

# Response to Comments

<b>I. Response to Comments by Orange County Waste and Recycling</b>	
<b>Comments</b>	<b>Responses</b>
<p><b>General Comment.</b> In the course of developing this General Order, it is anticipated that the Regional Board will be receiving an array of comments from a broad spectrum of stakeholders. As comments are received, we suggest the Regional Board prepare a response to comments document that summarizes the issues raised by stakeholders and provides the Regional Board’s response to those comments. In addition, we suggest that for the release of the next draft, any revisions made to the General Order are clearly identified.</p>	<p>All comments and responses will be posted on our website along with the revised General Order.</p>
<p><b>Finding 1, Subtitle D.</b> Delete reference to Code of Federal Regulations, Title 40, Part 258 (i.e., Subtitle D). Part 258.1(c) states that these requirements do not apply to municipal solid waste landfills that did not receive waste after October 9, 1991. Part 258 contains certain design elements (i.e., liner), closure requirements, and financial assurance requirements for modern landfills. For purposes of this General Order, all landfill sites have been identified as “<i>waste management units that were closed, abandoned, or inactive prior to November 27, 1984.</i>” The correct reference should be Part 257 which establishes a set of different standards for pre-1991 landfill sites.</p>	<p>Reference to Code of Federal Regulations, Title 40, Part 258 has been removed.</p>
<p><b>Finding 11, Groundwater Evaluation Monitoring.</b> This finding prescribes a protocol in the event a release is detected requiring dischargers to implement an evaluation monitoring program followed by a corrective action program. There should be recognition within this General Order that many landfill sites have landfill gas control systems which serve as dual purposes: (1) To control gas migration and (2) to serve as groundwater corrective action. It has been long recognized that groundwater impacts associated with landfills are the result of landfill gas migration. Thus, if a landfill gas control system is in operation, the infrastructure is already in place to remediate any impacts to groundwater caused by landfill gas contamination. The requirements for an evaluation monitoring program should be bypassed due to its burdensome and costly requirements for</p>	<p>We agree that the gas collection system is one of the effective control measures to minimize impacts to groundwater; the finding has been revised to recognize this fact. Requirements for an Evaluation Monitoring Program have been deleted from the revised Order.</p>

<p>landfill sites with landfill gas control systems. In most cases, operation of the landfill control system is sufficient to remediate the groundwater impact release. This strategy has been very effective for OC Waste &amp; Recycling sites to clean up the groundwater and proven cost effective. An evaluation monitoring program should only be warranted in those situations where a release has occurred for which the landfill gas control system cannot remediate or if a landfill gas control system does not exist.</p>	
<p><b>Findings 12 and 13, Attachments 1 and 2, Landfill Ratings.</b> Landfill sites listed on Attachment 1 are labeled as “<i>Facilities that Pose a Significant Threat to Water Quality.</i>” These sites scored between 15 and 21 points, based on the scoring criteria established by the Regional Board, which equates to a TTWQ and CPLX rating of IIIB. According to the Annual Fee Schedules of Section 2200, Title 23, Division 3, Chapter 9, Article 1 of the California Code of Regulations, a landfill with a Category III ranking considers the discharge of waste “<i>could degrade water quality without violating water quality objectives, or could cause minor impairment of designated beneficial uses...</i>” Discharge of waste where there is a potentially significant impact to water quality objectives, be it long-term or short-term, are more appropriately classified as Category 1 or 2. Therefore, referring to Attachment 1 sites as posing a significant threat to water quality is inconsistent with regulations and gives the wrong impression to the public as to the threat level these landfills may pose. While we agree that releases have occurred at these sites, the constituents released and their concentration levels do not warrant a significant threat label. We suggest revising the Attachments 1 and 2 titles to the following:</p> <p>Attachment 1: Facilities Ranked Category 3-B or Higher. Attachment 2: Facilities Ranked Category 3-C</p>	<p>This discussion is now moved to the Staff Report and Findings 12 and 13 have been removed from the Order. Also, Attachments 1 and 2, and other references to these Attachments have been removed from the Order. The Attachments, TTWQ and Complexity summaries, and the Matrix are now part of the staff report.</p> <p>The Staff Report and the attachments provide a summary of known impacts to groundwater and how the complexity ratings and threat to water quality have been assessed.</p> <p>We agree that it is appropriate to change the titles of the Attachments 1 and 2, as you suggested.</p>
<p><b>Section 1, ROWD Requirements.</b> Regional Board staff has indicated that landfill sites listed under the General Order will be required to prepare and submit a Report of Waste Discharge (ROWD) in order to obtain coverage. The landfills subject to the General Order have been in existence for many decades and have been maintained by the current property owners under</p>	<p>The ROWD is a simple two page application that contains information that would be required in an NOI.</p> <p>During our March 7, 2012 meeting, OCW&amp;R indicated that a CD will be provided to the Regional Board staff with the specific information on these</p>

