

Response to Written Comments

In Consideration of Waste Discharge Requirements Order No. R1-2013-0014 for the Closure of the Humboldt Waste Management Authority Cummings Road Class III Solid Waste Disposal Site

The Cummings Road Class III Solid Waste Disposal Site (Site) Closure Waste Discharge Requirements (WDRs) were originally scheduled to be heard at the August 23, 2012 Regional Water Quality Control Board Meeting. This item was postponed to address the public comments received. Comments were received from Barg Coffin Lewis & Trapp LLP on behalf of Recology and from Lawrence & Associates on behalf of the Discharger of the Landfill, HWMA. Our response to these comments follows below. The updated draft WDRs will be recirculated for public comments prior to being heard by the Regional Water Board at the May 2, 2013 Board Meeting.

Portions of these comment letters are shown in italics to aid in this response to comment letter. Please note that copying the comment documents was done optically, which may introduce typographical errors. While we have attempted to correct these errors, some may remain. Anyone who wishes to see the comment letters exactly as received by the Regional Board staff may view them at http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/.

Barg Coffin Lewis & Trapp LLP letter of July 16, 2012

Main Letter

Recology supports issuance of appropriate WDRs that would enable HWMA to close - approximately 60% of the Landfill at this time, consistent with the HWMA Board's approval, on May 10, 2012, of a contract for "Landfill Phase I Closure Construction." However, Recology objects to issuance of the Draft WDRs in their present form on the following grounds:

(1) The draft WDRs do not reflect the phased approach to closure of both the Landfill and the Burn Ash Site, as agreed to by Regional Board staff and HWMA. Recology requests that a condition to be added to WDRs requiring HWMA to obtain approval from the Regional Board's Executive Officer prior to closing those portions of the Landfill that HWMA has designated for disposal of burn ash waste and providing that such approval shall be granted only after appropriate disposition of the burn ash waste has been resolved in connection with closure of the Burn Ash Site.

Response To Comment (RTC) 1: As Regional Water Board staff stated in our meetings with Recology, we cannot require HWMA to place Cummings Road Burn Ash Site (Burn Ash Site) waste into the Cummings Road Class III Waste Management Unit (Class III WMU). Just as Recology can refuse any load of waste at its landfills, HWMA has the authority to do the same. However, we can allow the Burn Ash Site waste to be placed in the Subtitle D-lined portion of the Class III WMU, and these WDRs allow for either option at HWMA's discretion.

(2) The draft WDRs do not reflect consideration of prior comments submitted to the Regional Board by Recology's geotechnical consultant, Kleinfelder, in a letter dated April 15, 2011, regarding technical aspects of the Closure Plan JTD and the need for an integrated response to addressing the burn ash waste located on both HWMA's and Recology's properties. Recology requests that the Regional Board staff evaluate and respond to these technical concerns, including making appropriate revisions to the current draft WDRs.

RTC 2: Submittals from the Discharger indicate that closure work on the Class III WMU will reduce the amount of water draining from the Site which would reach the Burn Ash Site. The upper sedimentation pond and the interception trench water conveyance systems are pre-existing systems which were installed by Recology (predating HWMA's ownership) and do not require changes for the closure of the Class III WMU. These water conveyances could be changed during the closure of the Burn Ash Site, if determined to be necessary.

Closure of the Class III WMU is not expected to increase risks to the slope stability of the Burn Ash Site. We agree with Recology that the HWMA portion of the Burn Ash Site cannot be closed without impacting the Recology portion of the Burn Ash Site. That is why we determined that it would be more appropriate to have separate WDRs for the closure of the Burn Ash Site. These WDRs are for the closure of the Class III WMU and not the Burn Ash Site. We look forward to receiving the closure plan for the Burn Ash Site.

(3) The draft WDRs reference revisions to the Closure Plan JTD that had not been submitted to the Regional Board staff at the time the draft WDRs were prepared and issued for public comment. Even if HWMA submitted those revisions to the Regional Board since that time, they have not been made available for public review and comment. (See Finding ~ 3 and 73.) Recology requests that the Regional Board defer consideration of the draft WDRs until HWMA submits the referenced revisions to the Closure Plan JTD and both the revised Closure Plan JTD and any associated revisions to draft WDRs are made available for public review and comment.

RTC 3: We had hoped to get everything together by the original public comment period, but did not. That is one of the reasons that we delayed the hearing of this matter. All documents will be completed and available for the new public comment period.

(4) The draft WDRs indicate that the Regional Board, acting as a responsible agency under the California Environmental Quality Act ("CEQA"), has relied on a January 2003 Mitigated Negative Declaration completed by HWMA. (See Finding ~ 83.) There have been substantial

changes to both the proposed project and its circumstances since adoption of the Mitigated Negative Declaration requiring preparation of a subsequent environmental document to comply with CEQA prior to adoption of the WDRs. 14 c.c.R. § 15162(b). Moreover, the evidence in the record demonstrates that, in light of the substantial changes to the project and its circumstances, there is a fair argument that closure of the Landfill may have significant adverse environmental impacts requiring preparation of an environmental impact report ("EIR").

RTC 4: We do not agree that there have been substantial changes for the closure of the Class III WMU. The activities required to close the Class III WMU are not much different from those allowed under the operation of the Class III WMU and any changes do not alter the impact analysis of the CEQA documentation. The October 2002 Initial Study and Proposed Mitigated Negative Declaration for the Final Closure and Postclosure Maintenance of the Cummings Road Landfill documents discussed the construction required for the closure of the Class III WMU. The only changes or new developments since the January 2003 Notice of Determination are: 1) the discovery that a portion of the Burn Ash Site is on HWMA's property rather than the Burn Ash Site being solely on Recology's property; 2) the subsequent addition of a finding to the proposed WDRs allowing the option of disposing of Burn Ash Site material into the Subtitle D lined portion of the Class III WMU; and 3) rebuilding a larger lower sedimentation pond after removal of soils from the closure borrow area.

As stated in RTC 2, we believe it is appropriate to cover the closure of the Burn Ash Site under separate WDRs because of the shared ownership (which does not exist at the Class III WMU) and the difference in closure requirements between the two sites. We do agree that new CEQA documentation will be necessary for the closure of the Burn Ash Site. We look forward to discussing this issue further with both Recology and HWMA.

We believe that waste disposal, including the disposal of the Burn Ash Site waste, into the Subtitle D lined portion of the Class III WMU is an existing use at the Site under CEQA. However, allowing placement of the Burn Ash Site waste into the Subtitle D-lined portion of the Class III WMU is not necessary for the closure of the Class III WMU. We can delete the items in the WDR related to Burn Ash Site waste disposal if it is determined to not be an existing use under CEQA so that the closure of the Class III WMU can move forward.

The existing CEQA documentation does address removing borrow material for closure and the rebuilding of the lower sedimentation pond would increase erosion control mitigation rather than adding a new impact for the project.

