

**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: Cathy Blair, Solid Waste Enforcement Section

Request Date: October 14, 2014

Action By: October 20, 2014

Decision Subject: Consideration of an Extension to the Compliance Schedule Due Date for a Facility included on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards (Inventory), West Central Landfill, Facility No. 45-AA-0043, Shasta County

SUMMARY

On August 1, 2014, CalRecycle disapproved a *third* one-year extension request for the compliance schedule submitted by the Shasta County LEA on April 18, 2014. In the letter of disapproval, CalRecycle cited failures to meet the compliance deadlines, which included evidence of submittal for a Solid Waste Facility Permit revision.

On October 7, 2014, Shasta County LEA, submitted a Corrective Action Schedule Extension Request letter, addressing the issues in CalRecycle's disapproval letter. Additionally in this request letter, the LEA is requesting reconsideration for extension until June 30, 2015 to accommodate revision of the Solid Waste Facility Permit, installation of additional landfill gas perimeter monitoring wells.

OPTIONS

1. Approve a one-year extension for the proposed compliance due date to June 30, 2015 as requested by LEA.
2. Approve a six month extension for the proposed compliance due date to March 26, 2015.
3. Deny the extension request to the compliance due date.

FINDINGS

Since receiving the letter of disapproval from CalRecycle, the operator has made additional progress and good faith effort in bringing the facility back into compliance by working with the LEA to address the concerns in CalRecycle's disapproval extension letter. The most recent developments as stated by the LEA are:

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- 1) The operator has submitted to the LEA a Solid Waste Facility Permit (SWFP) revision application on September 15, 2014, and has additionally submitted to the LEA an updated Report of Disposal Site Information on October 10, 2014.
- 2) The operator has scheduled to have the EIR addendum heard at the Board of Supervisor meeting on October 14, 2014.
- 3) The operator has worked with the LEA by submitting a draft Preliminary Closure Post Closure Monitoring Plan for review, and has asked the LEA to accept the SWFP application as incomplete with a due date of October 24, 2014 in order to facilitate continuance of the permit application process.
- 4) The operator submitted to the LEA a "Perimeter Monitoring Boundary Expansion Work Plan" on April 23, 2014.

See attached Action Request Memo dated May 14, 2014 for additional background and completed tasks.

RECOMMENDATION

CalRecycle staff recommends that the facility be granted an extension to March 26, 2015.

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 operator of the West Central Landfill, Facility No. 45-AA-0043, to March 26, 2015.

Dated: 10/14/2014

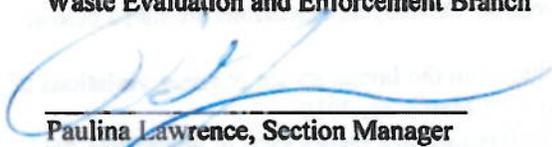


Georgianne Turner
Branch Chief
Waste Evaluation and Enforcement Branch

Attachments:
(Request Letter)
(May 14, 2014 CalRecycle RFA)

**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: Cathy Blair, Solid Waste Enforcement Section

Request Date: May 14, 2014

Action By: July 25, 2014

Decision Subject: Consideration of an Extension to the Compliance Due Date for a Facility included on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards (Inventory), West Central Landfill, Facility No. 45-AA-0043, Shasta County

SUMMARY

The operator implemented its landfill gas monitoring (LFG) and control plan that was approved by CalRecycle on July 13, 2009 by installing 13 new perimeter LFG monitoring wells were installed in August 2009. The LEA cited a violation for 27 CCR 20921 Gas Monitoring and Control on the October 13, 2009 monthly inspection report, when the first quarterly monitoring of the newly installed monitoring wells indicated that wells MP-2, MP-4, and MP-11 were above 5% methane by volume. The CalRecycle 18-month inspections conducted on November 4, 2009 and May 3, 2011, verified that methane concentrations in the three perimeter monitoring wells of concern were between 10% and 60% by volume.

