

**Table 1. Response to Comments**

<b>Comment Number</b>	<b>Proposed Language from Tentative Addendum No. 5 to Order No. 90-09 (Tentative Addendum) and/or Tentative Monitoring and Reporting Program No. R9-2023-0095 (Tentative MRP)</b>	<b>Comments from Otay Landfill Inc.</b>	<b>San Diego Water Board's Response to Comments</b>
1.	Tentative Addendum, Finding No. 5.c.ii.	<p>The Otay Landfill does not agree with the statement that there is “excess” leachate generation at the landfill. The dual-purpose extraction wells were installed to expedite leachate removal from the waste while maintaining LFG extraction.</p> <p>Otay Landfill will continue to install/remove/modify GCCS as necessary to maintain compliance with applicable Federal, State and Local regulations.</p>	<p>Comment noted.</p> <p>No changes made to the Tentative Addendum in response to this comment.</p>
2.	Tentative Addendum, Directive No. 35.	<p>The facility is incorrectly listed as “Waste Industries, Inc.”.</p> <p>Update to “Otay Landfill, Inc.”</p>	<p>Staff concurs with the Discharger’s request.</p> <p>Staff revised Tentative Addendum Directive No. 35 to replace the named discharger from Waste Industries, Inc., to Otay Landfill, Inc.</p>
3.	Tentative Addendum, Directive No. 36.	<p>The facility is incorrectly listed as “Allied Waste Industries, Inc.”. The facility is also listed as “Otay/Otay Annex Landfill” rather than just “Otay Landfill.”</p> <p>Otay landfill maintains a closure bond that is updated annually provided to</p>	<p>Staff concurs with the Discharger’s request.</p> <p>Staff revised Tentative Addendum Directive No. 36 to replace the named discharger from Waste Industries, Inc., to Otay Landfill, Inc., and corrected the name of the facility to reference the “Otay Landfill.”</p>

		<p>CalRecycle. Otay Landfill will continue to update the bond annually.</p> <p>Update to “Otay Landfill, Inc.” Remove “Otay Annex.”</p> <p>Change “closure fund” to “closure bond”.</p>	<p>Staff revised Directive No. 36 to specify a “closure fund/bond”. Staff anticipate this change provides flexibility in financial assurance mechanisms. The validity of these financial assurance mechanisms is approved by the California Department of Resources Recycling and Recovery (CalRecycle) and not the San Diego Water Board.</p>
4.	<p>Tentative Addendum No. 5, Directive Nos. 37 and 48.</p> <p>Tentative MRP, sections III.B.3, III.E.1, III.E.3, IV.A.1, IV.A.2, IV.B.1, IV.C.1.</p>	<p>It is Otay Landfill’s understanding that the RWQCB has gone paperless as much as practical. Typically, submittals are made through Geotracker and certain notifications are made by email and/or phone.</p> <p>Otay Landfill will submit reports via Geotracker and provide notifications in accordance with the WDR/MRP via Geotracker, email, and/or phone.</p>	<p>Comment noted.</p> <p>No changes made to the Tentative Addendum or Tentative MRP in response to this comment.</p>
5.	<p>Tentative MRP, sections I.A, I.A.1, I.A.2, I.A.6.a, I.A.6.f, I.G, II.B, II.B.2, II.B.5, II.B.6, II.E.3.a.</p>	<p>No surface water monitoring points associated with the CAP are defined in the MRP and there has been no historical surface water monitoring at the facility. Furthermore, all stormwater monitoring data and reports associated with Order No. WQ 2014-0057-DWQ are currently uploaded to Waterboard’s SMARTS website.</p> <p>Remove surface water monitoring requirement, or more clearly define the</p>	<p>Staff do not concur with the Discharger’s request.</p> <p>California Code of Regulations (CCR) title 27 requires surface water monitoring as part of both detection and corrective action monitoring programs. The Landfill is currently implementing both detection and corrective action monitoring programs. Therefore, the San Diego Water Board must include these requirements in the Tentative MRP.</p> <p>To clarify:</p>