<p>Regional Board oversight. It is unclear why there is a need for dischargers to prepare a ROWD, given that the limited resources dischargers have is better spent on actual maintenance of the landfill. Based on the elements required for a ROWD, we believe the Regional Board has most, if not all, of the information for a particular landfill considering that the Regional Board has already rated the landfills based on the scoring criteria established. Historical information for many of these sites can be found in the original Solid Waste Assessment Tests (SWAT) reports prepared in the late 1980's, as well as in the groundwater monitoring reports. Furthermore, with respect to sites associated with OC Waste &amp; Recycling, our agency holds quarterly meetings with the Regional Board and Local Enforcement Agency to exchange information about these sites and discuss any issues that may arise. Given the working relationship OC Waste &amp; Recycling has had with the Regional Board, the ROWD appears unnecessary since this department has always been transparent in providing timely information upon request.</p> <p>The requirement for a ROWD should be reserved in cases where there is a potential land use change that could impact the containment of the waste and how the landfill is being maintained, such as the cover maintenance and drainage systems. If documentation is needed to enroll these landfills under the General Order, we suggest dischargers file a Notice of Intent (NOI) which is a simpler process yet still effective.</p>	<p>sites. We have received the CD that contains the summaries for the CAI landfills in Orange County.</p> <p>Based on OCW&amp;R's recommendation, Section A.1.a of the Order has been revised to include the following statement: "If the Discharger has already submitted the information in subsections b, c and d below, then only Form 200 is required."</p> <p>A ROWD is also required for any major changes, such as a change in land ownership or control.</p>
<p><b>Section F, Provisions, Item 11, Regional Board Notification.</b> Please clarify the phrase "<i>as soon as possible</i>" regarding notifications to the Regional Board on potential changes to the landfill site conditions. Specific notification timeframes should be written into the General Order to provide clear expectations on the discharger as to the appropriate timeframes when the Regional Board should be informed.</p>	<p>Item 11 has been renumbered to Item 15 which will be revised to read "<i>The Discharger shall submit a work plan at least 30 days prior to any activities that could...</i>"</p>
<p><b>General Comment, Terminology.</b> Throughout this M&amp;RP, the terms "<i>monitoring period</i>" and "<i>reporting period</i>" are frequently used. It is unclear if these terms are synonymous or have different meanings. Clarification is greatly appreciated as it affects sampling and reporting requirements.</p>	<p>Table 1 in the M&amp;P has been revised and the reporting period has been deleted.</p>

<p><b>Section I.C.2 (per new section numbers), Groundwater Monitoring.</b> The M&amp;RP states that if a Monitoring Parameter (MPar) listed in Table 1 is non-detect for eight semi-annual monitoring events, the MPar may be dropped from sampling. The M&amp;RP should also consider a protocol for sites that are on a yearly monitoring schedule. For example, monitoring for an MPar may be dropped after four consecutive non-detect samplings based on annual monitoring.</p>	<p>Most CAI landfills with a groundwater monitoring program have already complied with this requirement. Other landfills covered under this general Order are required to monitor the groundwater quality on a semi-annual basis and report the results on an annual basis. No further changes are proposed at this time.</p>
<p><b>Section 3, Monitoring Plan.</b> Regional Board staff has indicated that landfill sites subject to the General Order will be required to prepare and submit a Monitoring Plan. It is unclear as to what constitutes an acceptable Monitoring Plan. For landfill sites that have a groundwater monitoring program in place prior to the adoption of the General Order, submittal of a Monitoring Plan should not be required. Many of these landfills have had groundwater monitoring programs in place since the late 1980's (from the initial SWAT investigation) and will continue to be monitored as required by the Regional Board until groundwater monitoring is terminated. In addition, dischargers have been submitting the results of the groundwater monitoring to the Regional Board for years and in many cases were used as a basis for reducing groundwater monitoring frequency or even terminating groundwater monitoring. We would assume that if the groundwater monitoring program was insufficient or yielded questionable results, the discharger would have been informed by the Regional Board.</p> <p>We suggest that a Monitoring Plan only be required if there are any changes to the existing groundwater monitoring program. For example, the addition or removal of groundwater monitoring points or to establish a new groundwater monitoring system may be caused for a Monitoring Plan.</p>	<p>This section has been revised; in recognition of the monitoring programs already being implemented by several Dischargers, it includes an exemption for CAI landfills that already have such a plan.</p>
<p><b>Section 4, Monitoring Frequency.</b> This section indicates that groundwater monitoring shall be conducted semi-annually. However, some landfill sites have a yearly groundwater monitoring frequency, as approved by the Regional Board. We believe these sites, which pose minimal threat to water quality, should continue to remain status quo unless conditions have changed suggesting that increased monitoring is warranted.</p>	<p>The requirements for monitoring at sites that perform annual monitoring, as per an approved monitoring program, will remain the same.</p> <p>If a site that is currently conducting quarterly monitoring wants to continue that frequency, this Order does not prohibit it. Semi-annual monitoring is the minimum monitoring frequency, except for those with approved annual monitoring programs.</p>

<p>In addition, it is unclear from the M&amp;RP whether a site whose monitoring frequency is greater than semi-annual (i.e., quarterly) will be automatically reduced to semi-annual once the General Order takes effect. If this is the case, it is uncertain how the site's scoring criteria will be affected.</p>	
<p><b>Section 4, Sample Procurement Limitation.</b> This section indicates that water sampling must be completed within the first five days of a Reporting Period. This requirement is onerous and burdensome given that OC Waste &amp; Recycling has groundwater monitoring responsibilities at a significant number of sites with limited staff resources. Restricting the monitoring to only five days would negatively affect the quality control of the data collection and does not account for unforeseen events that may be outside our control. In addition, there are a number of closed landfills whose property owners are not in the primary business of operating and maintaining landfills. Even though the property owners have been named as dischargers, they have limited resources and expertise with environmental control systems and will need more than five days to complete the groundwater monitoring. We suggest that dischargers be given 30 days to complete the groundwater monitoring upon commencement and before the end of the Reporting Period. This will allow great flexibility for the dischargers to schedule their workloads while still meeting the requirements of the General Order.</p>	<p>Section D.4 of the M&amp;RP has been modified to read <i>“For any given monitored medium, the samples taken from Monitoring Points to satisfy the initial data analysis requirements for that Monitoring Period shall be taken within a span not exceeding the first 10 days of that period. The first retest sample, if needed, shall be taken at mid-monitoring period. If a tentative release is indicated, retest procedures shall be carried out in accordance with Sample Collection and Analysis, Section II, of this M&amp;RP below.”</i></p> <p>The reason for sampling during the first 10 days is to ensure samples are taken from the same groundwater.</p>
<p><b>SAMPLE COLLECTION AND ANALYSIS</b></p> <p><b>Section A. Sampling and Analytical Methods.</b> This M&amp;RP indicates that landfill sites subject to the General Order will be required to prepare and submit a Sampling and Analysis Plan (SAP). For landfill sites that have a groundwater monitoring program in place prior to adoption of the General Order, submittal of a SAP should not be required. Many of these landfills have had groundwater monitoring programs in place since the late 1980's from the initial SWAT investigation and will continue to be monitored as required by the Regional Board until groundwater monitoring is terminated. In addition, dischargers have been submitting the results of the groundwater monitoring to the Regional Board for years and in many cases were used as a basis for reducing groundwater monitoring frequency or even</p>	<p>We concur with the suggestion. Please see the footnote #3 to this section.</p>

