikely, significant and expect indicate there is risk involved but are not scientific or engineering terms that quantify the risk. Does the JTD quantified these risks, if not, why not? Have these risks been evaluated and are they acceptable?

**Response:**

Please refer to response to Comment 5, above. With respect to the terminology, the more information that is available, the better we can quantify the level of risk, however, there is always a degree of uncertainty.

There is a substantial body of information currently available about the landfill site and its characteristics, and the proposed WDRs will require that further information be gathered, analyzed, and reported, and that project design, construction, and monitoring be adjusted if and as needed based on that information.

**HAMBWS Comment 11:**

Paragraph 20.ii states that the Basin Plan generally prohibits new point source discharges of waste to coastal stream and natural drainage ways that flow directly to the ocean and requires that existing discharges to these waters be eliminated at the earliest practicable date and that the WDRs do not cover specific types of surface water discharges, such as storm water, and that the Discharger (County) is responsible for securing and/or enrolling for coverage under, and complying with the requirements of applicable general NPDES permits for any propose discharges of water from the facility into surface waters. Since the Landfill is located within the Stemple Creek watershed and Stemple Creek is a coastal tributary to the Bodega Bay, compliance with the Basin Plan generally suggests that the Discharger will not be successful in securing a new NPDES permit and should stop current permitted discharges ASAP. Since this is essential for the proposed expansion, why is it not a requirement to first obtain the NPDES permit? Again this would be the most practical economic and environmental approach.

**Response:**

The Basin Plan allows for point source discharges to surface waters in coastal tributaries under appropriate general NPDES permits. In this case, the surface water discharges allowable would be clean stormwater as covered by and discharged in compliance with NPDES general industrial and construction stormwater permits. The Discharger has been covered under or will enroll for coverage under these permits as necessary to accommodate the discharges of stormwater associated with new project construction and ongoing site operations.

To date, the Discharger has been in compliance, and/or has quickly taken steps to correct identified instances of noncompliance, with the requirements and provisions of the General

Stormwater Permits under which it has been enrolled for past and present activities at the site.

**MRP questions and concerns:**

**HAMBWS Comment 12:**

The MRP does not specifically address monitoring requirements for the leachate pipeline connecting the facility to the City of Santa Rosa's Laguna Wastewater Treatment Facility. Para 2 requires leachate management, monitoring and an annual testing of all leachate collection and removal system to demonstrate proper operation, but does not state the monitoring and testing requirements of the offsite piping system. Why are the specific requirements for the piping system not included?

What current and future monitoring should be included to protect against potential contamination of adjacent ground water wells in the Happy Acres community wells or the HAMBWS well located off Stony Point and Meacham roads? What specific increased sampling and frequency should be added to the existing Title 22 sampling requirements? Is the Discharger responsible for reimbursement of any increased monitoring? What are the specific monitoring requirements along the pathway of the existing leachate pipeline? What are the specific maintenance and inspection requirements for the offsite leachate pipeline? Regarding the leachate pipeline, is there an existing a water meter at the point of entry and at the point of discharge to the treatment plant to gauge the amount of discharge to the pipeline. This would seem one of the simplest means of monitoring for a leak. In absence of metering, we would expect nothing less than some type of leak monitoring detection along the Meacham Road section. Approximately two years ago Happy Acre residents observed a discharge on the road just north of Walker Road that was within the pipeline trench.

**Response:**

See response to Comment 3.

**HAMBWS Comment 13:**

Since the WDR describes fractures which groundwater contamination can flow, why is there essentially no offsite monitoring wells for groundwater quality included in the MRP?

**Response:**

See responses to Comments 5 and 9.

**General Concerns:**

**HAMBWS Comment 14:**

In the event that any private wells or the Happy Acres Mutual Benefit Water System well are contaminated in any way by the landfill, what provisions are in place to insure that a comparable non-contaminated water supply be provided? Will the Discharger pay the costs for this alternative water supply? Will provisions for the alternative water supply be addressed in the WRD or JTD, if not why not? Will the Discharger put aside funds to cover this possibility?