Recology's principal concerns and requests for revisions to the WDRs are further explained in the following sections of this letter, which discuss: (1) the interrelationship between closure of the Landfill and closure of the Burn Ash Site; (2) the need to address the burn ash waste on both HWMA's and Recology's properties in an integrated manner; and (3) the need for preparation of a subsequent environmental document to comply with CEQA.

RTC 5: We do agree that closure of the Burn Ash Site does need to be a coordinated effort between Recology and HWMA. To this end we have asked both parties for a closure plan, and we plan to prepare WDRs for the closure of the Burn Ash Site. However, the closure of the Class III WMU is a separate issue. Recology removed the Burn Ash Site from the WDRs in the 1970s prior to using it as a modern disposal area. Therefore the Class III WMU has different regulatory requirements than the Burn Ash Site.

There is a very real cost to HWMA to delay closure of the Class III WMU from increasing construction costs, increasing costs of leachate disposal, increase in erosion control costs, and delays in opportunities for groundwater clean-up. There is also an additional liability to HWMA if they place Recology's portion of the Burn Ash Site waste into the Class III WMU.

While the shared history of the two sites means that waste from the Burn Ash Site would meet the current DTSC exemption for disposal into the Class III WMU, we cannot require HWMA to take this waste. Complete closure of the Class III WMU without the Burn Ash Site waste would not remove any closure methods for the Burn Ash Site. The prospect of having to remove the Burn Ash waste and take it to an out of area facility for disposal would be no different than any other business in the county now faces since the Site stopped regular landfilling operations.

The Closure WDRs for the Class III WMU acknowledge the option of taking the Burn Ash Site waste the Class III WMU. Board approval of these WDRs will not have a detrimental impact on the closure of the Burn Ash Site.

In addition, Attachment 1 hereto provides detailed comments on and requested revisions to specific findings in the draft WDRs.

Closure of the Landfill and the Burn Ash Site Are Interrelated

As noted in the draft WDRs, starting in 1933, both sides of the Cummings Road ridge, including an area later encompassed by the Landfill, were operated as a burn dump. (See Finding ~ 5.) A portion of the burn dump was converted to what became the Landfill in 1969, six years before Recology was incorporated (under the name City Garbage Company of Eureka) and began operating the Landfill. It should be noted that, although Recology never operated the burn dump, burn ash waste from historical burn dump operations remains in place in areas outside the permitted Landfill boundary, partly on property now owned by HWMA and partly on property now owned by Recology.

As also noted in the draft WDRs, the Burn Ash Site is not part of the Landfill waste management unit, and the Regional Board proposes to regulate closure of the Burn Ash Site separately from closure of the Landfill because of the multiple property owners. (See Finding ~ 18 and 25.) Nevertheless, as a practical matter, both the Landfill and the Burn Ash Site constitute a single interrelated solid waste management site associated with historical solid waste disposal activities that took place for many decades along the Cummings Road ridge, first as a burn dump and later as a sanitary landfill.

RTC 6: As noted in RTCs 1 through 5, HWMA's property contains some pre-regulation burn waste outside of the Class III WMU footprint, but the Class III WMU footprint had waste placed under WDRs. This pre-regulation burn waste outside of the Class III WMU footprint is considered part of the Burn Ash Site. All our information indicates that the Burn Ash Site has not had any waste placed within its footprint under WDRs and, as such, is subject to different closure requirements. While Recology used to own and operate the Site, it sold its interest in the Site to HWMA and no longer has any rights to use the Class III WMU without HWMA's approval.

More specifically, closure of the Landfill and closure of the Burn Ash Site are interrelated because to the extent that burn ash waste may need to be removed from the Burn Ash Site to protect water quality, the most logical, and most cost-effective, "off-site" disposal location for such waste is the Landfill. Moreover, geotechnical investigations have demonstrated that the burn ash waste is a continuous mass of waste that needs to be addressed in a unified manner, though a coordinated response action, without regard to property lines, taking into account the need to stabilize certain slopes to prevent or minimize further downhill movement of any burn ash waste left in place.

RTC 7: See RTCs 1 & 5.

From discussions with Regional Board staff and HWMA, Recology's understanding is that closure of both the Landfill and Burn Ash Site will be implemented in three phases: (1) closure of the unlined portion of the Landfill; (2) closure of the Burn Ash Site; and (3) closure of the remainder of the Landfill, after disposal in the Landfill of any burn ash waste that may need to be removed from the Burn Ash Site. Consistent with this approach, on May 10, 2012, the HWMA Board approved the award of a bid for "Landfill Phase I Closure Construction" for approximately 60% of the 32-acre Landfill. In light of the work authorized under its May 10, 2012 bid award, HWMA has indicated in discussions with Regional Board staff and Recology that, at this time, it is requesting issuance of WDRs only for closure of the unlined portion of the Landfill.

Recology is concerned that the draft WDRs do not reflect this phased approach to closure of both the Landfill and the Burn Ash Site, as agreed to by Regional Board staff and HWMA. In particular, there is nothing in the draft WDRs that would prevent HWMA from proceeding with closure of the entire Landfill, independent of the status of closure of the Burn Ash Site, without further action by the Regional Board.

RTC 8: See RTCs 1 through 6. As we stated previously, while we cannot require HWMA to take the waste from the Burn Ash Site, the draft WDRs do allow this waste to be disposed of on the Subtitle D-lined portion of the Class III WMU and allow for the phased construction that would be necessary to do so. However, the decision as to whether or not to pursue this option rests with HWMA.

For the foregoing reasons, Recology requests that a condition be added to the WDRs to ensure that the Landfill will not be entirely closed until appropriate disposition of the burn ash waste has been resolved in connection with closure of the Burn Ash Site. Specifically, Recology requests that: (1) HWMA's closure phasing plan, Lawrence & Associates, Drawing C5.1 (Closure Cap Phasing Plan), dated February 29, 2012 (Attachment 2 hereto), be included as

Attachment H-1 to WDRs; and (2) the following condition be added to the WDRs, in Section C., Closure Specifications, as new Paragraph C. 14:

"Written approval of the Regional Board Executive Officer is required prior to foundation layer grading and/or final cover placement within the areas identified on Attachment H-1 (Closure Cap Phasing Plan) as Top Deck Phase II, which HWMA has designated for disposal of burn ash waste. The Executive Officer shall grant such approval only after appropriate disposition of the burn ash waste has been resolved in connection with closure of the Cummings Road Burn Ash Site," An Integrated Response is Needed to Address Closure of the Burn Ash Site."

RTC 9: We will not be adding this statement to the draft WDRs. See RTC 8 for further explanation.