<p>terminating groundwater monitoring. We would assume that if groundwater monitoring sampling and analysis was insufficient or yielded questionable results, the discharger would have been informed by the Regional Board at that time.</p> <p>We suggest that an SAP be required only if the discharger proposes changes to the sampling methodology and analysis previously approved by the Regional Board.</p>	
<p><b>Section C. Concentration Limits.</b> To the extent feasible, the concentration limits for volatile organic compounds (VOCs) and certain other compounds should incorporate the drinking water Maximum Contaminant Levels (MCLs) where such limits have been established by federal or state agencies. In cases where an MCL has not been established, the Practical Quantitation Limit (PQL) should be the concentration limit.</p>	<p>For Detection Monitoring Programs, the concentration limit is defined as the level above which a retest is triggered. The assumption here is that when the concentration limit is exceeded, there is a possibility that a release from the landfill has occurred. Since VOCs do not occur naturally, they are not expected to be present in groundwater. As such the background values should be the concentration limits. However, we are proposing to use the PQLs as the concentration limits, since any detection of VOCs could an indication that there might be a release from landfills or other manmade sources.</p>
<p><b>Section D. Release Indication.</b> The M&amp;RP states, “<i>If a release is indicated, the Re-Test Procedure shall immediately be carried out.</i>” Clarification is needed as to the Regional Board’s intent as to when the re-test should be conducted. One possible approach would be to include a specific timeframe such as within 3 working days or 72 hours. The timeframes selected by the Regional Board should be reasonable and consistent with the Sample Procurement Limitation of Section D. Analytical Monitoring.</p> <p>In addition, the re-testing requirements and statistical analysis should only apply to new releases that occur after adoption of the General Order. Those releases that have already occurred have previously been reported to the Regional Board.</p>	<p>A release is discovered when a concentration limit is exceeded and recognized by either statistical or non-statistical methods. This applies to new releases from the landfills only.</p> <p>The Discharger is required to collect the initial sample within the first 10 days of the monitoring period. A re-test sample should be obtained at mid-period to verify any exceedances.</p>
<p><b>Section B. Notification Requirements.</b> This M&amp;RP would require dischargers to notify the Regional Board of a release from the landfill that may impact water quality standards. Many of these landfills have had groundwater monitoring programs in place for many years with the results provided to the Regional</p>	<p>We concur. The notification requirements apply to the new releases from the site; a footnote has been added to clarify this.</p>

<p>Board. Releases that have significantly degraded water quality have led to corrective action activities by the discharger to clean up levels acceptable to the Regional Board. Therefore, the notification requirements and re-test procedures should apply to new releases only.</p>	
<p><b>Attachment C, Item 1, General Comment.</b> OC Waste &amp; Recycling appreciates the release of the scoring criteria for which these closed landfills are evaluated to determine the potential threat to water quality and annual fee amount payable by dischargers. The scoring criteria is an important tool in measuring the efforts undertaken by dischargers to maintain a landfill and provides the justification, in quantifiable terms, for the removal of the landfill from the General Order as an indication that the landfill is no longer posing a threat to water quality. It is important that the parameters established are scientific, objective, and performance based in order to accurately characterize a landfill’s impact to water quality. The parameters should also inform dischargers of issues associated with the landfill that may need to be remediated, as determined by the Regional Board. The scoring criterion provides transparency between the Regional Board and dischargers and further enhances communication to ensure these landfills are being properly maintained.</p> <p>The comments on the scoring criteria offered in this Attachment will further enhance the initial set of parameters proposed by Regional Board staff. We believe our comments will provide further credibility to an already well-established set of criteria.</p>	<p>Yes, we agree with your comment.</p>
<p><b>Item 2, Scoring Range.</b> A landfill’s TTWQ and CPLX classification is based on a cumulative score determined from a set of parameters. The classification rating as pre-determined by Regional Board staff for these closed landfills is either IIIB or IIIC pursuant to the Annual Fee Schedules of Section 2200, Title 23, Division 3, Chapter 9, Article 1 of the California Code of Regulations. Landfills that pose no threat to water quality and received a favorable score are exempt from coverage under the General Order. The minimum and maximum score for these landfills based on the scoring criteria is between 4 and 21 points. The threshold to be taken off the General Order is 6 points or less. Given that there are three</p>	<p>Based on the suggestion, we have changed the scoring.</p> <p>We have revised the threshold for no threat to water quality; now it is set at: <math>\leq 7</math>.</p>