**Response:**

As explained in the response to Comment 5, above, there is no evidence that the HAMBWS is subject to water quality risks from the project. In the unlikely event that the HAMBWS experiences any impacts, laws protecting neighbors from damages and nuisance remain in force and effect. In addition, the Regional Water Board retains authority to address pollution and nuisance discharges.

Water Code section 13304 specifically provides that a regional water board "may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner."

**HAMBWS Comment 15:**

The Discharger admitted to various spills in the past. Why isn't the nearby community informed? Why not report to Happy Acres Mutual Benefit Water System, Inc. Water board of well testing and concentrations?

**Response:**

We will post spill reports on our website as we receive them, and will encourage the County to also post any spill reports associated with the Central Disposal Site on their website.

**HAMBWS Comment 16:**

R0032013 indicates an emergency response plan. Why is there no provision to notify the surrounding community? With their ability to potentially pollute our water source shouldn't there be an action plan with notification to Happy Acres Mutual Benefit Water System, Inc and customers?

**Response:**

The County indicates that JTD Appendix R, Emergency Response Plan refers to the County Book of Plans, a document that “includes several separate elements, including a Contingency Plan and an Emergency Response and Evacuation Plan. Collectively, these documents include provisions for inspections and responses to catastrophic events including earthquakes, fires, chemical spills, and explosions. These plans are considered by the County to be consistent with the requirements of Title 27 of the California Code of Regulations (27 CCR), Section 21760(b)(2).

The Emergency Response Plan includes criteria for and provisions to notify responsible personnel (Department of Emergency Services, DES) and regulatory agencies as needed. Public notifications would be made by the DES as warranted. In the event of a contaminant release that could potentially affect off-site water sources, California Title 27 regulations require that appropriate verification and corrective action measures be implemented, as administered by the RWQCB. These processes would be part of the public record and available for review by any interested or affected party.”

**HAMBWS Comment 17:**

What is the County's responsibilities for testing the shallow neighborhood wells in case of a leachate or storm water overflow onto the Happy Acres subdivision side of the hill?

For example a surface water spill may not show up in their deep wells but could pollute our shallow water individual or community wells.

**Response:**

Leachate and stormwater are controlled by gravity, flowing downhill to Hammel Road. It is highly unlikely that a spill/release would reach an area that could adversely affect Happy Acres and/or receiving waters on that side of the landfill property because terrain and ground water gradients head away from rather than towards this area. Also, please refer to responses to Comments 3, 4, and 5, above.

**HAMBWS Comment 18:**

The water drainage and potential pollution from the landfill and the composting are being handled under separate permits. Both systems are tied together and share a common drainage that could impact our neighborhood. Why are they not being permitted as a single system?

**Response:**

The Water Quality Control Plan for the North Coast Region (Basin Plan) prohibits surface water discharges of any type of wastewater and/or wastes other than clean stormwater; accordingly, the proposed permit does not permit discharge of waste from the compost area but, rather, requires that the Discharger develop a plan, including a schedule, to cease the discharge of compost-related wastes/wastewater to receiving waters.

**HAMBWS Comment 19:**

What is being done to prevent odors from the settling and storm drain ponds? Can they be covered? Can they be relocated on the property to prevent spills occurring and affecting neighboring properties? Can they be relocated to prevent their odor being blown into our communities? Can they be treated to prevent wind blown bio hazards, toxins, and odors from escaping the landfill area? These issues are not addressed anywhere in these documents but it seems that if the County needs to pump these fluids through a double contained pipeline, then the ponds may be a hazard to people and wildlife as well.

**Response:**

The 1998 EIR addressed community odors for landfill operations, and identified a number of mitigation measures to reduce odor impacts. The County reports that these mitigations continue to this day and additional best management practices have been implemented, including a number of operational practices, regular inspections, and maintenance efforts as warranted. As mentioned above, the draft WDRs include a provision requiring that the Discharger implement CEQA mitigations as identified in the 1998 EIR and subsequent CEQA documents.

The County reports that a number of Best Management Practices are also employed to manage and control odor issues associated with the compost operations. Please refer to attached response from Sonoma County regarding Best Management Practices intended to control odor associated with landfill operations and with composting operations.

**HAMBWS Comment 20:**

What criteria was used to determine that a full EIR for all phases of this project combined was not required for expansion and long term operations at the landfill? Was public review and comment allowed in this decision process? If not, why not?