An Integrated Response is Needed to Address Closure of the Burn Ash Site

Recology is concerned that the draft WDRs do not reflect consideration of prior comments it submitted concerning the need for an integrated response to address closure of the Burn Ash Site. In particular, Recology expressed a number of concerns in an April 15, 2011 letter (Attachment 3 hereto) from its geotechnical consultant, Kleinfelder, regarding technical aspects of the Closure Plan JTD with respect to addressing the burn ash waste on both HWMA's and Recology's properties. To the best of our knowledge, which was confirmed verbally by Clayton Coles of Lawrence & Associates on June 26, 2012, the Regional Board staff accepted the Closure Plan JTD without any changes made in response to Recology's comments or a request for further technical analysis in response to Recology's concerns as outlined in Kleinfelder's April 15, 2011 letter.

RTC 10: While we agree that the slope stability issues raised in Kleinfelder's letter will need to be addressed for the closure of the Burn Ash Site, we do not believe the closure of Class III WMU will have any negative impact on the slope stability of the Burn Ash Site. We will expect the Burn Ash Site Closure Plan to address the issues raised by Kleinfelder.

Therefore, Recology hereby restates the concerns expressed in Kleinfelder's letter and requests that the Regional Board take appropriate steps to evaluate and respond to these concerns, including making appropriate revisions to the draft WDRs. The following is the Summary of Findings and Areas of Concerns set forth on pages 3-4 of Kleinfelder's April 15, 2011 letter and for which answers are requested:

(1) From a geologic/geotechnical viewpoint, project and slope stability should not be limited to an assessment from property line to property line. It is our opinion that, consistent with geotechnical industry standards, geotechnical analyses must take into account the overall site geologic or geotechnical conditions as well as adjacent conditions offsite that could possible have an effect on the overall site stability on both sides of the property line.

RTC 11: There is no regulatory standard requiring consideration of all slope stability aspects within the entire property of a site, rather, the regulations require consideration of the slope stability aspects for the waste footprint that is being closed. Many sites have significant additional land beyond the permitted waste

footprint, and it would be unnecessarily cumbersome to require slope stability analyses on the entire property when the intent of the regulation is to make sure the waste unit that is being closed will remain stable. Information provided by the Discharger does not show the closure of the Class III WMU will have any impact on the Burn Ash Site. We do agree that closure activities on the HWMA portion of the Burn Ash Site would impact the Recology portion of the Burn Ash Site. This is why we are planning to develop separate closure WDRs for the Burn Ash Site. Since Recology no longer has any responsibility for the closure of the Class III WMU, it would not be appropriate for us to add Recology as a Discharger for the draft Closure WDRs for the Class III WMU.

(2) Any potentially adverse geologic or geotechnical condition that exists along a property line or one that can affect adjacent properties, should be mitigated as an integrated solution instead of piecemeal or separate solutions, as though the conditions were not physically connected or continuous.

RTC 12: As discussed in RTC 2, we are going to require that the closure of the Burn Ash Site be a coordinated effort between Recology and HWMA. This conclusion is based on the geotechnical issues that have been raised by consultants of both Recology and HWMA. The closure of the Class III WMU will not impact the available closure methods for the Burn Ash Site. As noted in earlier responses, above, we recognize that because of the shared history of the sites, waste from the Burn Ash Site may be placed in the Subtitle D- lined portion of the Class III WMU, and we have included this option in the WDRs.

(3) From a geologic/geotechnical viewpoint, we are concerned that increased water flow or erosion could also lead to additional landsliding on the [Recology] property. This concern arises because The Closure Plan JTD proposes to collect both subsurface and surface waters from the landfill and direct it into the Upper Sediment Basin, located in the southwestern corner of the Landfill, with discharge to the tributary to Ryan Creek on [Recology] property. Some groundwater would also be discharged directly to [Recology] property from the collector trench.

RTC 13: The use of the Upper Sedimentation Basin and diversion trench discharge both predate HWMA's ownership of the property and closure itself. The closure of the Class III WMU includes drainage improvements intended to redirect storm water that has historically flowed directly onto the Burn Ash Site. Closure of the Class III WMU itself would not be expected to worsen these historic conditions or preclude any additional storm water improvements identified later by the Burn Ash Site Closure Plan. The need for any additional changes to the storm water and diversion trench system will be directly influenced by the manner and method of closure of the Burn Ash Site. A quick resolution to the issue of closure at the Burn Ash Site will be the most important component of mitigating its environmental damage.

(4) Collection and conveyance of additional surface and subsurface water from HWMA's property into the drainage creek channel above the burn ash material (tributary to Ryan Creek) and onto [Recology's] property must be addressed more clearly. Flow/overflow from the sediment basin could cause increased erosion of the channel and will likely cause migration! transport of existing burn ash landslide debris and soil farther downstream.

RTC 14: The conveyance system referenced in your comment predates HWMA's ownership of the property. Closure of the Class III WMU itself would not be expected to worsen these historic conditions or preclude any additional storm water improvements identified later by the Burn Ash Site Closure Plan. The need for any additional changes to the storm water and diversion trench system will be directly influenced by the manner and method of closure of the Burn Ash Site. A quick resolution to the issue of closure at the Burn Ash Site will be the most important component of mitigating its environmental damage.

(5) The Closure Plan should consider rerouting of water entirely away from the burn ash material and away from any drainages that are tributary to the vicinity of any burn ash areas.

RTC 15: See RTCs 13 and 14.

Preparation of a Subsequent Environmental Document Is Required to Comply with CEQA

Finding ~ 83 indicates that the Regional Board, acting as a CEQA responsible agency, has considered a January 2003 Mitigated Negative Declaration completed by HWMA. The January 2003 Mitigated Negative Declaration is not adequate to meet the Regional Board's obligations to comply with CEQA because there have been substantial changes to both the proposed project and its circumstances since adoption of the Mitigated Negative Declaration.

The Mitigated Declaration acknowledges that the Regional Board must approval a Final Closure and Post Closure Maintenance Plan. However, as stated in the draft WDRs, the Regional Board rejected the three earliest versions of HWMA's JTD package, submitted in 2002, 2004, and 2006. (See Finding,-r 3.) None of the substantial changes to the Landfill closure project, as reflected in the January 2010 JTD package that was ultimately accepted by the Regional Board, but which is still being revised, has been subject to CEQA review. As one example of the many changes to the project developed over the past almost 10 years, the draft WDRs state that the lower sedimentation pond will be rebuilt during closure after borrow soil is removed from the area (see Finding,-r 79) - this proposed activity is not included as part of the project description, and its potential environmental impacts are not analyzed, in the 2003 Mitigated Negative Declaration.

RTC 16: See RTC 4.