<p>potential categories a landfill may be assigned to, the scoring range for each category should be evenly distributed. We suggest raising the “<i>No Threat to Water Quality</i>” classification to at least 7 points or less. Since the minimum score is 4, the current threshold of 6 points makes it very difficult for certain landfills to terminate coverage under the General Order even if the landfill is being properly maintained and posing no threat to water quality.</p>	
<p><b>Groundwater Impact.</b> The current criteria to describe a landfill’s threat to groundwater impact is based on the release of volatile organic compounds (VOCs) and their concentration levels relative to State drinking water maximum concentration limits (MCLs). Based on this criterion, it is uncertain how certain releases will be assessed if MCLs for a specific VOC do not exist. Under the category of “<i>Medium</i>,” a lower threshold needs to be established to delineate the “<i>Medium</i>” threat from the “<i>Low/No</i>” threat. The current description for the “<i>Low/No</i>” category is “<i>Very minimal to groundwater impact</i>,” however that phrase is very vague, which could lead to different interpretations. To the extent possible, the thresholds for groundwater impact need to be quantified to remove subjectivity and should also consider background levels. In addition, the impacts to groundwater need to be referenced within specified timeframes (e.g., last 2 or 3 years) to reflect the current conditions and recent history.</p> <p>Alternatively, a landfill’s threat to groundwater impacts could also be based on the type of groundwater monitoring program (i.e., detection monitoring, evaluation/assessment monitoring, or corrective action) being performed. For example, a landfill in corrective action would indicate an elevated release and would receive an undesirable score as determined by the Regional Board. Conversely, a landfill in detection monitoring or no monitoring would suggest that groundwater impacts are not being compromised resulting in a more favorable score. This alternative approach would permit the consideration of site specific conditions by the Regional Board to account for the hydrogeology and distinguish between aquifers that have beneficial use versus non-beneficial use in determining if the release warrants further investigation or remediation. For purposes of categorizing a landfill’s TTWQ /CPLX</p>	<p>The impacts to groundwater are categorized as the following:</p> <p>High – VOC release to groundwater above the MCL based on past five years of groundwater monitoring.</p> <p>Medium – VOC release to groundwater below the MCLs but above 1.1 x MDL.</p> <p>Low/No – VOC release from non-detect to 1.1 x MDL.</p> <p>We agree with your comments.</p>

<p>and assessing fees, the highest score would be used to compute the cumulative score for that year.</p> <p>In addition, we suggest the scoring criteria for groundwater impact provide for consideration where a groundwater extraction system or landfill gas control system is in operation. These systems are very expensive to install and operate and in many cases are preventing the release of contaminants that could negatively degrade water quality. If a release was to occur, these systems are already in place to quickly remediate the release thereby minimizing the impact of that release. We suggest there should be recognition for landfill sites with these systems versus landfills that do not have environmental control systems in place.</p>	<p>We have revised the language in the score matrix to give credit to effective environmental control systems in place.</p>
<p><b>Surface Water Impact.</b> The current criterion to evaluate a landfill’s threat to surface water is based on the landfill’s geographical location with respect to a surface water body. Landfills that are closest to a surface water body received an unfavorable score. While we understand the perception that a landfill may pose a greater threat to a water body based on its proximity, the scoring parameter does not account for how well the waste and leachate are contained to prevent a surface water release. Instead, the landfill is rated irrespective of its actual threat to surface water bodies. We suggest that this scoring criteria be performance-based similar to the criteria established for groundwater impacts in terms of considering the type of surface water sampling program being performed (i.e., detection monitoring, evaluation/assessment monitoring, or corrective action) rather than a perceived threat.</p>	<p>The issues regarding how well the waste and leachate are contained have been considered in the Surface Drainage Control and Cover Maintenance area of the matrix. The TTWQ for the potential surface water impacts are based on the landfill’s proximity to any surface water. The factors stated in the comments have already been considered in the matrix.</p> <p>Therefore, no changes are proposed for the matrix.</p>
<p><b>Regional Board Inspections.</b> As proposed by the Regional Board, a landfill is given a point for each inspection conducted by Regional Board staff based on an annual cycle. We suggest modifying this criterion by clarifying that a point will only be assessed if the inspection results in a violation, notice to comply, enforcement/compliance order, or if the site is already in corrective action. Our concern with the existing criterion is that it is solely driven by the number of inspections conducted by Regional Board staff rather than the results of the inspection. From a discharger standpoint, the discharger has no control over the number of inspections that are being</p>	<p>The number of inspections is part of the complexity of the staff’s work on the site and not the dischargers. The number of inspections is relevant to site compliance history. If a site has a history of noncompliance or if a site is in violation or corrective action, the number of inspections will increase, and the site will receive a higher score in this category.</p> <p>Language has been modified to address your concerns in the matrix description.</p>

<p>conducted by Regional Board staff even if the inspections indicate that the discharger has fully complied with the General Order and closed landfill regulatory standards.</p>	
<p><b>Landfill TTWQ and CPLX Descriptions.</b> In addition to providing the scoring criteria matrix, the Regional Board has prepared a written description of the landfills identified on Attachments 1 through 3 with their respective TTWQ and CPLX ratings. In reviewing the landfill descriptions, the TTWQ and CPLX ratings are not consistent with the scoring criteria matrix. It appears that certain landfill ratings were downgraded to reduce the amount of annual fees payable by the discharger. While we appreciate reducing the financial burden that the fees may impose, we believe it is more important to accurately describe the landfills based on the scoring criteria established and to pay the appropriate fees. As it stands, the scoring criteria established by the Regional Board only allows a scoring range of IIIB or below. If necessary, we suggest adjusting the scoring criteria and including additional TTWQ and CPLX ratings in order to better characterize those landfills that may pose a significant threat to water quality standards.</p>	<p>As indicated during the meeting, the actual TTWQ and Complexity of the landfills on Attachments 1 and 2 are higher, and will result in higher annual fees. The TTWQ and Complexity ratings of attachment 1 and 2 are properly set to not only reduce the amount of fees paid by the dischargers, it also provides adequate financial support for implementation of the CAI Landfill program.</p> <p>Staff report has been modified to incorporate your comments.</p>
<p><b>Orange County Landfill Descriptions.</b> As requested during the March 7<sup>th</sup> meeting, we have attached CDs that contain valuable information for a number of closed landfills where the County of Orange was authorized to dispose of waste. Within the CDs are historical information for each site, approved Long Term Operation and Maintenance Plans, site maps, and agreements between the County and the existing property owners.</p> <p>Based on our knowledge of certain Orange County landfills, the following descriptions need to be corrected to accurately reflect current and proposed land uses:</p> <p>a. La Veta Landfill – Groundwater monitoring was terminated at this site in 1991. The site is subdivided and includes a YMCA facility, a mobile home park, and an apartment complex. All areas of the site are well maintained and the site has a very low threat to water quality at this time. Therefore, this site will be removed from the General Order.</p> <p>b. Yorba Landfill – Groundwater monitoring was</p>	<p>The descriptions have been updated according to your comments.</p>