Considering the extent of the new expansion areas and impact to existing systems (i.e. leachate, gas collection, composting etc.) and to the surrounding public it appears that a full EIR would be essential to insure safe overall operations and environmental protection of both air and water.

**Response:**

As explained in response to HAMBWS Comment 1, the County (as lead agency) developed an Addendum to the 1998 EIRs pursuant to California Code of Regulations, title 14, section 15164. The Addendum includes an analysis of the factors that would trigger the need to prepare a subsequent EIR under California Code of Regulations, title 14, section 15162, subdivision (a). The County concluded that although there are some minor changes in the project and project circumstances, these changes will not result in any new significant effects, or substantially more severe significant effects than previously examined. The Regional Water Board staff concurs with the Addendum and the Regional Water Board will consider the Addendum and previous EIRs prior to making its decision. An addendum need not be circulated for public review but can be included in or attached to the final EIR. (Cal. Code Regs., tit. 14, §15164, subd. (c).)

Regional Water Board staff have reviewed and addressed in detail the issues raised by HAMBWS and do not believe that any of the comments identify changes in the project or project circumstances that creates a new significant effect or increases the severity of an already identified impact such that a subsequent EIR is required. Regional Water Board staff believe that the combination of CEQA mitigations and requirements under the proposed WDRs will ensure appropriate water quality protection.

**HAMBWS Comment 21:**

What protocol was followed for the compilation, review and approval process of the WDR and MRP? Was an independent review conducted with set criteria to insure that the Basin Plan, prescriptive standards and all other mandatory regulatory requirements were implemented? If not, how was this achieved?

**Response:**

Due to the nature, location, and sensitive receptors associated with this project, Regional Water Board staff directed an extra level of attention and effort to review of the Joint Technical Document and development of the draft WDRs, including the use of outside technical expertise, coordination and review with State Water Resources Control Board staff, Department of Water Resources staff, and contracted experts, and an increased level of public notification and outreach, including a public workshop during the comment period. Ultimately, it is the job of Regional Water Board staff to develop the findings and make appropriate recommendations to the Regional Water Board with respect to the Waste Discharge Requirements that we bring to the Board for consideration, and these findings and recommendations reflect our independent review of the Joint Technical Document.

**HAMBWS Comment 22:**

How did Keller Canyon Landfill Company, Allied Waste Systems Inc. and Republic Services Inc. qualify for this contract? What were the performance criteria? Was full financial disclosure required? Has the past performance of Keller Canyon Landfill Company, Allied Waste Systems inc. and Republic Services Inc. been evaluated?

**Response:**

The County reports that "It was recommended by the City/County Solid Waste Advisory Group (SWAG) that the Board of Supervisors approve and direct County Staff to work with the existing contractors at the Central Landfill and Transfer Stations to develop a proposed regional model that included public ownership with private operations that could meet SWAG's adopted goals for diversion, cost efficiency and local control. Republic Services had their qualifications vetted when they secured their existing County contract through the public competitive process. In addition, Republic was extensively vetted during the previous County divestiture process. The vetting process in both instances included financial, performance, and experience based criteria."

**HAMBWS Comment 23:**

Has Keller Canyon Landfill Company, Allied Waste Systems inc. and Republic Services Inc.. provided full disclosure of all fines and lawsuits? Has the County agreed to limit historical litigation to landfill lawsuits against Keller Canyon Landfill Company, Allied Waste Systems inc. or Republic Services Inc.? A simple search on the internet shows multiple problems with operations and personnel issues. Specifically has fines for solid waste management as recent as this last summer been investigated? Do the County and NCRWQCB know about the lawsuits against Republic Services Inc. for stench from SC landfill reported on Nov. 23, 2012?

Here is a summary: "Stench from SC landfill prompts more lawsuits" was the title of an article reported on Friday, Nov. 23, 2012.