In addition to the changes to the project itself, substantial changes have occurred with respect to the circumstances under which the project is being undertaken. In particular, the Mitigated Negative Declaration does not:

- Acknowledge the presence of the Burn Ash Site, which was not of regulatory concern in 2003;*
- Consider the instability of side slopes southwest of the Landfill, including the 2006 landslide that resulted in the down-slope movement of certain burn ash waste and other debris, and was caused, in part, by surface water drainage from the Landfill;*
- Consider the environmental impacts of closure of the Landfill on burn ash waste, including impacts associated with the placement of additional overburden and cover*

on the unstable slopes along the southwest edge of the landfill and the discharge surface and subsurface waters from Landfill to the Burn Ash Site;

- *Consider the interrelationship between closure of the Landfill and closure of the Burn Ash Site.*

For all of these reasons, Recology submits that preparation of a subsequent environmental document is required to comply with CEQA prior to adoption of the WDRs. 14 C.C.R. §15162(b). Moreover, the evidence in the record demonstrates that, in light of the substantial changes to the project and its circumstances, there is a fair argument that closure of the Landfill may have significant adverse environmental impacts requiring preparation of an EIR.

RTC 17: We are uncertain what is meant by the statement that the Burn Ash Site was not a regulatory concern prior to 2003. This site is listed in the CalRecycle database and is regularly inspected by the Local Enforcement Agency. Regional Water Board staff became involved with activities at the Burn Ash Site when we received notice of a slope failure at the Burn Ash Site which required further investigation to determine its impact on water quality. Prior to this time, HWMA did not know that a portion of the Burn Ash Site was on their property. However, we do not believe the discovery that a portion of Burn Ash Site is on HWMA's property requires any changes to CEQA for the closure of the Class III WMU. See RTC 4.

Moreover, the standard of review is not "fair argument" as this comment suggests; rather, the determination is whether changes made to the project or with respect to the circumstances under which the project is undertaken are substantial in a way that creates a new significant environmental effect or increase in the severity of an already identified environmental effect. (Cal. Code Regs., tit. 14,002 §15162.) When a negative declaration has been adopted, no subsequent analysis shall be prepared unless such a finding can be made based on substantial evidence in the record. As explained in RTC 4, the changes to the project and circumstances do not alter the impact conclusions made in the adopted mitigated negative declaration.

Statement of Recology's Intention to Testify at the Regional Board's August 23, 2012 Hearing

Recology intends to testify at the Regional Board's August 23, 2012, in opposition to issuance of the draft WDRs in their present form. The following individuals will testify on Recology's behalf:

- *Mike Leggins, General Manager, Recology*
- *Drew Lehman, Director, Environment & Planning, Recology*
- *Sally Schoemann, P.E., Cardno ENTRIX (Recology Consultant)*
- *William McCormick, C.E.G., Kleinfelder (Recology Consultant)*
- *Marc Zeppetello, Barg Coffin Lewis & Trapp, LLP (Counsel for Recology)*

The scope of Recology's testimony will summarize and explain the Company's position on and concerns with the draft WDRs as set forth in this letter and accompanying attachments. Recology does not presently intend to submit additional evidence at the hearing, but reserves the right to do so.

RTC 18: Any material submitted by Recology must be submitted in accordance with the public hearing procedures of the Regional Water Board. Except at the discretion of the Regional Water Board Chair, written material received after the comment submittal date will not be accepted.

Conclusion

For the reasons discussed above, Recology requests that a condition be added to the WDRs to ensure that the Landfill will not be entirely closed until closure of the Burn Ash Site.

Recology further requests that the Regional Board defer issuance of the WDRs for Landfill closure until: (1) the Regional Board staff and HWMA address Recology's concerns regarding slope stability, stormwater, and integration of the closure plans for the Landfill and the Burn Ash Site; (2) all revisions to the JTD Closure Plan have been submitted to and reviewed by the Regional Board staff and have been made available for public review and comment; and (3) the Regional Board prepares a subsequent environmental document as required to comply with CEQA.

RTC 19: Closure of the Class III WMU will not remove any methods of closure of the Burn Ash Site nor negatively impact it. Our WDRs take into account the unique circumstances of these two sites without interfering with HWMA's business decisions. We believe that Board adoption of the Closure WDRs for the Class III WMU will help to move both sites towards closure.

Attachment 1 to Barg Coffin Lewis & Trapp LLP letter of July 16, 2012

Comments of Recology Humboldt County on May 31, 2012 Draft Order No. RI-2012-0063,

***Waste Discharge Requirements for Closure of the
Humboldt Waste Management Authority Cummings Road
Class III Solid Waste Disposal Site and on Updates to Joint Technical Document***

Recology Humboldt County ("Recology") provides the following comments on and requested revisions to specific findings in the May 31, 2012 Draft Order No. RI-2012-0063, Waste Discharge Requirements ("WDRs") for the Cummings Road Class III Solid Waste Disposal Site ("Landfill")

Finding ~ 1

Please revise the third sentence of Finding ~ 1 to read as follows:

"HWMA purchased the SWDS from City Garbage Company of Eureka (then a subsidiary Of Norcal Waste Systems, now known as Recology Humboldt County and hereinafter referred to as "Recology")."

This change is necessary to distinguish between City Garbage Company of Eureka, which changed its name to Recology Humboldt County in 2009, from the unincorporated business known as City Garbage Company that operated the Landfill under the 1974 WDRs. (See

Finding ~ 5). City Garbage Company of Eureka was incorporated in 1975 and never had any kind of corporate relationship to the prior business known as City Garbage Company.

RTC 20: We have made the requested change to that statement, although its location changed to Finding 3. We assume, based on the statements above, that the City Garbage Company of Eureka which was incorporated in 1975 was the company that changed its name to Recology Humboldt County, and that this incorporated company must have taken over as the Discharger at the time of land acquisition. We have added this information to Finding 5. If there is any other relevant information regarding corporate name changes, please let us know, since this information was only provided to us at times of WDR updates and may be incomplete.

Finding n3 and 73

These findings reference revisions to the Closure Plan JTD that had not been submitted to the Regional Board prior to preparation of the draft WDRs and that have not been made available for public review and comment. In a conversation on June 26, 2012 with Mr. Clayton Coles of Lawrence and Associates, he explained that Ms. Gina Morrison of the Regional Board staff had told him that she would be requesting additional revisions to the Closure Plan JTD from HWMA, but that he had not yet received her request.

Recology requests that the Regional Board defer consideration of the draft WDRs until HWMA submits the referenced revisions to the Closure Plan JTD and both the revised Closure Plan JTD and any associated revisions to draft WDRs are made available for public review and comment.

RTC 21: See RTC 3.

Finding ~ 4

In the fourth sentence of Finding ~ 4, change "Recology, Inc." to "Recology."

RTC 22: We have made the requested correction.

Finding ~ 5

Revise the third sentence of Finding ~ 5 to read as follows:

"In 1974, Mr. Stig Strombeck dba City Garbage Company received the first Waste Discharge Requirements for land disposal in the Cummings Road area."

RTC 23: We have made the requested correction.