<p>terminated at this site in 1997. The site is currently a well maintained passive use city park and has a very low threat to water quality at this time. Therefore, this site will be removed from the General Order.</p> <p>c. Villa Park Landfill – The site is in a Detection Monitoring Program. The site is open space with no plans for future development. The proposed development is adjacent to the landfill.</p>	
<p><b>Orange County Landfill Ratings.</b> Based on the scoring criteria established by the Regional Board and the suggestions provided by OC Waste &amp; Recycling, we believe that a number of sites and their TTWQ and CPLX ratings should be re-evaluated. These landfills are:</p> <p>a. La Habra Landfill – downgrade to List 3 (exempt from coverage). Attached is additional information justifying the reclassification.</p> <p>Groundwater Impact – 1 point  Surface Water Impact – 1 point  Surface Drainage – 2 points  Cover Maintenance – 1 point  Regional Board Inspections – 0 points  Report Review (Hrs/Yr) – 1 point  Monitoring Frequency – 1 point  <b>Total Points:</b> 7 points ≤ 7 points → No Threat to Water Quality At This Time</p> <p>b. Reeve’s Pit – downgrade to List 3 (exempt from coverage). Attached is additional information justifying the reclassification.</p> <p>Groundwater Impact – 1 point  Surface Water Impact – 1 point  Surface Drainage – 1 point  Cover Maintenance – 1 point  Regional Board Inspections – 0 points  Report Review (Hrs/Yr) – 1 point</p>	<p>Some changes have been made to address your concerns. However, we do not have sufficient data to justify the revision as requested at this time. As new water quality data become available, we will reevaluate the ratings for these landfills.</p>

<p>Monitoring Frequency – 1 point  <b>Total Points:</b> 6 points ≤ 7 points → No Threat to Water Quality At This Time</p> <p>c. Villa Park Landfill – downgrade to List 3 (exempt from coverage). Attached is additional information justifying the reclassification.</p> <p>Groundwater Impact – 1 point  Surface Water Impact – 1 point  Surface Drainage – 1 point  Cover Maintenance – 1 point  Regional Board Inspections – 0 points  Report Review (Hrs/Yr) – 1 point  Monitoring Frequency – 2 point  <b>Total Points:</b> 7 points ≤ 7 points → No Threat to Water Quality At This Time</p> <p>d. San Joaquin Landfill – downgrade to rating of IIC. Attached is additional information justifying the reclassification.</p> <p>Groundwater Impact – 1 point  Surface Water Impact – 1 point  Surface Drainage – 2 points  Cover Maintenance – 2 point  Regional Board Inspections – 0 points  Report Review (Hrs/Yr) – 2 point  Monitoring Frequency – 2 point  <b>Total Points:</b> 10 points  8 to 14 points → Rating of 3C</p>	
--	--

**II. Response to Comments by Riverside County Waste Management Department (RCWMD)**

<p><i>WDR Finding 11 – The monitoring requirements of this Order constitute a detection monitoring program. If water quality impairment is detected, Title 27 and the General Monitoring and Reporting Program (General M&amp;RP) for this Order (General WDRs) require the Discharger to implement an Evaluation</i></p>	<p>References to Evaluation Monitoring Plan have been removed from the order; no Evaluation Monitoring Plan is required.</p>
---	--

<p><i>Monitoring Plan (§20425) and submit a corrective action program that satisfies Title 27, §20430. Section 20430 contains the minimum requirements for a corrective action program. After a Discharger submits an acceptable corrective action plan, individual waste discharge requirements may be issued to include the specific corrective action measures.</i></p> <p>In the past, the Regional Board has indicated that an Evaluation Monitoring Plan was not required for a CAI site. Upon discovery of water quality impairment, a CAI site was to implement a Corrective Action Program. The Regional Board cited Title 27, Section 20080(g) as the regulation for this procedure.</p> <p>Please confirm that the intent of this WDR Order is to require CAI sites to complete Evaluation Monitoring Plans. If this is NOT the intent of this WDR Order, the Department requests that the subject section and section C.3.b., of the Reporting section, of the Monitoring and Reporting Program, be amended to specify the Regional Board’s requirements by removing references to an Evaluation Monitoring Program.</p>	
<p><b><i>WDR Finding 12 - Attachment No. 1 to this Order contains a list of CAI Landfills that have leaked waste constituents to groundwater and, therefore, pose a significant threat to water quality. Some of these landfills are already in a corrective action program. Attachment No. 1 to this Order may be updated by the Regional Board’s Executive Officer, as necessary, when additional information warrants.</i></b></p> <p>The Pedley Landfill is listed on Attachment 1. Historical monitoring data does not indicate that the Pedley Landfill has leaked waste constituents to groundwater. In fact, the Regional Water Quality Control Board has approved monitoring at this site on a five year basis, rather than semi-annually. The Department acknowledges that the Pedley Landfill poses a threat to surface water quality, given the close proximity to the Santa Ana River. However, the landfill does not meet the Attachment No. 1 criteria specified in the subject section. The Department requests that the Pedley Landfill be removed from Attachment No. 1 to Attachment No. 2.</p>	<p>Pedley Landfill was evaluated based on the current condition of the landfill with the slope wash out. The washed out slope has been repaired and the scoring has been revised. Pedley Landfill has been moved from Attachment 1 to Attachment 2.</p>
<p><b><i>WDR Section F.9 - The Discharger shall file a deed notice with the Recorder of the County in which the</i></b></p>	<p>We agree. The reference to Discharger has changed to Owner.</p>