		<p>surface water monitoring program and monitoring points. Remove requirement for EDF uploads for stormwater (MRP III.E.3.a) as these data are uploaded to the SMARTS database.</p>	<ol style="list-style-type: none"> <li>1. If there are no surface water bodies located within or adjacent to the Landfill property, that may be affected by a release of waste constituents from the Landfill, then the Discharger does not have to comply with the surface water monitoring and reporting requirements.</li> <li>2. If there is a surface water body located within the vicinity of the Landfill, the Board's expectation is that the Discharger will propose surface water monitoring points and a monitoring plan in the next semi-annual monitoring report for staff's review and consideration.</li> </ol> <p>To further clarify, the surface water monitoring requirements specified in CCR title 27 and the Tentative MRP, are not equivalent to the requirements prescribed in the Industrial General Permit (IGP) for stormwater discharges. The Discharger should continue to upload stormwater discharge data to the SMARTS database in compliance with the IGP. If the Discharger is required to implement a surface water monitoring program, that data must be uploaded to State Water Resources Control Board's (State Water Board) online GeoTracker database in compliance with the reporting requirements of the Tentative MRP.</p>
6.	Tentative Addendum, Directive No. 40.	<p>A proper assessment of a slope failure (and its impacts) is made by either a licensed Geotechnical Engineer (GE) or Certified Engineering Geologist (CEG). Site visits of licensed professionals,</p>	<p>Staff do not concur with the Discharger's request.</p> <p>Directive No. 40 of the Tentative Addendum requires the Discharger to <u>notify</u> the San Diego Water Board within 24-hours of a slope failure. The Board does not expect this</p>

		<p>especially after an earthquake, cannot be scheduled and performed within 24 hours and additional time is required for reporting.</p> <p>Revise the first sentence to read <i>“The Discharger must notify the San Diego Water Board within <b>72-hours</b> of ...”</i></p>	<p>initial notification to include an evaluation or assessment of the cause, nature, or extent of the failure. Directive No. 40 also requires the Discharger to provide the Board with a written summary of actions implemented or planned for implementation to address the slope failure, which may include additional evaluations of the cause, nature, and extent of the slope failure. The Discharger is required to submit the written summary after the initial 24-hour notification and within seven days of the slope failure. As written, Directive No. 40 provides the Discharger with 168 hours (i.e., 7 days) to conduct a proper assessment of the slope failure, which is 96 hours more than requested by the Discharger.</p>
7.	Tentative Addendum, Directive No. 44.	Otay Landfill will notify the San Diego Water Board within 24-hours of any release of leachate or condensate from the LCRS or LFG capture system, respectively for events outside of general maintenance.	<p>Comment noted.</p> <p>No changes made to the Tentative Addendum or Tentative MRP in response to this comment.</p>
8.	Tentative Addendum, Directive No. 46.	Otay Landfill is subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart AAAA, 40 Code of Federal Regulations Section 63.1960(a)(4)(i), which provides provisions for corrective actions when the landfill gas temperature is greater than or equal to 62.8 degrees Celsius (145 degrees Fahrenheit) to be reported in the Semi-Annual Reports.	<p>Comment noted.</p> <p>No changes made to Tentative Addendum or Tentative Monitoring and Reporting Program No. R9-2023-0095 in response to this comment.</p>

		<p>A higher operating temperature value (HOV) demonstration for individual wells can also be submitted to the San Diego Air Pollution Control District (SDAPCD) for the allowance of temperature limits above 145 F.</p> <p>Under NESHAP Subpart AAAA, 40 CFR 63.1981(k), a 24-hour notification is only required when a well is above 170 degrees F and the CO readings are above 1,000 ppmv, unless a HOV is approved.</p> <p>Otay Landfill will follow the 15 day, 60 day and 120 day corrective action and the Semi-Annual reporting requirements in accordance with the NESHAP Subpart AAAA and a 24 hour notice is not required.</p> <p>The same corrective actions and reporting requirements will be followed for any HOV approved wells.</p> <p>A 24-hour email notification will be provided to the San Diego Air Pollution Control District (SDAPCD) and the Waterboard in accordance with this requirement.</p>	
9.	Tentative Addendum, Directive No.48.	These types of inspections are more common with construction projects. Do	Staff prepared the following responses to the Dischargers questions.

