

**WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF
ACTION REQUEST**

To: Georgianne Turner, Branch Chief
Waste Evaluation and Enforcement Branch



From: Paulina Lawrence, Section Manager
Solid Waste Enforcement Section

Prepared By: Jon Whitehill, Solid Waste Enforcement Section

Request Date: August 29, 2014

Action By: October 12, 2014

Decision Subject: Consideration of an Extension to the Final Compliance Schedule Due Date for a Facility included on the Inventory of Facilities that Violate State Minimum Standards (Inventory), South Coast Solid Waste Disposal Site, SWIS No. 23-AA-0018, Mendocino County.

SUMMARY

The South Coast Solid Waste Site is owned and operated by the County of Mendocino, Public Works Department. The facility is located at 40855 Fish Rock Road in Gualala in Mendocino County. This site ceased accepting waste for disposal in 2001. To date, the landfill does not yet have an approved Final Closure and Post Closure Maintenance Plans (CPCMP) in accordance to Title 27, California Code of Regulations (CCR).

On May 24, 2012, the South Coast Solid Waste Disposal Site was placed on the Inventory for ongoing violations of 27 CCR 21110 –Time Frames for Closure.

On March 10, 2014, CalRecycle amended the May 24, 2012 Inventory listing to include the ongoing following violations of 27 CCR 20921 – Gas Monitoring and Control, and 27 CCR 20937 – Reporting and Control of Excessive Gas Concentrations.

The Mendocino County LEA issued a Compliance Schedule (CS) to the operator on June 25, 2012, directing the operator to commence closure construction by July 15, 2013 and to complete closure construction by May 24, 2014.

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The operator has since notified the LEA they will be unable to meet the final compliance date specified in the original CS, due to delays in preparation, submittal, and review of the Final CPCMP and has asked for a one-year extension.

BACKGROUND, ANALYSIS AND FINDINGS

Background

Summary of key milestones, enforcement orders, and CalRecycle actions listed below:

- In 2001, the South Coast Solid Waste Site stopped disposal activities (ceased accepting waste for disposal). Since the landfill does not have an approved Final CPCMP, the operator did not implement closure within thirty (30) days of the final shipment of waste.
- On February 9, 2001: Stipulated Notice and Order (N&O) (complete) for 27 CCR 21780- Submittal of Closure Plans. The LEA cleared the violation and the N&O when the operator submitted the first draft of the Final CPCMP in 2003.
- (2003-2008) CalRecycle (formerly the CIWMB) staff reviewed proposed Final CPCMP, dated September 2003, and provided comments to the operator on March 10, 2004. The North Coast Regional Water Quality Control Board (NCRWQCB) also provided comments on the Final CPCMP. At this time, the facility was thought to be closing and State inspections were suspended. However, in 2008, it became apparent the site had not obtained an approval of its Final CPCMP as required. As a result, the Solid Waste Enforcement Section resumed its 18-month inspections and began citing closure standards on its inspection reports and encouraged the LEA to compel the operator to obtain approval of a Final CPCMP and close the site.
- Beginning in November 2011, the LEA began consistently citing violations for both 27 CCR 21110 – Time Frames for Closure and 27 CCR 21780 – Submittal of Closure Plans. *Note: From August 2009 to April 2010 the LEA only cited 27CCR 21780 – Submittal of Closure Plans, which is not a “State Minimum Standard” for purposes of the Inventory.*
- On August 12, 2011, LEA issued a CS (since superseded) for both 27 CCR 21780 - Submittal of Closure Plans and 27 CCR 20921 - Gas Monitoring and Control
- **On May 24, 2012, the facility was listed on the Inventory (active) for 27 CCR 21110 - Timeframe for Closure.**
- On June 11, 2012, the operator installed three new perimeter landfill gas monitoring probes in order to comply with the 1000 foot spacing requirement of 27 CCR 20921. However, the first quarterly monitoring of the new wells detected greater than 5% methane in probe P2.
- June 25, 2012, the LEA issued a revised CS to the County of Mendocino requiring complete closure by May 24, 2014. *Note: The June 25, 2012 CS supersedes the Compliance Schedule issued August 12, 2011.*
- CalRecycle received the updated Final CPCMP on February 22, 2013, three months after the CS due date and subsequently submitted updates to the Final CPCMP on August 30, 2013.
- On March 10, 2014, the site Inventory listing was amended to additionally include violations for both 27 CCR 20921 - Gas Monitoring and Control and 27 CCR 20937 - Reporting of Excessive Gas Concentrations.