<p><i>CAI Landfill is located, which identifies the prior use of the property as a solid waste disposal site. The notice shall include a property description and a map that identifies the location of the former solid waste disposal site and shall state that the site is subject to this General Order. The notice will serve to alert potential buyers to the CAI Landfill presence in order to prevent nuisance. Confirmation of recordation and a copy of the deed notice shall be provided to the Executive Officer within 120 days of adoption of this Order or 120 days following a landfill's coverage under this Order, whichever occurs first.</i></p> <p>The Department requests that the Water Board change this requirement to the owner of the facility, as in many cases the Discharger may not have the legal authority to file such notice with the Recorder.</p>	
<p><b>WDR Section F.10</b> - <i>By no later than August 30, 2012, the Discharger shall submit a complete ROWD and an appropriate filing fee, as specified under Eligibility, above. In addition to the information specified in Section A.1, the ROWD shall consist of, but not limited to, the following information:</i></p> <p>The Department requests that the ROWD be submitted to the Regional Board within 180 days of the WDR adoption date instead of the exact specified date (August 30, 2012). This change would ensure that Dischargers who are subject to this WDR Order have adequate time to comply.</p>	<p>We agree. A ROWD is now required to be filed within 180 days from the date of notification to obtain coverage.</p>
<p><b>M&amp;RP A.2. Standard Observations</b> – The Department suggests that the heading be changed to read “Site Inspection Standard Observations” to clarify that these are the observations to be performed during the pre-rain season and post-rain season site inspections.</p>	<p>The heading has been changed.</p>
<p><b>M&amp;RP A.2.c. Drainage System Inspection</b> – <i>The Discharger shall inspect drainage control systems following each storm event on a monthly basis, and record the following information:</i></p> <p>During the February 16, 2012 workshop to discuss the Draft WDR Order, the Regional Board indicated that the requirement to perform drainage system inspections following each storm event was incorrect. The Regional Board indicated that the inspection shall be required on a monthly basis, regardless whether a storm event occurs, and that the inspection does not</p>	<p>This section has been revised.</p>

<p>need to follow a storm event. The Department concurs with this proposed change.</p> <p>The Department also recommends that this section heading be renumbered to distinguish it from the pre-storm and post-storm inspections. The current heading number indicates that the drainage system inspection is a part of the standard observations, but with a different and conflicting inspection schedule. The Department recommends that the subject section heading be renumbered as follows “B. Drainage System Inspection” and that subsequent section headings be renumbered accordingly (e.g. “B. Rainfall Data” should be changed to “C. Rainfall Data”).</p>	
<p><i>C. 2. Groundwater monitoring for the Monitoring Parameters listed in Table 1 is required during a minimum of eight semi-annual monitoring events at each background monitoring point. Unless otherwise directed by the Executive Officer, all Table 1 Monitoring Parameters confirmed “non-detect” for each background datum for that constituent of concern, may be dropped from the sampling and analysis list.</i></p> <p>The section seems to indicate that the flexibility to drop non-detect monitoring parameters is limited to background datum (upgradient background monitoring wells) only. The Department proposes that non-detect monitoring parameters may be dropped from the sampling and analysis list for any type of well (upgradient, crossgradient or downgradient). This will reduce the occurrence of false positive detections and sampling costs.</p>	<p>This section has been revised as follows:</p> <p><i>“Groundwater monitoring for the Monitoring Parameters listed in Table 2 is required during a minimum of eight quarterly monitoring events at each background monitoring point to establish the concentration limits. All sites with groundwater monitoring have completed this task.”</i></p> <p>The reference to non-detect monitoring parameters has been removed. No parameters are dropped out due to non-detect unless with a justified request from the Discharger and approval by the EO.</p>
<p><i>C.4. Monitoring Frequency: Monitoring of each monitored medium and monitoring of all Monitoring Points shall be carried out once during each Reporting Period. Analysis of Monitoring Parameters (MonPar) shall be carried out semi-annually....”</i></p> <p>During the February 16, 2012 workshop to discuss the Draft WDR Order, the Regional Board indicated that less frequent monitoring requirements that have already been approved by the Regional Board will continue to be allowed by the Regional Board. The Department requests that the language above be amended to specify the process by which approval to continue less frequent monitoring can be obtained by the Discharger. For example, should the Discharger submit a written request, with copies of the previous</p>	<p>We agree with the comment. This section has been changed as follows:</p> <p><i>“...shall be carried out <u>semi-annually</u> at each of the site’s groundwater monitoring points, unless an alternative monitoring frequency has been approved by the Executive Officer.”</i></p> <p>A letter requesting an alternative monitoring frequency with adequate justification will be satisfactory.</p>