The West Central Landfill, Facility (No. 45-AA-0043) has been on the Inventory and under an Notice and Order (N&O) by the LEA since 2010. Title 14, California Code of Regulations (CCR) allows the Local Enforcement Agency (LEA) to issue compliance schedules with a final compliance date beyond two years from the date the facility is included on the Inventory only upon approval of CalRecycle. CalRecycle has extended the final compliance date two times due to the operator's good faith effort in correcting a difficult long term violation and because of the operators commitment to continually seek solutions to the violation even after initial efforts failed.

The LEA is now requesting a third consideration of an Extension to the compliance due date to March 26, 2015. The LEA has determined that the operator continues to make a good effort due to, in part, to the continuance of implementation of the approved 2009 and 2013 landfill gas (LFG) remediation plan, the installation of the landfill gas control and collection system (LGCCS) in 2011, purchase of 160 acres of buffer land, the operators continuous operation of the system and overall reduction in concentration of the methane in the perimeter monitoring wells.

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BACKGROUND, ANALYSIS, AND FINDINGS

Background

Summary of key milestones, N&O issuances and CalRecycle extensions are listed below:

- The West Central Landfill was included on the Inventory for ongoing violations of 27 CCR, Section 20921 – Gas Monitoring and Control on March 26, 2010
- LEA issued a N&O on April 10, 2010 requiring a compliance in November 2011.
- The operator submitted a LFG Remediation Plan in November 2009 and it was approved in December 2009
- LGCCS was installed and operational by October 15, 2011 consistent with the 2009 LFG Remediation Plan and as directed by the N&O.
- LEA issued the first amended N&O on October 13, 2011 with a required compliance date of April 1, 2012 in order to give the operator an additional year to bring landfill gas levels below the regulatory threshold.
- Due to the LEA determining that the operator was continuing to make a sincere effort to operate the new LGCCS and the fact that all the probes were still not in compliance with the landfill gas standard, the LEA submitted a request to CalRecycle for a one-year extension of the compliance due date on March 30, 2012 to March 26, 2013.
- CalRecycle approved the first one-year extension on April 16, 2012 until March 26, 2013.
- LEA issued the second amended N&O on May 9, 2012 with a compliance date of March 26, 2013
- The operator submitted an updated (2013) LFG Remediation Plan on April 5, 2013 which proposed expanding the boundary of the landfill in order to mitigate the LFG migration, since LGCCS was still not fully effective.
- LEA submitted to CalRecycle a second extension request for one-year extension on April 9, 2013.
- CalRecycle approved the second extension request for six months on May 1, 2013 to September 26, 2013, and a conditional extension to March 26, 2014 if the operator demonstrated a significant decrease in the in landfill gas migration or implemented additional corrective actions as described in the 2013 updated Remediation Plan.
- LEA issued an issued the third amended N&O on May 13, 2013 with a compliance date of March 26, 2014
- As requested by CalRecycle, on September 16, 2013, the LEA submitted a status report which included LFG monitoring records and verification that the operator had completed the acquisition of adjacent land. The property transaction for BLM land to the County of Shasta to the west of West Central Landfill was completed on July 23, 2013. After this the operator intended to revise the permit, and install additional LFG compliance wells farther from waste on the recently purchased property.
- On April 17, 2014, the operator submitted a second updated LFG remediation plan and request for extension to the final compliance date.
- Since the operator has shown good faith effort by purchasing the adjacent property to expand the permitted facility boundary LEA submitted a third extension request to CalRecycle on April, 18, 2014 to extend the N&O until March 26, 2015 because more time is be required to obtain approvals, secure a new contractor and complete the extensive work required to expand the LFG system.

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Major Actions the Operator has taken to Comply

- Prior to implementation of the 2009 LFG Remediation Plan, the landfill did not have a LGCCS. The 2009 LFG Remediation Plan proposed a phased approach, which included collecting data on landfill gas composition and generation, hiring a contractor to design and install the system, and finally installation and operation of a LGCCS. The operator completed installation of the GCCS on October 12, 2011, in accordance with the approved remediation plan as specified in the N&O.
- On April 5, 2013, the operator submitted an updated (2013) LFG Remediation Plan which included a discussion of corrective actions taken to date, an analysis of the results of those actions. The operator has continued operations and monitoring of the LGCCS, and completed the second phase of compliance; the purchase of an additional 160 acres of adjacent land to expand the permitted facility boundary.
- On April 18, 2014, the LEA requested approval of a one-year extension to March 26, 2015 noting that gas concentrations appear to be declining in two (MP-4 and MP-11) of the three wells. During the March 2013 compliance investigation, only the shallow probes in MP-4 and MP-11 indicated statistically significant decreasing trends. To date, no statistically significant trend have been detected in well MP-2. During the requested extension period, the operator is proposing to continue with the corrective actions prescribed in the approved 2013 LFG remediation plan, including the landfill permit expansion and moving the LFG monitoring wells.