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- On July 7, 2014, CalRecycle commented on the 2013 Final CPCMP.
- On August 6, 2014 the LEA submitted comments to the latest update to the 2013 Final CPCMP.
- On September 2, 2014 NCRWQCB provided comments on the 2013 Final CPCMP

Analysis

The Final CPCMP has not been approved and therefore the operator has not been able to commence the closure of the site.

To date the operator has accomplished the following milestones related to the most recent June 2012 CS:

- On February 22, 2013, the operator submitted a revised Final CPCMP and the Financial Assurance for Closure which is under review by required agencies; three months past the CS due date.
- August 30, 2013, the operator submitted an amended Final CPCMP to include final cover design and landfill gas monitoring and control updates.

On February 25, 2014, the operator requested an extension for the following reasons:

- The Final CPCMP have not yet been approved and the operator cannot commence final closure until the Final CPCMPs are approved.
- Not until September 2, 2014, did the last agency, NCRWQCB, provided comments to the operator on the 2013 Final CPCMP.

OPTIONS

1. Approve the one year extension for the final compliance, May 24, 2015.
2. Conditionally approve the extension for a period less than one year, with the option to extend the compliance due date, if the owner and operator are adequately meeting a schedule as outlined in a CS.
3. Deny the extension to the final compliance due date. Direct the LEA to take specific further enforcement action.

Findings

The approved Final CPCMP will also address the violation of Title 27, Section 20921 by describing the construction and installation of a gas control system that meets the criteria of Section 20937.

On April 8, 2014, the LEA determined that the operator has made good faith effort to comply with the CS and that there is no immediate public health and safety threat.

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RECOMMENDATION

CalRecycle staff recommend that the facility be granted a one-year extension for the following reasons:

- The owner/operator of the facility has demonstrated a good-faith effort by responding to the agency comments and submitting the required Final CPCMP.
- The other critical compliance dates have been outside the operator's control.

BRANCH CHIEF ACTION:

On the basis of the information in this Request for Action, I hereby issue, pursuant to 14 CCR, Section 18365(b), approval of a one-year extension to the owner and operator of the South Coast Solid Waste Disposal Site (23-AA-0018) to May 24, 2015.

Dated: October 3, 2014



Georgianne Turner
Branch Chief
Waste Evaluation and Enforcement Branch

Attachment:

LEA Extension Request April 8, 2014

Cc: Philip Chou, Mendocino County LEA
Choup@co.mendocino.ca.us



Mendocino County Health & Human Services Agency

Healthy People, Healthy Communities

Dave Jensen, Director

Public Health Branch

Division of Environmental Health

Ukiah Office: 860 N Bush St, Ukiah CA 95482 Phone: 707-234-6625
Fort Bragg Office: 120 W Fir St, Fort Bragg CA 95437 Phone: 707-961-2714



April 8, 2014

Jon Whitehill, SIWMS I
CalRecycle
1001 I St. Mail Stop 10A-17
P.O.Box. 4025
Sacramento, CA 95812

To Mr. Whitehill

Subject: Construction start date extension request

Site: South Coast Solid Waste Disposal Site
40855 Fish Rock Rd. Gualala Ca 95445

Facility No: 23-AA-0018

Please find attached a request from the operator of South Coast Landfill for the extension of the construction start day from May 15, 2014 to May 15, 2015.

The Mendocino County LEA has determined that the operator of South Coast Landfill continues to make a good faith effort to comply with the requirements set forth by CalRecycle and the LEA.

- On June 2012 the LEA issued a Compliance Schedule to the operator.
- The operator submitted the Final Closure and Post Closure Maintenance Plan on February 2013, which is under review by required agencies.

The site does not appear to pose any significant threat to public health and safety of the landfill by granting an extension deadline.

Pursuant to 14 CCR Section 18365 (b), a one year extension to the compliance schedule beyond 2 years may be granted only by approval of CalRecycle's Executive Director.