In the fourth sentence of Finding ~ 5, change "Nos. 74-173, 74-175, and 74-175" to "74-173, 74-174, and 74-175."

RTC 25: We have made the requested correction.

Revise the sixth sentence of Paragraph Finding ~ 5 to read as follows:

"In 1975, the WDRs for these locations were updated and reissued to Humboldt Motor Stages, Inc., dba City Garbage Company of Eureka by adoption of WDR Order Nos. 75-200, 75-201, and 75-202."

RTC 26: We have corrected the information without using the wording provided.

Insert the following sentence after the sixth sentence of Finding ~ 5:

"Also in 1975, Recology acquired certain property, including but not limited to the property consisting of SWDSs A, B, and C, from Stig and Marilyn Strombeck."

RTC 27: We have corrected the information without using the wording provided.

In the final sentence of finding ~ 5, change "City Garbage" to "Recology."

Finding ~ 6

In the second and fifth sentences of Finding ~ 6, change "City Garbage" to "Recology."

Finding ~ 7

In the second, fifth, and sixth sentences of Finding ~ 7, change "City Garbage" to "Recology."

Finding ~ 8

Twice in first sentence and in the second and third sentences of Finding ~ 8, change "City Garbage" to "Recology."

Finding ~ 9

In first, second, third, and fourth sentences of Finding ~ 9, change "City Garbage" to "Recology."

Finding ~ 10

In second and fourth sentences of Finding ~ 10, change "City Garbage" to "Recology,"

Finding ~ 11

In first, second, and third sentences of Finding ~.11, change "City Garbage" to "Recology."

Finding ~ 12

In second sentence of Finding ~ 12, change "City Garbage" to "Recology."

RTC 28: We have made the requested corrections.

Finding ~ 18

Recology requests that the following sentence be added after the third sentence of this finding:

"In addition, Recology submitted Environmental and Geotechnical Investigation Report, Cummings Road Waste Disposal Site, Burn Ash Area, January 2011, by Cardno Entrix and Kleinfelder, which provides further characterization of the Burn Ash Site."

RTC 29: Although the referenced report will be important to the closure plan of the Burn Ash Site, information for this finding did not come from that report. We will not be making the requested addition.

The fifth sentence of this finding incorrectly states that the Burn Ash Site is located on Recology properties that were defined as Solid Waste Disposal Sites Band C in the 1974 and 1975 WDRs. A comparison of Figure 1-3 in the above-referenced January 2011 report by Cardno Entrix and Kleinfelder, and the Site Plan accompanying the 1974 and 1975 WDRs (Attachment E to the draft WDRs), demonstrates that the Burn Ash Site includes properties owned in part by HWMA and in part by Recology that are not within any of the former Solid Waste Disposal Sites (A, B, or C), as well as areas included within former Sites Band C in the 1974 and 1975 WDRs that are on properties now owned in part by HWMA and in part by Recology. Therefore, Recology requests that the fifth sentence of Findings ~ 18 be revised to read as follows:

"The Cummings Road Burn Ash Site is located on properties owned in part by the Discharger and in part by Recology that were not included within any of the defined Solid Waste Disposal Sites A, B, or C in the 1974 and 1975 WDRs and in part on properties owned by the Discharger and Recology that were included within the defined Solid Waste Disposal Sites Band C in the 1974 and 1975 WDRs, and that were never landfilled under these WDRs."

RTC 30: We have made corrections to the finding to address this issue, but did not use the suggested language.

The sixth sentence of this finding is not clear, vaguely referring to reconfigured "parcels" and Recology retaining "a portion of the property," and also is inaccurate. When Recology conveyed the Landfill property to HWMA, Recology retained ownership of certain property adjacent to the Landfill, including a portion of the property within the Burn Ash Site, for timber production. However, the referenced lot line adjustment was made to convey to HWMA certain property and improvements outside the Landfill boundary that were integral to continued Landfill operations, and in return, HWMA conveyed an equivalent acreage of nearby property to Recology. The lot line adjustment had nothing to do with Recology retaining "a portion of the property" adjacent to the Landfill. For all of these reasons, Recology requests that the sixth sentence of Finding , -r 18 be deleted.

RTC 31: We have made corrections to the finding to address this issue, but did not delete the sentence as requested.

The eight sentence of this finding states that closure of the Burn Ash Site "will be regulated by separate action because of the multiple property owners." Nevertheless, the draft WDRs fail to recognize the interrelationship between closure of the Landfill and closure of the Burn Ash Site. As further discussed in its accompanying comment letter, Recology requests that a condition to be added to WDRs requiring HWMA to obtain approval from the Regional Board's Executive Officer prior to closing those portions of the Landfill that HWMA has designated for disposal of burn ash waste and providing that such approval shall be granted only after appropriate disposition of the burn ash waste has been resolved in connection with closure of the Burn Ash Site.

RTC 32: See RTCs 1 and 5.

Finding ~ 22

Attachment G to the WDRs (Closure Cap Foundation Layer Grading Plan), dated November 12, 2010) is out of date. An up-to-date version of the grading plan, Lawrence & Associates, Drawing C6.0 (Closure Cap Top of Foundation Layer Grading Plan), dated February 29, 2012 (Attachment 4), should be substituted as Attachment G.

RTC 33: The figure you are referring to only applies to Phase 1 closure and will not be used in the WDRs. An updated version of Drawing C 6.0 was submitted with the October 15, 2012 Joint Technical Document; we will use this updated Drawing C 6.0 as Attachment G.

In addition, HWMA's closure phasing plan, Lawrence & Associates, Drawing C5.1 (Closure Cap Phasing Plan), dated February 29, 2012 (Attachment 2), should be included as an attachment to WDRs and referenced in this finding. To avoid the need to re-designate all of the subsequent attachments to the WDRs, Recology suggests that the closure phasing plan be designated as Attachment H-1.

RTC 34: We assume Drawing C5.1 you are referring to is the one in the Lawrence and Associates, March 22, 2012 Special Provisions for the Cummings Road Landfill - Phase 1 Closure. This drawing will be added as Attachment H-1.

Finding ~ 25

The term "Site" as used in the first sentence of Finding ,-r 25 is not defined in the draft WDRs. Recology suggests revising the first sentence of this Finding to read as follows: As noted in Finding ,-r 18, the Discharger's property encompasses 1.23 acres of burn dump waste, with an estimated volume of 11,156 cubic yards."

RTC 35: We have made the requested correction. We also agree that the use of the term "Landfill" in the WDRs is confusing. We have changed the term "Landfill" to the term "Site," when referring to the facility property, and to "Class III WMU," when referring to the waste footprint landfilled under WDRs.

In the third sentence of this finding, change "Recology, Inc." to "Recology."

RTC 36: We have made the requested correction.