Compliance Goals Not Achieved

- The operator proposed to apply for a revised Solid Waste Facility Permit in June 2014 in order to incorporate the recently acquired buffer property into the permitted facility boundary. At that time the operator proposes to submit a LFG monitoring and control plan to include the recently acquired buffer property in order to extend the permitted facility boundary beyond the MP-2 well area.
- In 2014, the operator planned to do construction upgrades to the existing LGCCS, including installation of 18 new gas extraction wells, seven gas extraction wells are intended to increase collection efficiency in areas already under gas control and 11 LFG extraction wells will expand gas control into previously uncontrolled areas.
- In 2014 the operator proposes to install the LFG monitoring wells proposed in the updated 2014 LFG monitoring and control plan in order to expand the permitted facility boundary.

OPTIONS

1. Approve a one-year extension for the proposed compliance due date to March 26, 2015.
2. Deny the extension request to the compliance due date.

Findings

The operator made the following significant progress and good faith effort in bringing the facility back into compliance between 2010 and Mid-2013:

- 1) The operator has implemented corrective actions as prescribed in the 2009 and 2013 LFG remediation plans, including installing a new landfill gas extraction system and procuring adjacent property.
- 2) Since the installation of the GCCS in October 2011, concentrations have been trending downward in the MP-4 and MP-11 wells.
- 3) The operator has finalized the purchase of additional buffer land to install a new perimeter well to replace MP-2.
- 4) The operator is in the final phase of complying with N&O which is to obtain a revise its solid waste facility permit to expand the permitted boundary to include a large buffer area to prevent the migration of methane offsite.

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The record does not indicate that there has been any effort from the operator to revise their permit or efforts they have taken since Mid-2013.

RECOMMENDATION

CalRecycle staff recommends that the facility not be granted a one-year extension to March 26, 2015. Although the LEA determined that the owner/operator of the facility did demonstrated a good faith effort by implementing the 2009 & 2013 LFG remediation plans, including purchasing additional buffer land for installation of new perimeter monitoring well network, there is no information in the record that shows that the operator has made effort to implement the final phase of the Plan. The land acquisition was finalized in September of 2013, however, to date, there is no record of the operator submitting an application for a revised solid waste facility permit to expand the permitted boundary (buffer area) in order to comply with N&O.

BRANCH CHIEF ACTION

On the basis of the information in this Request for Action, I hereby deny the LEAs request for a third one-year extension to the N&O in regards to the West Central Landfill, Facility No. 45-AA-0043 and direct the LEA to pursue further enforcement as outlined in its N&O.

Dated: 8/1/2014



Georgianne Turner
Branch Chief
Waste Evaluation and Enforcement Branch



Shasta County

DEPARTMENT OF RESOURCE MANAGEMENT
1855 Placer Street, Redding, CA 96001

Richard W. Simon, AICP
Director

October 7, 2014

Georgianne Turner, Branch Chief
Waste Evaluation and Enforcement Branch
California Department of Resources, Recycling and Recovery
P.O. Box 4025 Mail Stop 10A-17
Sacramento, CA 95812

CORRECTIVE ACTION SCHEDULE EXTENSION REQUEST FOR THE WEST CENTRAL LANDFILL PERIMETER GAS MONITORING SYSTEM, SHASTA COUNTY, SWIS # 45-AA-0043

The Shasta County Environmental Health Division (SCEHD) received an extension request on April 17, 2014, from the Shasta County Department of Public Works (Operator) for the Corrective Action Schedule in the Notice and Order (Order) for the West Central Landfill which was issued by SCEHD on April 12, 2010. The Order to comply contained specific time frames for compliance which either have been met or extended. Number five was extended to achieve compliance with regulatory maximum levels of methane at all probes in the approved perimeter monitoring network by March 26, 2014, in compliance with 27CCR, Section 20921. SCEHD requested approval of a one-year extension of this Order on April 18, 2014, from the California Department of Resources, Recycling, and Recovery on behalf of the Operator pursuant to 14CCR, Section 18365. On August 4, 2014, SCEHD received your "Disapproval for a 3rd Extension" letter.