The Mendocino County LEA agree with the operator's request is reasonable, and with the executive director's approval, the LEA would like concurrence to grant an extension

Administrative Services 747 S. State St. Ukiah, CA 95482 Ph. 707-472-2333 Fax 707-472-2335	Adult & Aging Services 747 S. State St. Ukiah, CA 95482 Ph. 707-463-7900 Fax 707-463-7979	Children & Family Services 727 S. State St. Ukiah, CA 95482 Ph. 707-463-7990 Fax 707-463-7960	Behavioral Health & Recovery Services 1120 S. Dora St. Ukiah, CA 95482 Ph. 707-472-2300 Fax 707-472-2306	Public Health Services 1120 S. Dora St. Ukiah, CA 95482 Ph. 707-472-2700 Fax 707-472-2773	Employment & Family Assistance Services 737 S. State St. Ukiah, CA 95482 Ph. 707-463-7700 Fax 707-463-7859
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commencement of closure construction until May 15, 2015.

Sincerely,

Phil Chou
Mendocino County LEA



Mendocino County Health & Human Services Agency
Healthy People, Healthy Communities



Stacey Cryer, Director
Community Health Services
Tom Pinizzotto, Branch Director
Division of Environmental Health

Ukiah Office: 860 N Bush St, Ukiah CA 95482 Phone: 707-463-4466
 Fort Bragg Office: 120 W Fir St, Fort Bragg CA 95437 Phone: 707-961-2714

COMPLIANCE SCHEDULE

June 25, 2012

Howard Dashiell
 County of Mendocino
 Department of Transportation
 340 Lake Mendocino Drive
 Ukiah, CA 95482

**RE: Compliance Schedule for the South Coast Solid Waste Disposal Site,
 Facility No. 23-AA-0018**

Dear Mr. Dashiell,

The Mendocino County Division of Environmental Health, acting as the Local Enforcement Agent (LEA) for the California Department of Resource Recycling and Recovery (CalRecycle), has documented through facility reviews, inspection reports, and direct communication with Department of Transportation (DoT) staff, ongoing closure issues at the South Coast Solid Waste Disposal Site. The South Coast Solid Waste Disposal Site, located at 40855 Fish Rock Road in Gualala, was included in the Inventory of Solid Waste Facilities which Violate State Minimum Standards (Inventory) on May 24, 2012, for noncompliance with the following Title 27, California Code of Regulations section:

- CCR 21110 – Time Frame for Closure: Within 30 days of receipt of the final shipment of waste the operator shall begin implementation of the closure schedule as specified in the approved Closure Plan.

Public Resources Code (PRC) section 44106(a) and 14 CCR 18365(b) requires our office, acting as the LEA, to issue a compliance schedule to the operator within fifteen business days following the date of being listed on the Inventory. Pursuant to Section 18365(b), "The compliance schedule must have a final compliance date within one year from the date of the inclusion letter. The Enforcement Agency may issue a compliance

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schedule for more than one year but not to exceed two years, after informing the executive director in writing. A one-year extension beyond the two years may be made prior to the expiration of the two-year period upon the approval of the executive director.”

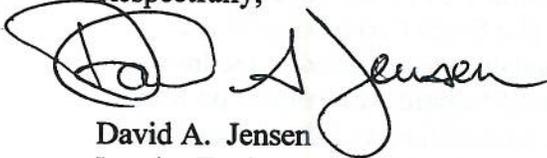
Therefore, this office is providing the following compliance schedule, which includes required actions that must be met within the following timeframes:

1. Submit Final Closure Plan to appropriate oversight agencies no later than November 16, 2012.
2. Commence closure construction by July 15, 2013. The LEA may extend this date if there is an unexpected delay in the Final Closure Plan approval process beyond March 15, 2013.
3. Complete closure construction by May 24, 2014. A one-year extension to the Compliance Schedule may be granted by approval of CalRecycle’s executive director. Any request for an extension beyond the two years shall include supporting documentation that the operator has made a good faith effort to comply with the above timeframes.

This Compliance Schedule supersedes the Compliance Order issued August 12, 2011. The milestone compliance dates (from the August 2011 Compliance Order) to award the Closure Plan contract and install new landfill gas monitoring wells have been met.

You have the right to appeal the Compliance Order to a public hearing, pursuant to PRC 44307. A hearing request shall include a written request for a hearing with a statement of the issues of objection. Please contact me with any questions or concerns.

Respectfully,



David A. Jensen
Interim Environmental Health Director

Cc: Randy Frielander, CalRecycle
Christine Karl, CalRecycle
Andy Marino, CalRecycle
Terri Cia, North Coast Regional Water Quality Control Board
Stacy Cryer, Mendocino County HHSA
Geoff Brunet, Department of Transportation