The Article addressed legal complaints against the Lee County landfill operator Republic Services Inc., claiming that odors from the company's waste disposal site are making them miserable. A federal jury ordered Republic to pay \$2.3 million in damages. Please consider this article as to Republic's inability to contain odors from landfill under their control. The entire article can be read here:

<http://www.thestate.com/2012/11/23/2529850/stench-from-sc-landfillprompts.html#storylink=cpy>

Another example of Republic's past performance is: Republic Services, Arizona county share in \$1.5M landfill fine -Solid ... Jul 26, 2012 ...

The Maricopa County Solid Waste Department owns the landfill and Republic Services, as Allied Waste, operated the facility from 1996 to when (see the entire article here) ... <http://www.wasterecyclingnews.com/article/20120726/NEWS01/120729935/republicservices-arizona-county-share-in-1-5m-landfill-fine>

For a more complete history of Republic Services Inc. fines and other documents concerning their past performance and liabilities see Attachments 1 through 4 covering news reports relating to Republic Services Inc. and contributions to County Supervisors. Did Republic Services Inc. disclose any of this information to the County? Was all this information considered during their qualification for this project? If not, the County should revisit the qualification process with consideration to all the attachments

**Response:**

See Response to Comment 22, above. Note also that it is not within the authority of the Regional Water Board to determine whether a specific discharger is qualified to conduct a project. We are charged with reviewing the project and assessing the potential impacts that the discharge of waste from such a project could have on the quality and beneficial uses of waters of the State and of the United States, and to develop appropriate waste discharge requirements and monitoring and reporting programs. It is the responsibility of the named Discharger(s) to comply with those requirements; if they do not do so, they are subject to enforcement actions, including cleanup orders and monetary penalties.

County of Sonoma (County)

**County Comment 1:**

**I. Findings, E.9 (Draft WDR, page 7)**

Designation of Discharger. This section of the WDRs includes reference to “Dischargers”. As noted in Table 1 of the draft WDRs, the County is the owner and is named as the sole Discharger. For clarity, references to “Dischargers” should be corrected in the Findings section and elsewhere in the WDRs as applicable.

**Response:**

Comment noted, we have revised all references within the WDRs to the Discharger, Sonoma County.

### County Comment 2:

Preferential Pathway. A key element of the project includes placement of a “Preferential Pathway” liner system to provide leachate control where municipal solid waste will be placed over existing fill in Landfill 1 (LF-1). A critical design element is that the preferential pathway barrier will allow continued operation of existing and future leachate and landfill gas (LFG) extraction wells in LF-1. It is anticipated that as fill operations progress to final design grades, new or replacement leachate or LFG will need to be installed in the LF-1 footprint. New well casings will need to extend through newly placed waste and into the underlying, existing waste in LF-1 where the level of accumulated leachate can be lowered. Details on preferential pathway design and proposed well penetrations are provided in the Joint Technical Document (JTD).

The RWQCB has concurred that new WDRs will allow drilling of vertical wells through the preferential pathway. This is reflected in minutes from our December 10, 2010 technical meeting and RWQCB correspondence dated April 20, 2012. However the draft WDRs do not specifically include this provision. In light of the above, the County respectfully requests the 2<sup>nd</sup> paragraph in WDR Section I.E.9 be modified as follows, to be consistent with earlier precedent (changes highlighted):

The Dischargers indicates that continued operation of the leachate management systems, in particular the leachate extraction system, is critical to long-term environmental management at the site. Installation of new and replacement of existing leachate and landfill gas extraction wells will be required and may be constructed through the Preferential Pathway liner system as proposed by the Discharger and described in the JTD.

### Response:

Comment noted, we have revised the cited paragraph in the proposed WDRs, not using the exact text provided.

### County Comment 3:

#### I. Findings, G.14 (page 12) and C. Provisions 23.n. (page 44)

The two referenced sections relate to conditions in the draft WDR, which apply to the existing Compost Facility. While the County is the owner of the Central Landfill property, our ownership rights are limited by the Joint Powers Agency Agreement (JPA), executed by the Cities in Sonoma County and the County in 1992. Section 5 of the JPA requires that the County provide a site on our property for the Compost Facility. Under the JPA the County has no role in the operation of the Compost Facility. Pursuant to the JPA the Sonoma County Waste Management Authority (SCWMA), an independent agency, is the operator of the Compost Facility. The SCWMA is neither a contractor nor a subcontractor to the County. Therefore, it is the County’s opinion that the permit conditions that relate to the Compost Facility discharge should not be part of the County’s WDR permit to operate the Central Landfill. As such, we respectfully request that these sections of the permit be removed from the final WDR.