The fourth sentence of this finding states that closure of the Burn Ash Site "will be regulated by separate action because of the multiple property owners." Nevertheless, the draft WDRs fail to recognize the interrelationship between closure of the Landfill and closure of the Burn Ash Site. As further discussed in its accompanying comment letter, Recology requests that a condition to be added to WDRs requiring HWMA to obtain approval from the Regional Board's Executive Officer prior to closing those portions of the Landfill that HWMA has designated for disposal of burn ash waste and providing that such approval shall be granted only after appropriate disposition of the burn ash waste has been resolved in connection with closure of the Burn Ash Site.

RTC 37: See RTCs 1 and 5.

Finding ~ 29

In the third sentence of Findings ~ 29, change "City Garbage Company" to "Recology."

RTC 38: We have made the requested correction.

The final sentence of Findings ~ 29 (stating: "Not all residents accepted this offer.") should be deleted and replaced with the following:

"At this time, all residents who were offered connection to the domestic water supply system, at Recology's expense, have accepted the offer and have been connected to the system."

RTC 39: We have added the requested sentence, but we changed the wording of the last sentence to reflect that we do not know if all downgradient users were offered this deal. If Recology provides an update to the status of the water connections, we can amend this finding to reflect that information.

Finding ~ 30.

Recology request that the first sentence of Finding ~ 30 be revised to read as follows:

"Logging equipment access is limited to dry-weather summer access on the designated bench road on the east side of the groundwater interception trench and year around use of roads extending from Cummings Road through the Landfill property."

Recology requests this revision because, to many people, Cummings Road ends at the Landfill entrance gate and because timber harvest activities in the past around the Landfill have been

conducted under a series and variety of access agreements in relation to roads extending through the Landfill property.

RTC 40: We will not use the language provided because the “roads extending from Cummings Road through the Landfill property” also include the roads which may no longer be used to provide access for non-landfill activities. The documentation of the HRC Cummings Road Management Plan considers Cummings Road to extend through the Site property onto HRC land, and we will not change the designation used in the WDRs without the Regional Water Board approval of a corresponding change to the HRC Cummings Road Management Plan or the submittal of a new road management plan. Any additional use of the Site’s road system for non-landfill activities without prior approval by the Regional Water Board, regardless of prior agreements, will represent a violation of these WDRs.

Finding ~ 39

This finding states that the WDRs will not replace a future need for a National Pollution Discharge Elimination System ("NPDES") storm water permit. Recology is concerned that the Regional Board is improperly deferring consideration of NPDES permitting and consideration of water quality issues associated with ongoing and Landfill-closure related storm water discharges from the Landfill. Furthermore, as discussed in Kleinfelder's April 15, 2012 letter (Attachment 3), Recology is concerned with the off-site impacts of discharges from the Landfill into the drainage creek channel above the burn ash waste (tributary to Ryan Creek) and onto Recology's property and off-site via the unnamed tributary to Ryan Creek. Recology requests that the JTD Closure Plan specifically evaluate the feasibility of re-routing water entirely away from the burn ash waste and away from any drainages that are tributary to the vicinity of the Burn Ash Site with the goal of reducing potential short-term discharges of storm water into the Burn Ash Site and possibly long-term diversion of storm water away from this unnamed tributary to Ryan Creek.

RTC 41: This finding is standard language for our WDRs that are not also National Pollution Discharge Elimination System (NPDES) permits. There is not a deferral in NPDES permitting; the Site is enrolled for coverage under the General Industrial Storm Water NPDES Program. For the other issues regarding drainage see RTCs 13 and 14.

Finding' 40

The current Closure Plan JTD directs storm water and intercepted groundwater onto Recology property in the vicinity of the Burn Ash Site. As discussed in Kleinfelder's April 15, 2011 letter (Attachment 3), flow/overflow from the sediment basin and continued diversion of groundwater into the drainage creek channel above the burn ash waste (tributary to Ryan Creek) could cause increased erosion of the channel, additional landsliding on Recology property, and will most likely cause the migration/transport of existing burn ash waste and landslide debris and soil farther downstream.

For these reasons, Recology requests that the WDRs be revised to preclude HWMA from routing storm or surface water onto Recology's property, at least until such time as closure of the Burn Ash Site has been completed.

RTC 42: See RTCs 13 and 14.

Finding' 77

As discussed in Kleinfelder's April 15, 2011 letter (Attachment 2), Holdredge & Kull's 2009 stability analysis used in the Closure Plan JTD did not consider or even acknowledge the marginal-to-unstable character of the burn ash waste or the stability of the slopes where a potentially unstable edge condition exists near the HWMA/Recology property line, which is also located at the edge of the cover system proposed in the Closure Plan JTD. Capping of the burn ash waste with compacted soil could increase the driving force (overburden weight) on marginally stable slopes and lead to new or renewed slope instabilities on both HWMA and Recology properties.

As further discussed in its accompanying comment letter, Recology requests that the Regional Board take appropriate steps to evaluate and respond to the technical concerns expressed in Kleinfelder's letter.

RTC 43: Closure of the Burn Ash Site will be considered under separate Regional Water Board action. Any existing instabilities in the Burn Ash Site predate HWMA's ownership of the property. We do not expect activities associated with the closure of the Class III WMU, and as described under the draft WDRs, to impact the slope stability of the Burn Ash Site or to impair the ability of HWMA and Recology to take steps to shore up the unstable slopes of the Burn Ash Site. We request that HWMA and Recology submit plans to correct any slope stability issues at the Burn Ash Site.

Finding' 83

This finding states that the Regional Board, acting as a responsible agency under the California Environmental Quality Act ("CEQA"), has considered a Mitigated Negative Declaration completed by HWMA in January 2003. As discussed in Recology's accompanying comment letter, there have been substantial changes to both the proposed project and its circumstances since adoption of the Mitigated Negative Declaration requiring preparation of a subsequent environmental document to comply with CEQA prior to adoption of the WDRs. 14 C.C.R. § 15162(b). Moreover, the evidence in the record demonstrates that, in light of the substantial changes to the project and its circumstances, there is a fair argument that closure of the Landfill may have significant adverse environmental impacts requiring preparation of an environmental impact report.

RTC 44: See RTC 4.

Comments from July 13, 2012 Lawrence & Associates letter on behalf of HWMA

Waste Discharge Requirements

1. *Page 6, Background, Item 16. The text states: "However, closure activities will continue to heighten erosion control concerns, so the MRP issued with this WDR Order will continue to implement the monitoring strategy directed under CAO R1-2006-0028. "*

We understand that Cleanup and Abatement Order (CAO)-R1-2006-0028 was issued in response to erosion related to late season construction and temporary drainage features of 2005. While closure will create disturbed soil, the configuration of the closure cap and erosion-control design provides robust drainage and erosion control features that were not present in 2005. Therefore, we do not believe that full inclusion of the requirements of CAO-R1-2006-0028 into the WDRs is needed. We recommend adding the following sentence:

“Once the seeding performed during closure is established and the erosion-control measures have demonstrated performance, monitoring related to the CAO will be reduced or eliminated and conventional stormwater and surface water runoff monitoring appropriate for closed landfills will continue.”