In your disapproval letter, you requested that the Operator show significant progress toward obtaining a revised Solid Waste Facility Permit (SWFP) which would include the recently acquired land into the facility's permitted boundary. A SWFP revision would allow the Operator to move the perimeter monitoring wells further out in anticipation of a reduced methane level below 5%. Significant progress to achieve compliance with a long-term gas violation is demonstrated by the following actions:

- 1) SCEHD received a SWFP application for revision on September 15, 2014. While the application submitted is incomplete, the operator has plans to submit the RDSI on October 10, 2014, and the PCPCMP following thereafter. The PCPCMP has been reviewed by the RWQCB staff and the Operator is responding to comments so the submitted version should be a final, approved component of the JTD. The EIR Addendum is scheduled to be heard at the Board of Supervisors' meeting on October 14, 2014. As a result, the Operator has submitted a written request for SCEHD to accept the application as incomplete, with a proposed due date of October 24, 2014. Once received, the LEA will review, make a complete and correct determination, and forward the application package to your staff within 30 days. SCEHD will draft a SWFP and will forward to your staff for review as soon as it is complete.
- 2) On April 23, 2014, SCEHD received a "Perimeter Monitoring Boundary Expansion Work Plan" to install additional gas monitoring probes on the buffer land further away from the waste. SCEHD conditionally approved this work plan so that work may start after the SWFP revision is complete.

Suite 101
AIR QUALITY MANAGEMENT DISTRICT
530 225-5674
Fax 530 225-5237

Suite 102
BUILDING DIVISION
530 225-5761
Fax 530 245-6468

Suite 103
PLANNING DIVISION
530 225-5532
Fax 530 245-6468

Suite 201
ENVIRONMENTAL HEALTH DIVISION
530 225-5787
Fax 530 225-5413

Suite 200
ADMINISTRATION & COMMUNITY EDUCATION
530 225-5789
Fax 530 225-5807

Georgianne Turner, Branch Chief
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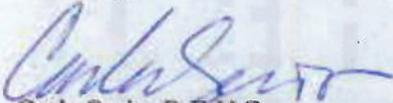
- 3) The Operator is adding 18 infill gas extraction wells by the end of this November to the Gas Control and Collection System (GCCS) that have the potential to decrease landfill gas migration to the perimeter monitoring wells.

The Operator has made a good faith effort over the last several years to come into compliance with the long-term gas violation. Their reports are thorough and informative. It is unlikely that the current landfill gas migration poses an imminent threat to public health, safety, and the environment. The land use surrounding the landfill is mainly open space and receptor sites are quite a distance away from the facility boundary. Although, due to the constituents in landfill gas, it is hard to eliminate the potential for the environmental threat, mainly groundwater contamination. This could occur regardless if the level at the perimeter boundary is below the regulatory-allowed maximum.

SCEHD is requesting that your agency approve an extension request until June 30, 2015, to allow for a SWFP revision, install the expanded perimeter monitoring wells, and conduct two quarters of gas monitoring. At that time, we will evaluate the level of compliance which will include reduction in levels of methane at the perimeter.

Thank you for your consideration. Please contact me should you have any questions or need additional information.

Sincerely,



Carla Serio, R.E.H.S.
Environmental Health Division Manager

CS/pw
GT OCT 7-14 WD

Enclosure

- c: Jon Whitehill, CalRecycle
Reinhard Hohlwein, CalRecycle
Paul Clemens, City of Redding Solid Waste Utility
John Heath, Shasta County Department of Public Works
Catherine Blair, CalRecycle
Dale Stultz, California Regional Water Quality Control Board
Lindsey Welch, Shasta County Air Quality Management District