<p>monitoring approval, as an attachment to the ROWD, the SAP, or as a separate standalone document?</p>	
<p><i>D. Analytical Monitoring, Table 1: Monitoring Parameters, Electrical Conductivity, USEPA Method 2510B</i></p> <p>The Department requests that field instruments also be allowed as an acceptable method to measure electrical conductivity.</p>	<p>The field instrument readings are acceptable.</p>
<p><i>D.3. Groundwater Flow Rate and Direction: For each monitored groundwater body, the water level in each well shall be measured. Semi-annual water level measurements shall be collected, unless the Executive Officer specifically requires or allows otherwise. Horizontal and vertical gradients, groundwater flow rate, and flow direction for the respective groundwater body shall be determined across an annual hydrogeologic cycle...</i></p> <p>Vertical groundwater gradients cannot be readily measured in existing groundwater monitoring wells, which have not been designed and constructed for this purpose. The Department requests that this requirement be removed from the WDR and that vertical gradients only be required where site specific hydrogeologic conditions warrant.</p>	<p>We concur with the comment. The requirement for measurement of vertical groundwater gradients has been removed.</p>
<p><u><i>Sample Collection and Analysis</i></u></p> <p><i>A. Sampling and Analytical Methods, Sample collection, storage, and analysis specified in this monitoring and reporting program shall be performed according to the most recent version of Standard USEPA Methods (USEPA publication "SW-846"), and in accordance with an Executive Officer approved Sampling and Analysis Plan (SAP). By June 30, 2012 along with the required Report of Waste Discharge (ROWD), the Discharger must submit a SAP for Executive Officer approval.</i></p> <p>The Department requests that the SAP be submitted to the Regional Board within 180 days of the WDR adoption date instead of the exact specified date (June 30, 2012). This change would ensure that Dischargers who are subject to this WDR Order have adequate time to comply.</p>	<p>We Concur with the comment. The SAP, if needed, is to be submitted with the ROWD, which is due 180 days after EO's notification to obtain coverage.</p>
<p><i>E.1. In the event the Discharger concludes that a release has been tentatively indicated, the Discharger shall carry out the appropriate reporting requirements</i></p>	<p>This section has been changed as follows:</p> <p><i>"In the event the Discharger concludes that a release</i></p>

*and, within 30 days of receipt of analytical results, collect two new suites of samples for the indicated Monitoring Parameter(s) at each indicating Monitoring Point, collecting at least as many samples per Monitoring Point as were used for the initial test.*

The section above specifies that “two new suites of samples” are to be collected to confirm a release indication. The section does not specify if there is a minimum or maximum time requirement to occur between the collections of the two samples or if a minimum purge volume is required between samples. If the section is left as is, the Department assumes that the Regional Board will leave this determination to the discretion of the Discharger.

*has been tentatively indicated, the Discharger shall carry out the appropriate reporting requirements and by mid-period, shall collect a new sample for the monitoring parameter(s) that exceeded the concentration limit at each indicating monitoring point. The Discharger shall use a single re-test sampling approach. The re-test sample shall be taken at mid-period to provide an independent sample for the parameter that was exceeded. If a release is confirmed by the re-test, then the results exhibit a measurably significant indication of a release; otherwise, the original release indicated is nullified.”*

*E.3. Re-tests shall be carried out only for the Monitoring Point(s) for which a release is tentatively indicated, and only for the Monitoring Parameter(s) which triggered the indication. When a VOC analyte is re-tested, the results of the entire VOC test method analyzed shall be reported.*

Please clarify the above section as it appears to require conflicting requirements. The Department requests that the VOC analyte requirement specified in the second sentence be deleted. This would clarify the apparent conflicting re-test requirements and minimize the occurrence of false positive detections in re-test samples. If VOC re-test samples require analysis for all the VOCs, including those not originally detected and indicative of a release, then a number of re-testing events could be required.

For example, if PCE was detected above the concentration limit in the original testing event, then a re-test would be required (re-test samples A and B). If PCE was not detected in the re-test samples A or B, but the entire VOC test method required analysis, and 1,4-DCB was detected above the concentration limit in the first re-test sample B, then a second re-test sample event would be required (re-test samples C and D). If 1,4-DCB was not detected above the concentration limit in the re-test samples C or D, but the entire VOC test method required analysis, and benzene was detected above the concentration limit in the second re-test sample D, then a third re-test sample event would be required. This re-test sequence could continue, requiring significant time and cost to Dischargers. Therefore, the Department reiterates our

This section has been revised to clarify that a re-test is only required for those monitoring points with a preliminary indication of a release and for the exceeding parameters.

<p>request that only the Monitoring Parameter(s), including VOCs, which triggered the release indication require re-test analysis.</p>	
<p><u>Reporting</u></p> <p><i>D.1.c. Immediately obtain one new independent VOC sample from the Background Monitoring Point and send for laboratory analysis of all detectable VOCs.</i></p> <p>The Department requests that the above section be modified as follows: “Immediately obtain one new independent VOC sample from the Background Monitoring Point and send for laboratory analysis of all VOCs that initiated the resultant sample event.” The rationale for the requested change is specified previously in the Department’s comment regarding re-test VOC analysis.</p>	<p>We concur with the comment and the section has been revised.</p>
<p><b>III. Response to Comments by Huton &amp; Williams on behalf of American Golf Corporation (AGC)</b></p>	
<p><b>Responsibility for Compliance</b></p> <p>As to the first issue, the Proposed Order creates substantial uncertainty by defining “Discharger” as both “owner and operator”. (See item 10 on page 2). As the Regional Board is aware, AGC and OCWR have generally divided responsibilities such that AGC handles surface issues and OCWR handles landfill gas, landfill and water quality. Also, other entities beyond AGC own portions of the former LRDS property and it is not clear why they would not also be subject to the Proposed Order.</p> <p>AGC requests that Proposed Order recognize both the ownership of covered areas and division of responsibility</p>	<p>The “Discharger” in the CAI Order has been revised to include the “land owner” of CAI sites. The CAI Order does not impact any existing agreements between the property owner and the previous operator. Under the CAI Order, the Discharger will be responsible for submitting applications, reports, annual fees, and for complying with the order.</p> <p>AGC owns over 95% of the former Lane Road Disposal Site (LRDS) property; therefore, AGC will only be named as the land owner of the former LRDS in the CAI Order. The portion of the former LRDS where the bank is located has been clean-closed; therefore, it is no longer part of the LRDS property.</p> <p>The revised CAI Order will include a finding that acknowledges the existence of the settlement agreement between land owners and former landfill operators.</p>
<p><u>Conflict with Existing Requirements.</u></p> <p>This site has been subject to regulatory oversight for some time. As relates to AGC, among other things, Regional Board approved the LCMP, issued the CAO in 2007 and approved the Drainage Plan after submittal discussion and back and forth between the Regional Board and AGC. Adoption of this Proposed</p>	<p>If covered under the CAI Order, AGC will continue to implement the approved drainage improvement plan to achieve compliance with CAO No. R8-2007-0077 (the CAO). The CAI Order specifies the minimum requirements for cover maintenance activities and detection monitoring program. The landfill cover</p>

Order in its current form would be unacceptable to AGC to the extent it would modify the corrective action already agreed to with the Regional Board and which is being implemented. Specifically, AGC has concerns with the following sections of the Proposed Order.