**Response:**

The upper unit of Landfill 1 is within the original 1971 Landfill footprint, and is the current location for the composting operations. The JTD designates this latter area as the Compost Area, possibly slated for grading, liner construction, and refuse placement at some point during the life of the proposed project, although the Discharger has also indicated that composting may continue in this area through the life of the project and expand onto the lower canyon unit, as well. Discharges from the composting operation are not authorized under the previous WDRs or the new Order. Order provision 23 (m) requires the Discharger to submit a plan and schedule to cease all discharges from compost operations. As owner of the property, the County is responsible for discharges of waste that occur on its land. The Regional Water Board acknowledges that the operator, SCWMA (of which County is a party pursuant to the JPA), is also responsible for the discharges of waste that occur as a result of its operation, and could be added as a named Discharger for the purpose of Order provision 23(m). Regional Water Board staff may add SCWMA as a named discharger for Order provision 23(m) upon receipt of a signed request from SCWMA.

**County Comment 4:**

**I. Findings, H.18.viii (page 12)**

The last paragraph references technical studies used for landfill siting. At our meeting on November 30, 2012, RWQCB staff agreed that these references should refer to organizations, not individuals. We suggest the following change for consistency:

Two additional features (referred to as “Unnamed Fault Trace North of the REA” and the Geophysical Anomaly Northwest of the REA” (January 21, 2011 Technical Memorandum RMC Geoscience to SCS Engineers)) were reportedly identified by EBA Wastechologies (EBA 1997, 1998 Reports). ~~Mr. Mitchell~~ RMC Geoscience reports that during ~~his~~ its own site investigations, ~~he~~ RMC was unable to locate either of these features, concluding that the presence of an active fault in this area is unlikely.

**Response:**

Comment noted, we have made the requested change to the cited paragraph.

**County Comment 5:**

**I Findings, H. 20, iii (page 14)**

Paragraph 4 conflicts with the second and third paragraph stating that the County has complied with the requirements of the previous WDR's, which required construction and monitoring of the wetland mitigation area. Based on this statement, it is not clear why the County must continue to monitor and report on the functioning of the wetland mitigation area?

This section should note that, although the mitigation site was designed and successfully resulted in the creation of 2.6 acres of seasonal wetland meeting the federal wetland criteria, the County was only required to create 1.7 acres of federal definition wetlands. In addition, this section notes that the wetland mitigation site, although primarily for impacts from Landfill 2, also included mitigation for the smaller West Expansion area. Suggest the following additions to this paragraph as shown in *italics*:

The Dischargers are responsible for ensuring the long-term functionality of the 2.6 acre mitigation area, *(of which a minimum 1.7 acres meet the U.S. Army Corps of Engineers wetland definition)* which, *in part*, serves as replacement for the wetlands permanently removed from the Landfill 2 footprint.

**Response:**

Regional Water Board staff agree that the draft permit provision relating to the 2.6 acre mitigation area is not necessary. That was a requirement of Order R1-2000-0062 and is independently enforceable. Accordingly, we have deleted Provision 4 and Additional Condition 23c from the permit.

**County Comment 6:**

**C. Provisions, 4 (page 39) and Additional Conditions, 23.c. Wetlands Function assessment. (Page 43)**

The provision implies a formal wetland delineation for a project that has been completed, met and exceeded all requirements as stated in these WDR's (see comments above). The requirement of on-going monitoring to confirm that the wetlands continue to meet the federal definition of wetlands is unprecedented, and implies a wetland mitigation site is never "complete." In addition, as previously mentioned, the requirement of the Army Corps of Engineers was the creation of 1.7 acres of wetland meeting the federal wetland definitions, not 2.6 acres as stated. The County requests that this provision and the Additional Condition 23.c be modified or removed to acknowledge that the mitigation is certified as complete.

**Response:**

See response to County Comment 5, above.