		<p>these reports apply to construction projects onsite, or the landfill as a whole?</p> <p>Regarding Post-rain inspection and photographs – does this pertain to all detention basins/BMPs/etc. at the facility, or only those impacted during the rain event?</p> <p>Otay Landfill will perform post-rain inspections following qualifying storm events as defined by the Industrial General Permit, Order 2014-0057-DWQ.</p>	<p><i>“These types of inspections are more common with construction projects. Do these reports apply to construction projects onsite, or the landfill as a whole?”</i></p> <p>The inspections performed by the Discharger to produce the Post-Rain Inspection Report apply to the entire landfill, which may include, but are not limited to onsite construction project areas.</p> <p><i>“Regarding Post-rain inspection and photographs – does this pertain to all detention basins/BMPs/etc. at the facility, or only those impacted during the rain event?”</i></p> <p>As stated above, the inspections performed by the Discharger to produce the Post-Rain Inspection Report apply to the entire landfill, which includes all detention basins, BMPs, etc. at the landfill, and not just those impacted by storm water during a rain event.</p>
10.	Tentative Addendum, Directive No.48.	<p>Stormwater analytical data is currently uploaded to the SMARTS website within 30-days of receipt. Does this data also need to be uploaded to Geotracker?</p> <p>Analytical data for stormwater is not available until approximately 1-2 weeks following sampling. This is outside of the 48-hour reporting deadline.</p>	<p>Staff prepared the following responses to the Dischargers question.</p> <p><i>“Does this data also need to be uploaded to Geotracker?”</i></p> <p>The Discharger's stormwater analytical data collected in compliance with the IGP does not need to be uploaded to GeoTracker.</p> <p>Staff prepared the following response to the Discharger's following request.</p>

		Please provide clarification and proper guidance to this reporting.	<p><i>“Analytical data for stormwater is not available until approximately 1-2 weeks following sampling. This is outside of the 48-hour reporting deadline. Please provide clarification and proper guidance to this reporting.”</i></p> <p>To help clarify, Directive No. 48 of the Tentative Addendum requires the Discharger to submit Post-Rain Inspection Reports within 48 hours of a rain event, to the San Diego Water Board through GeoTracker. Directive No. 48 does not require the Discharger to sample and analyze stormwater dischargers, as part of the Post-Rain Inspection Report.</p>
11.	Tentative MRP, section I.D.2.	<p>OTGW-C is screened in perched groundwater and is associated with the CAP system.</p> <p>Remove “OTGW-C” from MRP I.D.2.</p>	<p>Staff concurs with the Discharger’s request.</p> <p>Staff have revised Directive I.D.2 to remove monitoring well OTGW-C from the detection monitoring program monitoring network.</p>
12.	Tentative MRP, section I.E.2.	<p>OTGW-9 and OTGW-21 monitor the Deep aquifer and are not part of the CAP.</p> <p>Remove OTGW-9 and OTGW-21 from MRP I.E.2.</p>	<p>Staff concurs with the Discharger’s request.</p> <p>Staff have revised Directive No. I.E.2 to remove monitoring wells OTGW-9 and OTGW-21 from the corrective action program monitoring network.</p>
13.	Tentative MRP, section II.F.	<p>Concentrations between the method detection limit (MDL) and practical quantitation limit (PQL) are considered estimated values, and as such provide uncertainty. Otay Landfill requests that the definition of “excessive proportion” and “excessive frequency” be revised to</p>	<p>Staff do not concur with the Discharger’s request.</p> <p>The Tentative MRP requirements are consistent with the current data and statistical analyses performed by the Discharger<sup>1</sup> and with other landfill monitoring and reporting program requirements adopted by the San</p>

		reference quantifiable measures (e.g., measurements above the PQL).  Change "MDL" references to "PQL".	Diego Water Board, including the Sycamore Landfill, which is owned and operated by the Discharger.
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<sup>1</sup> [https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo\\_report/1110782206/L10009614226.PDF](https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/1110782206/L10009614226.PDF)