RTC 45: Revising the monitoring requirements once large scale earthwork has been finished and erosion control measures are fully established has always been our intent. We have revised this finding to indicate this intent.

2. Page 15, Environmental Monitoring Systems, Item 56.

Groundwater monitoring well MW-7-H should have the suffix W as it is completed in the Wildcat Group.

RTC 46: Thank you for advising us as to the incorrect formation designation in the original well logs. We have corrected references in the WDR and Monitoring and Reporting Program (MRP) regarding this issue.

3. Page 16, Environmental Monitoring Systems, Item 58.

Upgradient surface water sampling point S-9 is difficult to reach because of steep terrain. The Discharger would like to leave the door open to finding another more accessible background point with approval of the Executive Officer.

RTC 47: We realize the difficulty of reaching this sampling location, but believe the data from it is mission critical at this time. We are open to future discussions about replacing this sample location, if a suitable substitute can be found.

4. Page 20, Closure and Financial Assurances, Item 81.

New survey control points were established during closure. At least two of these will be staked and protected for use during the post closure maintenance period.

RTC 48: This was based on information in the JTD. Given that you are changing the survey monument control points during closure construction, we are changing this finding to indicate that the survey monument control point data, including a site map showing monument locations will be presented in the Closure Report.

5. Page 21, Discharge Prohibitions, Item 2.

The Discharger would like to leave the door open for potentially treating water from the toe drain and then sprinkling the treated water on the landfill cap during dry periods. We request the ability to evaluate this option at a later date and have the ability to implement it, if feasible, with the approval of the Executive Officer, without revising the WDRs.

RTC 49: In the event that the Discharger proposes to implement a leachate management plan that involves a discharge of treated leachate to land, there are a number of issues that would need to be addressed. The Regional Water Board must approve discharges to land.

6. Page 25, Closure Specifications, Item 4. *The text states: “Final cover shall consist of at least two feet of compacted foundation materials, overlain by a 60-mil textured LLDPE geomembrane barrier layer, overlain by a geocomposite drainage layer.”*

The geocomposite is only required for slope stability on the sideslopes. Not on the top deck.

RTC 50: We have made the requested correction.

7. Page 25, Closure Specifications, Item 4. *The text states: “Permeability of final cover shall be determined in the field and in the laboratory using techniques approved by the Executive Officer.”*

Field-permeability measurement of the geomembrane is not feasible.

RTC 51: We have removed the reference to field-permeability measurement of the geomembrane.

8. Page 25, Closure Specifications, Item 7.

Because a geocomposite drainage layer is located between the geomembrane and the vegetative layer, holes in the membrane will not be detected unless they are through both the geocomposite and geomembrane, such as equipment damage during placement of the vegetative layer. Because the geocomposite drainage layer prevents head from forming over the geomembrane, the likelihood that pin holes or knife cuts would transmit water through the geomembrane should be negligible. Mechanical tears to the geomembrane during vegetative layer placement can be detected readily by stringent visual inspection. Therefore, we request that this be worded to call for a “goelectric leak test or similar method approved by Executive Officer”.

RTC 52: We added the requirement for goelectric leak testing during negotiations over barrier layer requirements. Since such testing has since been proven to be feasible for the site, we will not be changing this specification.

Monitoring and Reporting Program

9. Page 3, Item 6, Laboratory Reports. *The text states: “Analytical laboratory results shall be sent directly from the laboratory to our staff via email to gmorrison@waterboards.ca.gov, the same day they are submitted to the Discharger.”*

This requirement appears to be left over from the Clean-up and Abatement Order. Lab data is typically only sent to the North Coast Regional Water Quality Control Board (NCRWQCB) staff after they have been reviewed for quality assurance and approved by a licensed professional.

RTC 53: We have several sites already doing this and have found receiving the raw laboratory data to be helpful as a way to be proactive about emerging issues. The Discharger will still have the opportunity to address any issues found in the laboratory data. We do not propose to change this requirement.

10. Page 5, Annual Monitoring and Corrective Action Summary Report, A.2. The text states: "The Annual Report shall include a map showing any areas of differential settlement, highlighting areas of repeat or severe differential settlement. This map shall be made by or under the direction of a professional civil engineer or registered geologist."

MRP Item 5 on page 6 requires an iso-settlement map every 5 years; paragraph A.2. should clarify that annual mapping of settlement areas will be by visual observation, not surveying. See WDR provision D. 14.

RTC 54: We have updated this requirement to clarify that the annual settlement mapping will be conducted through visual observation.

11. Page 5, I. Surface Water and Storm Water Sampling Report, Item A.3. The text states: "The Discharger shall submit a report by the 15th day of the month after the first sampling each rainy season and then every other month thereafter. Each report shall include all sampling results from the previous month(s)."

It is unclear from this requirement when reports are due.

RTC 55: We have updated this requirement to clarify the due dates of the surface water and storm water sampling reports. For example, if the first sampling of the rainy season occurred in September, then the first report would be due October 15th. The following report would be due December 15th and every two months thereafter for the remainder of the rainy season.

12. Page 8 Detection of a release Text: "Immediately following detection of a release, or after completion of the retest, the Dischargers: a. Shall immediately sample all Monitoring Points in the affected medium at the WMUs and determine the concentration of all COCs. [Section 20420(k)(1), Title 27, CCR]"

Title 27 states that the RWQCB can approve an appropriate subset of Monitoring Points to be sampled for all COCs, based upon the hydrogeologic conditions at the Unit - this should be included here.

RTC 56: We have updated this requirement to include the requested.

13. Page 9, Constituents of Concern, 1. Monitoring Locations

MW-7-H should have the suffix W. MW-24-W should be MW-25-W. According to Golder, Well 24-W was destroyed and the listed well is likely M-25-W. What is the reason to add MW-23-W, MW-25-W, and MW-26-W?

RTC 57: We have made the requested corrections to the well designations. We included the additional wells because we do not believe the Wildcat Formation plume is well defined. The need to continue this additional sampling may be reevaluated at a later time.

14. Page 11, E. Groundwater Elevation Monitoring The text states: *“The groundwater surface elevation (in feet and hundredths, M.S.L.) in all wells and piezometers shall be measured on a quarterly basis for each monitored groundwater body and used to determine the velocity and direction of groundwater flow.”*

Water levels are currently monitored semiannually. The site has water-level data dating back to 1986 and the water levels don't fluctuate much seasonally, so quarterly monitoring is not needed. Quarterly monitoring would pose an additional cost burden for no benefit. Having said this, we do concur with quarterly water level monitoring of the landfill piezometers, and wells adjacent to the landfill to evaluate changes in the groundwater regime caused by capping. We anticipate that water levels will stabilize within two years after which all groundwater elevation monitoring should return to semiannually.