### County Comment 7:

#### C. Provisions, 7 (page 39)

This section refers to potential detection of waste constituents in landfill underdrain areas. Monitoring of collected underdrain liquids is proposed as described in the JTD. However, the underdrain(s) is (are) not proposed as Points of Compliance for water quality monitoring purposes. The County has proposed that the Points of Compliance will be monitoring well(s) immediately downgradient of the respective units. This is consistent with California Title 27 Section 20405 regulations, and input/direction received from RWQCB staff at our November 15, 2011 and November 30, 2012 meetings. Accordingly, detection of waste constituents should only necessitate corrective action if such constituents are verified as being present in the downgradient point of compliance monitoring well.

The County suggests the following change for consistency with regulatory criteria and previous agency direction:

In the event waste constituents are detected within the discharge from any landfill underdrain area, the Discharger shall ~~implement appropriate corrective action and~~ collect all underdrain flow as leachate for discharge to the Class II surface impoundments and/or into the leachate disposal pipeline or other legal point(s) of disposal as authorized by the Executive Officer.

Note that as described in the JTD and required by the RWQCB, the County proposes that following new cell construction, collected underdrain water will be treated as leachate. If upon testing it is determined to be suitable for storm water discharge, it will be piped to the storm water detention basins.

### Response:

Provision 7 is phrased in accordance with monitoring regulations. Both the County and Regional Water Board staff agree that the underdrain is a Monitoring Point as defined in California Code of Regulations, title 27, section 10164. (See May 20, 2004 County Memo, Point of Compliance) ["Specifying the underdrain as a monitoring point would be consistent with CCR Title 27 §20405...."] Regardless of where the point of compliance is delineated, pursuant to title 27, section 20420, subdivisions (j) and (k), appropriate corrective action is triggered if any monitoring point shows measurably significant evidence of a release from a unit. That section provides a process for taking additional measurements and investigating the source of the constituent of concern before proceeding with feasibility studies and actual corrective action. These processes are incorporated in the phrase "*appropriate* corrective action." The County's proposed change does not include the investigation and corrective action component if in fact a release is found. Therefore, Regional Water Board staff cannot recommend the proposed amendment to Provision 7.

Regional Water Board staff agree that it was incorrect to describe the underdrain of Landfill 2 as a "Point of Compliance." The draft MRP has been amended to address these terms more accurately. California Code of Regulations, title 27 defines point of compliance as the vertical surface located at the hydraulically downgradient limit of a waste management unit (Unit) and that extends through the uppermost aquifer underlying the Unit. (§20164.)

The underdrain Monitoring Points designated LF2 East Canyon Phase I & II, and, once constructed, LF2 Phases III & IV are correctly identified as Monitoring Points along the point of compliance for their respective waste management units because they are located on the down gradient edge of their respective units and in the uppermost aquifer.

It should be noted that this landfill is somewhat unusual, in that underdrain features at most landfills in California are located above the potentiometric surface and are intended to provide for seep collection and represent vadose zone monitoring points, whereas at the Central Disposal Site, the lined units are or will be constructed approximately 60-80 feet below the potentiometric surface and the underdrains are designed to intercept the uppermost aquifer beneath those units.

As explained above, the delineation of the point of compliance does not change the legal significance of the monitoring point.<sup>1</sup> What is most important is that this monitoring point represents the best location to provide the best assurance of the earliest possible detection of a release from the Unit, in accordance with title 27, section 20415 [general detection monitoring plan requirements for each COC and monitoring parameter, including criteria for determining measurably significant evidence of release from Unit and compliance with Water Standard].

130301\_DSH\_ef\_CentralRTCMarch1

---

<sup>1</sup> California Code of Regulations, title 27, section 20405 (Monitoring Points and Points of Compliance), provides: (a) For each Unit, the RWQCB shall specify in the WDRs the Point of Compliance at which the Water Standard (of §20390) applies. The Point of Compliance is a vertical surface located at the hydraulically downgradient limit of the Unit that extends through the uppermost aquifer underlying the Unit. For each Unit, the RWQCB shall specify Monitoring Points (as defined in §20164) along the Point of Compliance, and shall specify additional Monitoring Points at locations determined pursuant to §20415(b-d) at which the Water Standard under §20390 applies and at which monitoring shall be conducted.