1. *Section D. Post Closure Maintenance, Item 8 (page 6)* states, “To prevent erosion and percolation through the waste, drainage ditches crossing over landfill areas shall be lined with a synthetic liner, concrete, or at least a one-foot-thick layer of soil having in-place hydraulic conductivity of  $1 \times 10^{-6}$  cm/sec or less.”

Response. Existing drainage ditches at the RSJGC were constructed pursuant to the LCMP. This provision is inconsistent with the existing facilities. Arguably, upon adoption of the Proposed Order they would potentially be out of compliance.

2. *Section D. Post Closure Maintenance, Item 9 (page 6)* states, “**By October 1 of each year**, all necessary runoff diversion and erosion prevention measures shall be implemented. All necessary construction (grading), maintenance, or repairs of precipitation and drainage control facilities shall be completed in order to minimize rainfall infiltration, prevent ponding, resist erosion or flooding of the landfill, and to prevent surface drainage from contacting or percolating through wastes.”

Response. This timing cannot be achieved by AGC and directly contrasts with the installation schedule in the approved RSJGC Drainage Plan.

3. *Section D. Post Closure Maintenance, Item 10 (page 7)* states, “Drainage facilities shall be designed, constructed, and maintained to accommodate anticipated precipitation and peak surface runoff flows from a 100-year, 24 hour rainstorm event.”

Response. The Regional Board has already approved an alternative to the 100-year, 24 hour rainstorm event parameter in RSJGC Drainage Plan. That alternative,

maintenance plan (LCMP) for the LRDS may contain more stringent requirements. AGC has the option of coverage under the CAI Order, or coverage under an individual WDR Order.

The CAI Order has been revised to address your comments as follows:

Section D, Item 8, Page 6 – This item will be deleted from the CAI Order. The goal of post-closure maintenance at CAI sites is to provide positive (or adequate) drainage, minimize water ponding and percolation through wastes, and cover erosion.

Section D, Item 9, Page 6 – This item will be revised as follows: “*By October 31 of each year, site maintenance activities, such as drainage and erosion control measures, cover repair and maintenance, and grading, shall be completed in order to provide positive drainage, minimize water ponding and percolation through wastes, and to resist erosion or flooding of the landfill.*”

Section D, Item 10, Page 7 – This item has been revised as follows: “*Drainage facilities shall be designed, constructed, and maintained to provide positive (or adequate) drainage, minimize water ponding and infiltration through wastes, and cover erosion.*”

<p>which calls for 12 inch diameter pipes for drainage improvements, is being implemented.</p> <p>4. <i>Section E. Water Quality Standards, Item 4 (page 7)</i> states, “The point of Compliance for each CAI Landfill follows the edge of the landfill’s waste disposal area, and extends vertically down through the uppermost aquifer.”</p> <p><u>Response.</u> Designation of the Point of Compliance as the edge of the landfill’s waste disposal footprint presents a problem because the footprint of the LRDS includes areas not occupied by RSJGC and areas where waste was removed. For example, a bank and synagogue are located within the original footprint but, in the 1970s, the waste in this portion of the LRDS was removed.</p> <p>5. <i>General Monitoring and Reporting Program (pages 14-25), see Proposed Order for applicable language.</i></p> <p><u>Response.</u> AGC developed the existing LCMP for the RSJGC that covers inspections and monitoring of storm events, rainfall, ponding, etc. Since RSJGC is already performing this monitoring as approved by the Regional Board, no additional monitoring should be required by AGC.</p>	<p>This item has been revised as follows: “<i>The Point of Compliance (POC) for each CAI Landfill is defined as the vertical surface located at the hydraulically downgradient limit of a CAI landfill and that extends through the uppermost aquifer underlying a landfill.</i>”</p> <p>Well MW-4 is the POC for the former LRDS property. Well MW-4 has been installed to detect any landfill releases from the former LRDS regardless of whether it has multiple land owners.</p> <p>The existing LCMP for the RSJGC contains inspection and monitoring requirements above and beyond those prescribed in the CAI Order. As such, The CAI Order does not have additional monitoring requirements other than that AGC will continue to implement the existing LCMP, if covered under this general Order.</p>
<p><u>Additional Comments</u></p> <p>6. <i>Section D. Post Closure Maintenance, Item 4 (page 6)</i> states, “There shall be no increase in concentration of waste constituents in soil-pore gas, soil-pore liquid, perched water, groundwater or geologic materials outside of the Point of Compliance (as defined by Title 27).”</p> <p><u>Response.</u> This section should include appropriate regulatory thresholds to avoid the ambiguity that any detection of an increase in waste constituents would constitute a violation of the Proposed Order. By way of example, under Title 27, a perimeter monitoring probe is allowed a concentration of up to 4.9% methane without being in violation of the regulations.</p> <p>7. <i>Section F. Provisions, Item 30 (page 12)</i> states, “The Discharger shall submit reports required</p>	<p>The language has been deleted.</p>

under this Order and other information requested by the Executive Officer, to:

California Regional Water Quality Control Board  
Santa Ana Region  
3737 Main Street, Suite 500  
Riverside, CA 92501

Section F, Item 30, Page 12 – This item has been renumbered Item 27 and has been revised to allow electronic submittal via Geotracker.

Response. Note this is in contrast to the Regional Board’s electronic document submittal requirements.