RTC 58: This is a requirement under California Code of Regulations, title 27, section 20415. After the well levels stabilize post-closure, you may provide a demonstration that quarterly water levels do not provide additional relevant groundwater data, and we will evaluate whether this requirement can be changed.

15. Page 10, D. Detection and Corrective Action Monitoring, Last Paragraph.

The last sentence of the last paragraph on page 10 of the MRP states that “Concentration limits for naturally occurring compounds are determined statistically...using the tolerance interval method.” Please add “or other appropriate statistical method as approved by NCRWCB staff” or similar language.

RTC 59: We have made the requested addition.

16. Page 15, D. Surface and Storm-Water, 1. Monitoring Locations

Monitoring point S-9 is difficult to access during the winter because of steep slippery slopes. This location should be eliminated or replaced with another location with safer access.

RTC 60: See RTC 47.

17. Page 15, Table III.C.

Table III.C includes sampling at S-7. S-7 has not been sampled since October 2007 due to CAO MRP revision dated 19 October 2007. This table seems like it was pulled out of the original CAO MRP. The table in the 19 October 2007 revised CAO MRP does not list S-7 in the table. Is there some reason S-7 is being added back in, or is this a typo.

RTC 61: This table includes surface water and storm water sampling from the CAO and the existing MRP for the site using a table format similar to that in the CAO. S-7 is sampled under the current MRP and shall continue.

18. *Page 17, Second Paragraph.* The text states that “At the start of the rainy season, sampling for field parameters shall be conducted as soon as flow is observed from either S-1 or S-8. A discharge day is defined as a day when water is discharging either from the lowest toe berm sediment gabion or from the upper sediment pond (or both). If there is not a turbidity exceedance, then samples shall be collected on those days when rainfall equals or exceeds 0.50-inches in 24 hours.”

The requirement for testing after 0.5 inches should be simplified so that testing is only required after 1.0 inches in 24 hours after the erosion control installed during closure has stabilized.

RTC 62: The requested change is not appropriate at this time, but updates to the sampling may be made once major earthwork has been concluded and erosion control measures have been stabilized and are shown to be performing well.

19. *Page 18, First Paragraph.* The Text States “...then sampling frequency may be reduced to only those days when rainfall frequency equals or exceeds 1.0 inches in 24 hours.”

This is in the current CAO MRP. Once sampling jumps to only after 1.0 inches in 24 hours, it is our understanding that sampling has to return to rainfall events of greater than or equal to 0.5 inches in 24 hours if there is another recorded exceedance during the sampling year. This should be clarified. Additionally, there is no official termination date for yearly sampling. Does HWMA have to apply for, or notify, the NCRWQCB that sampling is ending for the summer each year, or can they simply submit a final report (labeled as such) once there is no more discharge occurring at S-1 or S-8 any month following, say, April?

RTC 63: You are correct that if an exceedance occurs during a 1.0 inch event, sampling must return to the 0.5-inch event. The intent is to make sure you are catching all the potential discharge events. We have added a statement in A. 3. Surface Water and Storm Water Sampling Report that the last report of the rainy season must note when the discharge for the season ended, so that we know it is the last report until the following rainy season. We do not wish to specify a month, since this may vary from year to year.

20. *Page 19, E. Groundwater.* The text states: “The groundwater surface elevation (in feet and hundredths, M.S.L.) in all wells and piezometers shall be measured on a quarterly basis and used to determine the velocity and direction of groundwater flow, in compliance with Title 27, CCR. The amount of siltation in all wells and piezometers shall be measured on an annual basis and shall be used to make recommendations for maintenance. Additional monitoring wells shall be added to the program as needed. Samples shall be collected from wells and springs at the frequency and for the parameters specified below.”

The monitoring frequency should be changed to semiannually as discussed in Comment 13, above.

RTC 64: See RTC 58.

The wells have dedicated pumps, so pulling them annually to check for siltation would require a significant amount of time and risk damaging the pumps. We recommend only pulling the pump and checking sediment level if the water becomes turbid, if the pump is producing sediment, or if the pump fails. There no reason to pull a pump unless there is some symptom of a problem.

RTC 65: We have updated this requirement to change siltation monitoring frequency in wells or piezometers with dedicated pumps to occur at times when the pump is removed for maintenance or when water is turbid during sampling.

21. Page 19, Monitoring Locations

Monitoring points included in the current groundwater monitoring system consist of fourteen detection monitoring wells (if the three wells MW-23-W, MW-25-W, and MW-26-W are included), thirteen corrective action wells, six piezometers (elevations only), and eleven springs. Two of the springs have two sampling locations. Spring MW-7-W has not been sampled since 1996 and may be difficult to find.

RTC 66: We do not have any formal record of a request to discontinue sampling at this location. Given that this spring is shown on maps as being fairly close to Spring-7-H, which is still sampled, we do not think it will be much of a hardship to go out during high spring flow (now would be a good time) to see if this other spring location can be found and marked. Whether sampling should be continued can be evaluated at a later time once you have information on the condition of the spring and whether it actually is in a different water-bearing zone than Spring-7-H.

22. Page 20 Well Lists, Table III.D.

MW-7-H should be changed to MW-7-W, in Table III.D. Under 5-year COC routine parameters, MW-24-W should be changed to MW-25-W.

It would be helpful to list the wells by "type"; that is, whether they are detection, corrective action, or water-level points. We have attached a spreadsheet listing the wells in this manner, for your use.

RTC 67: Corrections to the well designations have been made. We may discuss the well classifications during later MRP updates since the closure should cause a change in some of the well classifications.

23. Page 21 – 2. Monitoring Schedule, Table III.E.

Groundwater elevations should be changed to semiannually except for the leachate piezometers and wells immediately adjacent to the landfill for the first two years after capping. Little additional site characterization will be gained from monitoring any other wells quarterly, or quarterly for an extended period. The wells adjacent to the landfill will be

used to evaluate the affects of the cap. Once the effects of the cap have been established these wells should be reduced to semiannual as well.

RTC 68: See RTC 58.

Siltation monitoring should be changed to "as needed".

RTC 69: See RTC 65.

Previously, only detection wells were tested for cations and anions and corrective action wells were tested only for VOC's. The proposed MRP adds inorganic parameters to the corrective action monitoring. If the NCRWQCB wishes to monitor for major ions, we recommend adding magnesium to the list so that water-quality diagrams (Stiff patterns or Piper diagrams) can be prepared. Additionally, we recommend that the major ion results be used solely for water-quality diagrams, not for compliance determinations using concentration limits.

RTC 70: We have added the requirement to test both ground water and leachate samples for magnesium. We will need to continue discussions as to how the major ion results will need to be used.

130208_ResponseToComments